



Argyll and Bute Council
Comhairle Earra-Ghàidheal Agus Bhòid

Executive Director: Douglas Hendry

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14 August 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, 21 AUGUST 2019** at **11:00 AM**, which you are requested to attend.

Douglas Hendry
Executive Director

BUSINESS

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST (IF ANY)**
- 3. MINUTES**
 - (a) Planning, Protective Services and Licensing Committee 19 June 2019 at 11.30 am (Pages 5 - 10)
 - (b) Planning, Protective Services and Licensing Committee 19 June 2019 at 2.00 pm (Pages 11 - 14)
 - (c) Planning, Protective Services and Licensing Committee 19 June 2019 at 2.20 pm (Pages 15 - 18)
 - (d) Planning, Protective Services and Licensing Committee 26 June 2019 (Pages 19 - 50)
- 4. THE SCOTTISH GOVERNMENT ON BEHALF OF LUC: SECTION 36 CONSULTATION FOR PROPOSED WIND FARM: AIRIGH WIND FARM, SOUTH WEST OF TARBERT (REF: 17/02484/S36) (Pages 51 - 112)**

Report by Head of Development and Economic Growth
- 5. SCOTTISH GOVERNMENT PER SSE: SECTION 36 CONSULTATION FOR PROPOSED WIND FARM: BLAIRGHOUR WIND FARM (REF: 18/01216/S36) (Pages 113 - 156)**

Report by Head of Development and Economic Growth

- 6. GLAISTERS FARMS LTD: ERECTION OF 3 DWELLINGHOUSES: LAND NORTH WEST OF ARIZONA, TOBERONOCY, ISLE OF LUING (REF: 18/01526/PP)**
(Pages 157 - 190)

Report by Head of Development and Economic Growth

- 7. MACLEOD CONSTRUCTION LTD: VARIATION OF CONDITION 8 (NOISE LEVELS) RELATIVE TO PLANNING PERMISSION 18/02399/MIN - PERIODIC REVIEW OF MINERAL PLANNING PERMISSION (DETERMINATION OF CONDITIONS TO WHICH MINERAL PERMISSION IS TO BE SUBJECT - ROMP FIRST REVIEW) FOR SAND AND GRAVEL EXTRACTION WORKS - PREVIOUS REFERENCES:- AG/86/DM4 AND AG/89/1256: QUARRY, UPPER LARGIE, KILMARTIN, LOCHGILPHEAD (REF: 19/00879/PP)** (Pages 191 - 208)

Report by Head of Development and Economic Growth

- 8. MR KENNEDY: ERECTION OF DWELLINGHOUSE AND FORMATION OF VEHICULAR ACCESS: LAND EAST OF TIGH NA MARA, ARINAGOUR, ISLE OF COLL (REF: 19/01124/PP)** (Pages 209 - 232)

Report by Head of Development and Economic Growth

- 9. SIMPLY UK: DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF RESIDENTIAL CARE HOME (AMENDED DESIGN): 102A SINCLAIR STREET, HELENSBURGH (REF: 19/01410/PP)** (Pages 233 - 258)

Report by Head of Development and Economic Growth

- 10. SERVICE ANNUAL PERFORMANCE REVIEW 2018-19** (Pages 259 - 292)

Report by Executive Director with responsibility for Customer Support Services

- 11. LOCAL GOVERNMENT BENCHMARKING FRAMEWORK 2017/18 - ANALYSIS AND COMMENTARY** (Pages 293 - 312)

Report by Executive Director with responsibility for Customer Support Services

REPORTS FOR NOTING

- 12. UPDATE ON RECENT SCOTTISH GOVERNMENT PLANNING APPEAL DECISION** (Pages 313 - 316)

Report by Head of Development and Economic Growth

- 13. PLANNING PERFORMANCE FRAMEWORK 2018/19** (Pages 317 - 358)

Report by Executive Director with responsibility for Development and Economic Growth

EXEMPT REPORTS FOR DECISION

- E1 14. ENFORCEMENT REPORT - REFERENCE 19/00096/ENOTH3** (Pages 359 - 362)

Report by Head of Development and Economic Growth

- E1 15. TREE PRESERVATION ORDER** (Pages 363 - 366)

Report by Head of Development and Economic Growth

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

The appropriate paragraph is:-

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

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

Planning, Protective Services and Licensing Committee

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

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**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 19 JUNE 2019**

Present: Councillor David Kinniburgh (Chair)

Councillor Rory Colville	Councillor Graham Archibald Hardie
Councillor Robin Currie	Councillor Donald MacMillan
Councillor Mary-Jean Devon	Councillor Alastair Redman
Councillor Lorna Douglas	Councillor Sandy Taylor
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
Peter Bain, Development Manager
Sandra Davies, Major Applications Team Leader
Arlene Knox, Senior Planning Officer

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Gordon Blair, Roderick McCuish and Jean Moffat.

2. DECLARATIONS OF INTEREST

Councillor Richard Trail declared a financial interest in the Proposal of Application Notice at item 5 of this Minute as this was an application submitted by his family. He left the room and took no part in the discussion of this report.

3. MINUTES

- a) The Minute of the Planning, Protective Services and Licensing Committee held on 15 May 2019 was approved as a correct record.
- b) The Minute of the Planning, Protective Services and Licensing Committee held on 22 May 2019 was approved as a correct record.
- c) The Minutes of the Planning, Protective Services and Licensing Committee held on 27 May 2019 was approved as a correct record.
- d) The Minute of the Planning, Protective Services and Licensing Committee held on 3 June 2019 at 2.00 pm was approved as a correct record.
- e) The Minute of the Planning, Protective Services and Licensing Committee held on 3 June at 2.20 pm 2019 was approved as a correct record.
- f) The Minute of the Planning, Protective Services and Licensing Committee held on 3 June 2019 at 2.40 pm was approved as a correct record.

4. SSE GENERATION LIMITED (VIA SCOTTISH GOVERNMENT CONSENTS UNIT): ELECTRICITY ACT SECTION 36 CONSULTATION RELEVANT TANGY 4 WIND FARM: TANGY WIND FARM, KILCHENZIE, ARGYLL AND BUTE (REF: 18/02014/S36)

The Senior Planning Officer spoke to the terms of the report which detailed a recommended response to the Scottish Government's Energy Consents and Deployment Unit Section 36 consultation regarding the proposed Tangy 4 wind farm at Kilkenzie. In Scotland, any application to construct or operate an onshore power generating station, in this case, a wind farm, with an installed capacity of over 50 megawatts requires the consent of Scottish Ministers under Section 36 of the Electricity Act 1989. Any ministerial authorisation given would include a 'deemed planning permission' and in these circumstances there is then no requirement for a planning application to be made to the Council as Planning Authority. The Council's role in this process is one of a consultee along with other consultation bodies. This report reviews the policy considerations which are applicable to this proposal and the planning merits of the development, the views of bodies consulted by the Scottish Government along with other consultations. It is recommended, in this case, that the Council does not object to this proposal subject to consideration of the recommended conditions and mitigation detailed at Section B of the report of handling. At the request of the Committee the Head of Planning, Housing and Regulatory Services was authorised to amend and strengthen the wording of the first recommended condition to expand on the reasons why the lifespan of the wind farm should be time limited.

Decision

The Committee agreed not to object to this Section 36 Application, and that the Energy Consents Unit consider the following conditions and mitigation:

Conditions

- In recognition of the expected lifespan of the wind farm, it is considered that the permission should be time-limited to a period reflective of the lifespan of the turbine technology intended to be used from the date when electricity is first exported to the electricity grid network (Scotways). In addition, the landscape is a changing landscape which may be different in 25 years. This is why Argyll and Bute Council consider that it is important that this is a time limited consent and not given in perpetuity;
- Condition to ensure that the Replanting Figure is corrected to reflect the known locations of the badger setts within the site (Badger Protection Plan – as recommended by SNH);
- Conditions to ensure that all ecological mitigation measures detailed in the EIA Report are incorporated into any approval (as recommended by SNH);
- Condition to secure a more detailed Habitat Management Plan (HMP) (as recommended by SNH);
- Conditions relating to Tangy Loch SSSI to deliver appropriate mitigation to protect Tangy Loch SSSI from water quality impacts (as recommended by SNH);
- Condition to secure a Construction Environment Management Plan (CEMP);
- Condition to prevent disturbance to Greenland white-fronted goose (GWFG) (as recommended by RSPB);
- Condition to ensure compensatory planting plan is included with any consent (as recommended by Forestry Commission Scotland);
- Condition to secure an independent tourism impact assessment (in accordance with the advice of Visit Scotland);

- Conditions as recommended by the Council's Environment Protection Officer to ensure: control of noise emissions; a report to demonstrate compliance with noise limits; assessment by independent consultant upon request of EHO; logging of wind speed, wind direction and power generation data; working methods and operating times for decommissioning of existing wind farm; point of contact for local residents; method statement detailing all mitigation measures to secure the quality, quantity and continuity of private water supplies; and details of external lighting.
- Condition to control potential Shadow Flicker impact to ensure that the relevant turbines are programmed to shut down at appropriate times to avoid any adverse impact on neighbouring properties.
- Conditions as required by the Ministry of Defence (MOD) and Highlands and Islands Airports Limited (HIAL) to secure appropriate aviation lighting;
- Conditions as required by Transport Scotland and the Council's Area Roads Engineer;
- Condition to secure the decommissioning of Tangy 1 & 2 to an acceptable standard, including ancillary infrastructure and site restoration;
- Condition to secure the decommissioning of Tangy 4 to an acceptable standard, including ancillary infrastructure and site restoration.

Mitigation

- Consideration should be given by the ECU to the mitigation measures suggested by SNH and the Council's Landscape Consultant to lessen the impact of the proposal on the raised beach (as evidenced by VP 1);
- Consideration should be given by the ECU to the relocation of the turbine nearest to Tangy Loch (Turbine 5) to reduce the adverse impact upon Tangy Loch, Fortified Dwelling. For the same reason, consideration should also be given to the relocation of borrow pit search areas depicted adjacent to Turbines 4 and 5 as recommended by Historic Environment Scotland.

Other

- Forestry Commission Scotland (FCS) object on the basis that a lack of information has been provided in regard to compliance with the UK Forestry Standard (UKFS) in regard to species diversity, peat depth and restocking, forest landscape design and nutrient enrichment. It is noted at time of writing that SSE has provided further information, however that FCS have not withdrawn their objection. It is recommended that this matter is addressed, prior to the Energy Consents Unit reaching a conclusion on the proposal, and any further conditions recommended by FCS are applied.
- SNH also provide advice in relation to the Kintyre Goose Roosts SPA which, in their view, would not be adversely affected by the proposal. Due to the status of the site the Energy Consents Unit will be required to undertake an Appropriate Assessment under the Habitat Regulations.
- In light of the requirements of both National and Local Policy on wind farm development proposals it is considered by the Council that Energy Storage for this site should be explored further by the Energy Consents Unit prior to the application being determined.
- That the Council would expect to be consulted on any final list of conditions prior to permission being granted, should Scottish Ministers be minded to do so.
- The Council would also expect to be consulted on any further mitigation, changes to the layout or turbine height.

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

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 7 June 2019, submitted)

Having previously declared an interest in the following item, Councillor Richard Trail left the meeting at this point.

Councillor Donald MacMillan left the meeting at this point.

5. THE TRAIL FAMILY: PROPOSAL OF APPLICATION NOTICE FOR PROPOSED RESIDENTIAL DEVELOPMENT INCLUDING ROADS, INFRASTRUCTURE, OPEN SPACE AMENITY AND AFFORDABLE HOUSING: LAND EAST OF HERMITAGE ACADEMY, SAWMILL FIELD, HELENSBURGH (REF: 19/01070/PAN)

The Major Applications Team Leader spoke to the terms of the report. A Proposal of Application Notice (PAN) seeks to notify the Planning Authority of a proposed residential development covering an area of approximately 5.8 hectares at land east of Hermitage Academy. Planning permission in principle has previously been granted for residential development at this site under 16/00643/PPP. This permission expires on 17 August 2019. The submission of this PAN would allow the submission of an application to renew this previous planning permission before its expiry. However, following the PAN process it would also be open to the Applicants to submit a fresh application should they wish to do so. 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 consider the content of the report and submissions and provide such feedback as they consider appropriate in respect of this 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) Access to the site and consultation with the Roads Authority on what will be required;
- b) Connectivity with cycle tracks into Helensburgh town centre;
- c) Drainage and flooding issues; and
- d) A reduction to the national speed limit on the main road (A814) passing the site.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 6 June 2019, submitted)

Councillor Trail returned to the meeting.

6. COSTING THE PLANNING SERVICE IN SCOTLAND 2018

A report providing a summary of the key findings from the 2018 Costing the Planning Service Project was considered. This Project is a follow up to earlier studies ran by

the Heads of Planning Scotland which Argyll and Bute Council participated in 2014. The Project aims were to provide detailed information on the cost of delivering planning services, particularly development management.

Decision

The Committee agreed, in any upcoming consultation, to adopt a position to lobby the Scottish Government for an uplift of planning fees to a level which would address the current shortfall in the cost of handling planning applications.

(Reference: Report by Executive Director – Development and Infrastructure Services dated 30 March 2019, submitted)

7. PLANNING AND REGULATORY SERVICES PERFORMANCE REPORT Q4 2018-2019

A paper presenting the Committee with the Planning and Regulatory Services performance report with associated scorecard for performance in FQ4 2018-19 (January – March 2019) was considered.

Decision

The Committee reviewed the scorecard as presented.

(Reference: Report by Executive Director – Development and Infrastructure Services, submitted)

8. UPDATE ON RECENT SCOTTISH GOVERNMENT PLANNING APPEAL DECISION

A report summarising the outcome of a recent decision by the Scottish Ministers under Section 36 of the Electricity Act 1989 relative to planning application reference 15/03175/S36 – proposed 16 wind turbines etc at land at Upper Sonachan Forest, South East of Portsonachan, Loch Awe, 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, submitted)

VALEDICTORY

The Chair advised that 69 years of experience would be lost from the Committee today with two of the main Officers retiring next week - Angus Gilmour and Charles Reppke. He commented that the Committee would still have the pleasure of Charles' company in Oban next week at a Planning Hearing but advised that, on behalf of the Committee Members, both past and present, he would like to take the opportunity to wish both Officers all the very best for the future and hoped that they would both have a very happy retirement. He thanked them for all their help and advice given to the Committee over the years which had been greatly appreciated.

Angus thanked the Committee for their support over the years and wished them well for the future. He also thanked Charles and his team for their support over the years to the Planning team and wished them well too.

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 19 JUNE 2019**

Present: Councillor David Kinniburgh (Chair)

Councillor Rory Colville	Councillor Graham Archibald Hardie
Councillor Robin Currie	Councillor Donald MacMillan
Councillor Lorna Douglas	Councillor Alastair Redman
Councillor Audrey Forrest	Councillor Richard Trail

Attending: Charles Reppke, Head of Governance and Law
Graeme McMillan, Solicitor
Calum Gallacher, Applicant
Jenny Wild

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Gordon Blair, Mary-Jean Devon, George Freeman, Roderick McCuish, Jean Moffat and Sandy Taylor.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF PRIVATE HIRE CAR OPERATOR LICENCE (ISLAY TUK TUK LIMITED, LONDON)

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 Gallacher referred to the growth in tourism on Islay and Scotland with around 1.2 million visitors coming to Scotland over the last 2 years to visit whisky distilleries. He advised of a huge influx of people visiting Islay on whisky pilgrimages and also of repeat visitors to the island. He said there were issues with taxis on Islay and advised that during 2018 12,500 visitors came by ferry. He advised that there had been a notable reduction in visitors coming over in their own vehicles and that around 28,000 visitors flew to the island during 2018. He said that it was quite problematic getting taxis generally on Islay as a person living there, regardless of the increase in visitors during the summer when the population went up to about 20,000. He advised that he was not envisaging Islay Tuk Tuk operating as a private hire business and they did not intend competing with other taxi drivers on the island. He explained that they planned to offer experiential tours – something bespoke and memorable for returning visitors who wanted something different. He advised that the tours would not just be limited to the distilleries as they would offer bespoke island tours. He said that they had a website ready and waiting to go live.

MEMBERS' QUESTIONS

Councillor Trail asked what type of vehicle the Tuk Tuk was. Mr Gallacher explained that it was a 3 wheeled car which was highly efficient on fuel and better for the environment. He advised that it was surprisingly robust and sturdy on the road. He said there would be room for one driver in the front and 2 passengers in the rear with seatbelts. He confirmed that it could get up to 45 mph.

Councillor Redman asked what employment would be generated by the business and what benefits it would bring to the island. He also asked that if the licence was not granted would this lead to an increase in the problem of getting transport on Islay. Mr Gallacher referred to the increase in footfall to the island due to flights now coming from Edinburgh. He said that they would like to be flexible in the services they offered but primarily it would be for pre-arranged bespoke tours. He pointed out that the vehicle was not entirely wind proof but he did have sides on order which would help seal the vehicle but could change the experience for the passengers. He said that he would like to approach companies such as the Woollen Mill to ask if they would tailor some garments for the passengers to use in the rear of the vehicle such as sheep skins and tartan blankets. He advised that he had also spoken to some local hoteliers and restaurants owners to see if they would be able to offer a set menu for customers if they broke up the day with a stop for lunch as part of the tour. He said that they hoped to involve as many other businesses as possible. In terms of employment he said that he had some friends willing to invest so there was the possibility of expansion in the future. He confirmed that they only had one vehicle at the moment.

Councillor Hardie pointed out that the objector painted a different picture regarding demand for taxis on Islay and he asked Mr Gallacher to comment. Mr Gallacher said that he has used this taxi business before and was charged £25 to travel from his home to Port Ellen. He advised that another taxi business charged £15 for the same journey and he suggested that perhaps the objector's pricing was the reason for a lack of demand for his service.

At the request of Councillor Currie a picture of the vehicle was circulated around the Committee.

Councillor Currie referred to Mr Gallacher applying for a Private Hire Car Operator Licence and pointed out that the holder of this type of licence would be able to take calls to pick up someone wanting a lift home. He asked Mr Gallacher if he envisaged offering this type of service. Mr Gallacher advised that in the first instance he wanted to provide something unique that tourists did not have at the moment. He advised that he was not saying he would not provide a taxi service but he did not think that was something they would want to concentrate on. He advised that they proposed setting their hours of operation as they did not want to disrupt the peace of the island or give anyone just cause to complain about the service.

Councillor Douglas asked if there was a similar service operating anywhere else in Scotland. Mr Gallacher did not think so. He advised of his experience of using Tuk Tuk vehicles during his travels to India. He also advised of a recent holiday to Sri Lanka where, he said, the roads were quite similar to Islay and that they did quite well there. He said it was always an enjoyable experience being on a Tuk Tuk.

Councillor Trail asked if the vehicle would be legal on the road as according to the application form the MOT for the vehicle ran out in 2012. Mr Gallacher advised that this was typographical error. He confirmed that this was a brand new vehicle and that it had recently passed an independent vehicle assessment.

Councillor Colville advised that he was struggling to share the Applicant's enthusiasm. He referred to the annual rainfall and average wind speeds on Islay and asked why it had to be a Tuk Tuk. He said that he could not see the cultural connection with whisky on Islay. Mr Gallacher said that it was not about a cultural connection but more of a connection to the environment as passengers would be more aware of what was outside. He advised that he thought it would be a unique experience that tourists could enjoy and talk about when they returned back home.

Councillor Kinniburgh sought and received confirmation from Mr Gallacher that the roof of the vehicle was covered in canvass which was attached to a solid frame. He confirmed that the roof was fixed and could not be brought down. He advised that the sides he has ordered would help shut out any bad weather. He said that they would need to evaluate when it was possible to operate and that he was not suggesting that they would be taking it out in howling gales. He confirmed that they had road tested the vehicle in most conditions on roads across the island. He said that the journeys would take a bit longer as they would not be hammering about at top speeds. He confirmed to Councillor Kinniburgh that there was no requirement for crash helmets to be worn and that seatbelts were the only safety requirement. He also confirmed that he felt very safe when travelling in a Tuk Tuk.

SUMMING UP

Mr Gallacher referred to the growth in tourism, particularly on Islay where, he said, this was increasing each year. He advised that a lot of visitors were repeat visitors and he suggested that they became bored with the same thing and frustrated with the limited options for transport across the island. He said that the Tuk Tuk could offer a unique and memorable experience which could be advertised by word of mouth when the visitors turned home. He advised that this would be good for the economy as it may attract more visitors. He confirmed that they were looking to involve as many local businesses as possible, such as the Woollen Mill and local hotels and restaurants and that this could help to advertise these other businesses. He advised that he thought this would be a positive service for the island. He referred to the enjoyment his friends have had travelling in his Tuk Tuk and he suggested that it was good for a person's mental health. He said that it would be good if he was able to run the service on a voluntary basis, for example, on the first Saturday of every month, for older adults living in the community who may not have the opportunity of taking a Tuk Tuk ride abroad. He said that he thought this would be good for the local community and economy.

Mr Gallacher confirmed that he had received a fair hearing.

DEBATE

Councillor Redman said he did not believe that the taxi business on Islay was full, especially now with regular flights to and from Edinburgh. He referred to the growth in tourism on Islay and commented that a lot of visitors were coming from South East Asia. He said he could not see a problem with operating a Tuk Tuk on the island and advised that this would be something unique and different from a regular taxi

service. He said that he did not think competition was a valid objection in this case. He said he could not see it being in competition with other taxis and that he was minded to approve this application. He said that he had no concerns about safety issues.

Councillor Hardie thought this was a novel idea which he very much welcomed and that he was happy to approve the application.

Councillor Colville advised that he took a slightly different view. He pointed out that the Committee were here to protect the public with regard to taxis and private hires. He said that he did not think a Tuk Tuk would be appropriate 12 months of the year in all weathers. He said the Committee had a responsibility to offer a service to the public that was all embracing. He said that he admired the enthusiasm of the Applicant but did not think this was a suitable vehicle for public use as a private hire. He advised that taking account of the objection submitted he would recommend refusal of this application.

Councillor Douglas said that she took on board what Councillor Colville had said about the weather but she thought that this was a fun idea that could do well. She said that this was quite novel and if the vehicle was road worthy she wished the Applicant luck.

Councillor Currie advised that if the Committee were considering an ordinary private hire operator licence he would be having a different discussion from a few years ago when there were hardly any private hire operator cars or taxis. He said that the situation now was that there were a lot of them. He said that he saw this as a bespoke service and one aimed at the tourism market rather than for locals getting about from A to B in the quickest possible time. He said that he was in favour of granting the application.

Councillor Kinniburgh advised that he too found himself in a dilemma with this application. He said that he appreciated what the Applicant was trying to do and that he took on board the comments from Councillor Currie and that if this private hire vehicle was a regular car he would have reservations in granting the licence. He said that he did have concerns around what Councillor Colville had said and he advised that he was not 100% satisfied that this would be the safest of vehicles. He said that he had noted that Mr Gallacher was comfortable travelling in this type of vehicle and advised that at the end of the day it would come down to a person's choice whether or not they would want to go in the vehicle or not. He advised that he thought it was a novel idea but was not convinced that Islay was the right place for it but at the end of the day that was a business decision the Applicant has taken on whether or not he can make it work. He advised that he was satisfied that the vehicle was road worthy.

DECISION

The Committee agreed to grant a Private Hire Car Operator Licence to Islay Tuk Tuk Limited.

Have moved an Amendment which failed to find a seconder, Councillor Rory Colville asked for his dissent from the foregoing decision to be recorded.

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

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 19 JUNE 2019**

Present: Councillor David Kinniburgh (Chair)

Councillor Rory Colville	Councillor Graham Archibald Hardie
Councillor Robin Currie	Councillor Donald MacMillan
Councillor Lorna Douglas	Councillor Alastair Redman
Councillor Audrey Forrest	Councillor Richard Trail

Attending: Charles Reppke, Head of Governance and Law
Graeme McMillan, Solicitor
James Strachan, Applicant

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Gordon Blair, Mary-Jean Devon, George Freeman, Roderick McCuish, Jean Moffat and Sandy Taylor.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF TAXI OPERATOR LICENCE (J STRACHAN, OBAN)

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 Strachan advised that he was the new owner and operator of Lorn Taxis which, he said, has been in operation for approximately 18 or 19 years. He said that since he has taken it on he has had problems with being able to transport people about who need access to a wheelchair accessible vehicle. He advised that the car he was attempting to licence was a custom built wheelchair accessible vehicle which will be able to carry 4 passengers plus a wheelchair or electric scooter. He said that Mr Young, who operates West Coast Taxis, was going to come along to the hearing today as the vehicle he uses was getting on a bit and on occasion has not been out as it has been in the garage which has led to Mr Young seeking assistance from him. He then advised that the man he took over from had a wheelchair accessible vehicle but as he was now semi-retired he was only coming out when he wanted to. He confirmed that the vehicle he was looking to licence would come from Allied Vehicles in Glasgow and was a 17 plate transit connect van. He advised that this vehicle was really needed for the town as Oban was very lacking in wheelchair accessible vehicles. He referred to there being a lot of old folk's homes and customers requiring transport to and from hospital appointments. He confirmed that was why he was applying for this licence today.

MEMBERS' QUESTIONS

Councillor Kinniburgh asked how many taxis Lorn Taxis operated. Mr Strachan advised that they were owner operators and that there were more than enough saloon cars. He said that they had 12 cars and that he ran three of these and this vehicle would be a fourth one. He said that he has recently employed 3 new drivers. He advised that if he was looking for someone to go out at 6 am it was no use if the semi-retired drivers did not want to go out at that time.

Councillor Kinniburgh asked how many taxi firms there were in Oban. Mr Strachan listed Lorn Taxis, Oban/West Coast/Alba Taxis, Tower Taxis, Etive Taxis and Argyll Taxis.

Councillor Kinniburgh asked why he could not replace one of the three taxis he already had with this new one. Mr Strachan explained that one of the other taxis was a bigger version of this new vehicle and was also wheelchair accessible. He said he needed another one especially when the cruise ships came in. He said that he could not guarantee the bigger vehicle being available in town because of taking people on tours.

Councillor Kinniburgh referred to the Halcrow report and acknowledged that some may feel that this report was outdated. He pointed out that a new survey was currently being undertaken but in the meantime the Halcrow report was the only one the Committee could refer to. He asked Mr Strachan why he could not replace one of the other standard vehicles with this wheelchair accessible vehicle. Mr Strachan advised that he was still paying them up and would lose too much money. He advised that the other saloon cars were quite new and would have too much negative equity. He said that it would be easier for him to bring this new vehicle into the system and then he would have no problems. He advised that he was thinking of keeping this new vehicle in town and now allowing it to be used for trips to Glasgow.

Councillor Kinniburgh asked how often he had hires out with Oban and Mr Strachan advised that he had approximately 4 per day out with the Oban and Lorn area.

SUMMING UP

Mr Strachan referred to the Halcrow report which advised of no unmet demand. He said that as time has gone on unmet demand has grown especially for people of less ability and less able to get in and out of vehicles. He said that he currently drove the large wheelchair accessible vehicle at night and has noticed this a lot. He advised that he hoped the Committee would consider this application as Oban required this type of vehicle. He also advised that he was happy to allow other taxi operators the use of the vehicle as it has been insured for anyone to drive.

Mr Strachan confirmed that he had received a fair hearing.

DEBATE

Councillor Redman advised that he personally felt that Councillors had a duty of care to disabled people in Argyll. He said that he thought there was an increase in demand for these facilities. He commented that hospital visits happened throughout the day and not all at once. He confirmed that he was happy to approve this application.

Councillor Hardie advised that he had been speaking to his colleague Councillor Devon who had advised that she felt there were not enough wheelchair accessible vehicles in Oban. He pointed out that there had been no objections to this application and confirmed that he had no hesitation in approving the application.

Councillor Currie said that he strongly felt there was a need for wheelchair accessible taxis in Oban. He also pointed out that there had been no objections which, he said, was unusual. He confirmed that he agreed that the application should be granted.

Councillor Kinniburgh said that he was reluctant to grant today as he thought there was no unmet demand in Oban for taxis. He referred to only having the Halcrow report to go on as the consultation on the new survey ran till the end of July with the results being reported to the Committee thereafter. He said he was not sure if it would be unfair to wait on that report before making a decision on this application or to go ahead and grant on the basis that it was a wheelchair accessible vehicle which was purpose built as he did think there were too few of these.

Councillor Douglas advised that she did think the Committee were in a bit of a dilemma as the new survey was still being carried out. She pointed out that it was coming into a very busy period in Oban. She said that she did feel there were not enough wheelchair accessible taxis about and that Oban was a very busy place.

Councillor Forrest referred to talk about wheelchair accessible vehicles and said that it was not as straightforward as that. She advised that this sounded like a top of the range model as a person in a wheelchair would be able to remain in their chair while getting into the taxi on their own.

Councillor Trail said there was a difference between adding an operator's licence to an existing business rather than a new operator. He said that he was happy to support this application.

Councillor Colville advised that he felt the Halcrow report, which stated there was no unmet demand, had to be considered and that he recommended that the application should be refused on that basis.

Councillor Kinniburgh confirmed that he had listened to all that had been said. He acknowledged that Mr Strachan had advised he would be happy to let other operators use his vehicle. He advised that this was a positive thing although it was not something the Committee could enforce but he would take Mr Strachan's word on that. He advised that as there seemed to be a limited amount of wheelchair accessible taxis and as Mr Strachan was offering the use of the vehicle to other operators and taking account of the points made by other Members he was happy to approve the application.

DECISION

The Committee agreed to grant a Taxi Operator's Licence to Mr Strachan.

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

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MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE held in the ARGYLLSHIRE GATHERING HALLS, BREADALBANE STREET, OBAN, PA34 5NZ on WEDNESDAY, 26 JUNE 2019

Present: Councillor David Kinniburgh (Chair)

Councillor Lorna Douglas	Councillor Jean Moffat
Councillor Audrey Forrest	Councillor Alastair Redman
Councillor George Freeman	Councillor Sandy Taylor
Councillor Donald MacMillan	Councillor Richard Trail
Councillor Roderick McCuish	

Attending: Charles Reppke, Head of Governance and Law
 Tim Williams, Area Team Leader, Oban, Lorn and the Isles - Planning
 Fiona Scott, Planning Officer – Planning
 Frank Beaton, TSL Ltd – Applicant
 Andy Knight, TSL Ltd – Applicant
 Robert Forbes, TSL Ltd – Applicant
 Stuart Watson, Traffic and Development Manager – Consultee
 James Jackson, Traffic and Development Officer – Consultee
 Marina Curran-Colthart, Local Biodiversity Officer – Consultee
 Keith Miller, Oban Community Council - Consultee
 William McKillop – Objector
 Derek Pretswell, on behalf of Andrew Cooper – Objector
 Alfred MacKenzie – Objector
 Councillor Jim Lynch - Objector

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Rory Colville, Robin Currie, Mary-Jean Devon and Graeme Archibald Hardie.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. TSL LTD: SITE FOR PROPOSED RESIDENTIAL DEVELOPMENT: SITE AT LONAN DRIVE, OBAN (REF: 18/02720/PPP)

The Chair welcomed everyone to the meeting and introductions were made. He then outlined the procedure that would be followed and invited the Head of Governance and Law to identify all those present who wished to speak.

PLANNING

Tim Williams presented the application on behalf of the Head of Planning, Housing and Regulatory Services. A summary of his presentation is detailed below:

The matter that Members will consider today at this pre-determination hearing is an application seeking planning permission in principal in order to establish a general 'green light approval' for a potential future residential development upon a well-

contained site of approximately 1.75 hectares, situated within the clearly defined, long-established and formally adopted extended Main Town settlement of Oban. Key planning policies LDP DM 1, LDP 8 and associated supplementary guidance SG LDP HOU 1 offer a general presumption in support of up to 'large scale' residential development upon appropriate sites in order to promote the sustainable economic growth of our town, to secure an appropriate housing supply to meet the varied socio-economic needs of our population, and to support key national and local planning policy aims, not least to reverse population decline.

The site has a ten year history of previous planning permissions for residential development and associated road infrastructure. The principal of residential development upon the site the subject of this current planning application and its adjacent land was granted by elected Members in March 2010 following a discretionary local hearing similar to this one. This permission was reaffirmed in November 2012 and was the subject of a detailed planning permission for the access and internal road layout granted the year before.

These permissions expired in November 2015 and this very recent history of both detailed and 'in principal' planning permission must be afforded substantial material weight in the consideration and determination of the very similar planning application before Members today.

The site is situated within a long-established residential area on the periphery of the Main Town of Oban, the localised extent of which is shown by the pink shading on the slide. The hatched areas to the top of the slide are Open Space Protection Areas associated with the Soroba development and the Oban High School sports pitches. The site is accessed from the end of Lonan Drive beyond which it opens out to form a well-contained small glen with steeply sloping wooded valley sides to the north and a more gently sloping periphery to the south and south-east. The site is bounded along its eastern boundary by the established residential development of Nant Drive. To the west and north west the proposed development site adjoins the steeply sloping and wooded valley side with an area of elevated and undeveloped plateau beyond and then sloping down steeply to meet McCaig Road and the residential development of Soroba. Due north of the proposed development site is Feochan Gardens which is a small residential spur off Nant Drive and due south of the application site lies the residential developments of Etive Gardens, Creran Gardens, Lonan Drive and Orchy Gardens. This existing residential development appears to be predominantly privately owned individual detached and semi-detached homes which are largely single storey in design.

Members will have observed from our site inspection earlier that the proposed development site is so well contained, both by its topography and existing mature vegetation that the existing residential development rarely makes its presence felt. The development site is limited primarily to the valley floor with the substantial undeveloped sloping and elevated wooded land due north and west, and existing residential development to the south and east.

Although this current application is simply for planning permission in principal only, indicative details of a possible potential future residential development have been provided by the Applicant's architect, Mr Beaton. Whilst it is important to stress that any planning permission which might arise from this application would simply consist of a consent to establish the broad principal of residential development within the identified site, the submitted indicative details are helpful as they demonstrate the

Applicant's potential future aspirations for the site and, specifically, that those aspirations have been carefully and sympathetically considered; even at this initial stage.

These submitted details indicate a potential future development restricted to areas of the valley floor, below the level of the existing path where it climbs towards the northern part of the site to meet with Feochan Gardens; avoiding the wooded valley sides; and with a considerable separation distance between existing and proposed residential development.

These indicative details suggest a relatively low density development of 44 residential units comprising a mix of flats and semi-detached dwellinghouses arranged in 12 development blocks along a simple curvilinear spine road. These indicative details suggest that the development could be a mix of single storey, two storey and three storey properties.

In terms of the 'scales of development' as published within the adopted Local Development Plan, such a development would, if approved following the proper consideration of a future, detailed planning application, constitute 'large scale' development (i.e. a development exceeding 30 dwelling units) as supported within the Main Towns by planning policy.

Any residential development of 20 units or more would be required to provide 12 square metres of casual public open space per unit and 6 square metres of equipped play space per unit. The indicative details indicate how this might be provided. Any residential development of 8 units or more is required by planning policy to secure a minimum of 25% of the development as affordable housing. Whilst such provision would be secured through a planning condition attached to any permission, the Applicant has stated that it is his intention that 100% of the development be affordable and that it be provided and secured through a registered social landlord. Whilst the submitted indicative details suggest that a future residential development of this site could include some three storey flatted development, detailed sections of the site have been provided which show how such a development could be contained by the existing valley sides such that it would have no materially harmful visual impact.

Such a development would likely require some localised cut and fill to the existing site topography but the submitted indicative details demonstrate that this is likely to be achievable without and material harm to the landscape, its character, its mature trees or its biodiversity. Notwithstanding this, any such proposal would be required to be carefully scrutinised through the submission of a future detailed planning application.

Access into the site is from Lonan Drive. This access is capable of being provided to a safe adoptable standard and whilst its carriageway width would be restricted to a 3.7 metre wide carriageway width with a 2 metre wide footpath on one side for a distance of some 18.6 metres as a short section of single-lane 'give and take', there is clear achievable forward visibility in both directions and this constitutes a wholly acceptable form of 'traffic calming' at the entrance to the development and is similar in that respect to many existing residential roads and is in accordance with both local and national roads engineering guidelines.

In addition, Members should note that this access point is exactly the same as that granted planning permission in principal to serve a residential development in 2010, again at the end of 2012, and was considered and approved in detail when a full planning permission for an access and associated residential road infrastructure was granted in November 2011. This access point was considered acceptable then and I submit that it remains acceptable now.

Referring to a slide which shows an indicative engineering drawing of the proposed access point and whilst it is largely illustrative, it is useful in that it indicates that there is sufficient width at this point to provide a short section of 'give and take' traffic calming; that the ground is relatively flat across its width and that any necessary underground services: water supply, electricity, telecoms etc, can be routed below the proposed pedestrian footpath and that access to the existing main underground sewer can be achieved.

At this point a series of slides were shown of a series of recent photographs of the site.

Mr Williams then continued with his presentation as follows:

There have been no objections from consultees on technical matters:

- The Area Roads Authority have no objection subject to appropriate technical specification, to be secured through planning conditions and subject to a future application for Road Construction Consent.
- Scottish Water have advised of no objection to the proposal to connect the residential development to the main public water supply or to the existing main public sewer, subject to sufficient capacity being available prior to the commencement of development.
- The development complies with SEPA's standing advice, it not being within any defined flood risk area or involving any private wastewater systems, and the Council's Flood Risk Manager has commented that the site is capable of being developed to an appropriate standard with respect to potential surface water flooding and subject to a detailed drainage assessment to be submitted and fully assessed at detailed planning stage.
- The Council's Biodiversity Officer has raised no objection subject to safeguarding conditions.
- The Council's Access Officer has confirmed that whilst the existing footpath route through the site is a defined 'Core Path' which provides a valuable link to local services, this path is capable of being maintained both during and after any development, either within its current position or through either a temporary or permanent Diversion Order with the path to be secured and maintained by planning condition and statute.

This application has, however, generated objections from 58 persons, some of whom have provided more than one representation, plus a written objection by Oban Community Council as a consultee.

These representations are summarised and addressed within the published report of handling and the supplementary report of handling. Whilst the objections raised refer to a long list of diverse issues, I intend to briefly discuss three of the more pertinent topic matters here:

Impact on Wildlife

Concerns have been raised regarding the potential impact of any residential development upon wildlife and habitat, including birds, bats, red squirrel, pine martin, badgers and trees to name but a few.

These concerns are important. But they aren't new. – Similar concerns were raised when a residential development involving a substantially larger site area was proposed in 2008. The issues were carefully addressed at that time with no objection being raised by the Council's Biodiversity Officer. A detailed professional ecological assessment of the site was undertaken in 2009 with a professional bat survey carried out in 2010. These surveys concluded that the proposed development would not result in any materially harmful impacts upon wildlife or habitat. Planning permission in principal was granted for this development following a discretionary hearing.

These matters were again considered in November 2011 and again in November 2012 with no objections having been raised by the Council's Biodiversity Officer on either occasion and both planning applications subsequently being granted. This current planning application involves a substantially smaller area than that considered previously and avoids areas of mature trees and particularly dense vegetation.

It is therefore considered appropriate that planning permission in principal be granted subject to planning conditions seeking to require updated ecological surveys, habitat assessments and the controlled eradication and disposal of invasive, non-native plant species.

Loss of Open Green Space

There can be no doubt that the application site forms part of an attractive and extensive area of existing open space. However, this land does not form part of any existing Open Space Protection Area and, therefore, can be afforded no statutory protection. This land is in private ownership and it lies within the designated and adopted extended settlement boundary for Oban where both national and local planning policy would seek to promote appropriate forms of residential development upon acceptable sites.

This site has previously been assessed as acceptable for residential development. It was determined to be so under the provisions of the then Argyll and Bute Local Plan 2009, the key planning policies of which were, for all intents and purposes, the same as those within the current adopted local development plan. The decision to grant planning permission at that time was taken following a discretionary local hearing not that long ago. Indeed, the Hearing panel at that time contained several faces here today.

Notwithstanding that, the Planning Authority recognises the importance of our open green spaces and that is why current planning policy seeks to make appropriate and adequate provision to secure both equipped and non-equipped public open space through residential developments which meet a specific threshold. It is likely that any residential development within this site would exceed that threshold and the indicative plans submitted by the Applicant demonstrate how these open spaces might be provided.

In addition, the Planning Authority has undertaken to review the substantial area of land located between the currently proposed development site and McCaig Road off to the west for possible inclusion within the forthcoming local development plan as a statutory Open Space Protection Area.

Traffic and Access Issues

Upon review of the representations received, I suspect that this may be the key issue for us here today.

Local Development Plan policy LDP 11 and associated supplementary guidance SG LDP TRAN 4 and SG LDP TRAN 6 requires that developments are served by safe and appropriate standards of access and parking.

This accords with the key aims of the national Scottish Planning Policy and Scotland's National Transport Strategy.

It is generally accepted that large scale residential development should be served by a new road of an adoptable standard. There is, however, no prescribed minimum standard for what may constitute an adoptable road. Whilst guidance is available to interested parties, the key tests appear to be somewhat subjective and based upon the professional judgement of the Council as Roads Authority, with safety and an appropriate standard of engineering appearing to be the primary considerations. It is hoped that the Council's Roads Manager, who is with us today, will expand on this in due course.

In the case of the current application, the Roads Manager has confirmed that the proposed development can be served by a safe and well-engineered road which is capable of being adopted by the Council subject to an application for Road Construction Consent under the Roads (Scotland) Act 1984.

There is no necessity for the new development road serving this site to consist entirely of a two lane carriageway with a footpath to either (or both) sides. Indeed, such an arrangement would be contrary to current best practise in terms of road design and appropriate placemaking.

The Scottish Government's publication 'Designing Streets' 2010 operates upon the central premise that, and I quote, "Good street design should derive from an intelligent response to location, rather than the rigid application of standards, regardless of context". Designing Streets, which is a fundamental national policy, does not, therefore, support a standards-based methodology to road design but instead requires a design-led approach.

This design-led approach seeks to promote a development ethos that considers place before movement and it does this by introducing character and flexibility through varying road and footpath surfacing materials and traffic calming measures to secure safe environments by reducing vehicle speeds through the introduction of, amongst other things, reduced carriageway widths, shared surfaces and 'give and take' traffic flows such as the one proposed here.

This approach is echoed within the National Roads Development Guide which is a detailed and extensive document formed by a wide project steering group which

comprises representatives of 28 of the 32 unitary local authorities within Scotland and for which representatives of Argyll and Bute Council continue to play a key role. Similarly, the Council's adopted Sustainable Design Guide for Larger Housing Developments (September 2006) states that developments should aim to balance the needs of cars and people; to create places rather than road networks; and that developments should discourage speeding by design through appropriate traffic calming measures, including the incorporation of features such as gateways, different surface materials and narrowing of roads themselves. The Design Guide gives an example of a 'Homezone' – a traffic-calmed street with a physical layout that limits speeds to 20 miles per hour, primarily through narrowing the internal access road at its junction with the existing public road network to provide a single carriageway 'give and take' arrangement – a promoted example of good and safe design which is almost identical to that proposed here.

The development site has been the subject of two separate traffic impact studies, one in July 2009 in support of the previously approved development and one in January 2018 in support of the current application. Both of these detailed studies conclude that the existing road network is capable of supporting the proposed development by an extension of Lonan Drive with the 2018 study concluding that:

- The site is readily accessible by established public transport networks into and out of Oban via bus stops on Nant Drive and Soroba Road;
- National Cycle Route 78 is about a mile from the site.
- Safe and satisfactory walking access is available to Oban Primary School.
- Traffic generation would be low and negligible when compared with passing traffic levels, and
- During the past five years of records (2011 to 2016), there have been no reported road traffic accidents in the immediate vicinity of the site.

The 'give and take' traffic flow arrangement proposed at the head of Lonan Drive and at the entrance to the proposed development site is an entirely safe and standard mechanism of delivering essential traffic calming measures in the dual interests of good placemaking and road safety. It is capable of adoption and has previously been approved as such here on three separate occasions, including a detailed planning permission which only expired in November 2014.

Such arrangements are entirely commonplace throughout the United Kingdom, including in Argyll and Bute where there are many similar examples, including:

- Dalriach Road in Oban, close to the Atlantis Leisure Centre;
- Creag Bhan Village in Oban, off the Glengallen Road (where there are several similar examples);
- New Parliament Place in Campbeltown, where the road has been designed specifically to narrow at the entrance to the development;
- Fernoch Crescent Lochgilphead;
- Fernoch Place, Lochgilphead;
- Duntrune Place, Lochgilphead. - And with several examples of roads narrowing to short single-lane stretches without traffic lights or other barriers to oncoming traffic at bridges and pinch points along the local arterial road network, often along 60 MPH stretches of roads and even;

- The A83 trunk road at Ardrishaig, where the barriers visible in the photo are only used occasionally when the road bridge is opened to allow access by boats into and out of the Crinan Canal.

I'm sure that for many of you this leaves an unanswered question: Why was the previous identical application submitted in 2017 (17/02815/PPP) refused on highway safety grounds whilst the current one is recommended for approval?

And the answer, of course, is it wasn't.

The assessment of planning applications is a complicated process and oftentimes a frustrating one. The truth of the matter is that shortly before the previous application was due to be reported to Members for their consideration, doubt was raised as to the ability of the development to achieve an appropriate adoptable standard access. Officers sought to clarify this with the then Area Roads Engineer and to resolve apparent inconsistencies in his assessment of the development and in our own understanding of those issues. Ultimately, it was considered that the issues raised would require additional investigation and assessment and that this could not be completed to a satisfactory standard in the very limited time left available. The decision was therefore taken by the Applicant to withdraw the application and to resubmit it in due course when the outstanding technical issues had been appropriately considered.

Whilst I accept that this is an unusual set of circumstances, it was considered to be a pragmatic decision at the time in order that a fully robust assessment of the development might be made. This decision was taken wholly with the public interest in mind.

In conclusion then, the proposed development the subject of this Hearing has been very carefully assessed against all material planning considerations. That assessment is summarised within the published Report of Handling and its brief supplementary Report, where the recommendation is that planning permission in principle be granted.

In considering this application today, I would respectfully advise Members that the relatively recent history of planning permissions at this site should form a significant material consideration which must, in my professional opinion, be afforded substantial weight.

Most of the substantive issues are the same. The general type of development proposed is the same. The proposed access is the same. The surrounding landform and existing built development is the same. The broad planning policy framework is essentially the same. And the decision was taken, following a Local Hearing, very similar to this one, by several of the same personnel.

Other than the fact that the indicative details submitted with the current application show a development which occupies a substantially smaller area of ground and is far better conceived than the approved scheme on almost every level, they are, undeniably, the same.

I ask Members to support the recommendation.

APPLICANT

Frank Beaton advised that he was an Architect in the area and has worked in Oban for the last 30 years. He further advised that he represented TSL Ltd and said that they were a successful, well established, local business with a proven track in construction and provided employment for many in the area. He said he would like to advise why this application should be supported.

He said that Mr Williams had fully explained why the proposal should be supported and rather than repeat what had been said he would be very brief and make the following points.

He advised that firstly, and most importantly, in the Council's Local Development Plan the site lay in the settlement of Oban therefore the housing proposal was wholly consistent with the Council's policy.

Secondly, he pointed out that the site had a positive planning history having been granted permissions previously. He said that although this was a planning permission in principle application they have demonstrated to Planning Officers that the development would be appropriate in its setting and would not encroach into the sloping and woodland areas.

Thirdly, he advised that the development would give much needed affordable housing to Oban. He said that finding accommodation for potential employees was a real issue.

He concluded by reiterating that the site was in the settlement of Oban; it had planning permissions previously; they have worked closely with Planning to ensure they were comfortable with the proposal; and it would provide much needed housing in the area.

Andy Knight advised that he was the Managing Director for TSL Contractors. He said that it was family business established 40 years ago. He said that he did not intend going into the detail of the application. He advised that they have pursued this project as it was the last town centre zone available for this type of development. He advised that the project was not critical to TSL and that it would not change their lives but they believed the project would meet the criteria for affordable housing which was a sector they were fairly active in. He advised that he did not think it would change the lives of many in this room today but maybe he was wrong about that. He stated that he would like to say that the people whose lives may be affected are those who did not have suitable housing in the town of Oban. He said they were likely to be young, local, working people living in sub-standard accommodation and possibly living with their parents. He said that families wanted their own place to live and that this was an aspiration of all. He said that some people had a need to live in town. He referred to the Dunbeg project. He advised that this was a great project which would provide houses but it would be outside the town. He advised that for various reasons it would not suit everyone to live outside the town. He said that Link Housing Association, who were the company development the housing in Dunbeg, seen this proposal as complimentary to Dunbeg. He advised that it would be different in nature and location and they saw it as being complimentary to Dunbeg rather than competing. He referred to a recent newspaper article in the Oban Times which detailed the pressures on businesses as it was difficult to attract staff due to a lack of suitable accommodation. He also referred to a report in the newspapers by

Lesley Riddoch about Scotland's Rural Housing in Crisis. He said that everyone would be aware of the pressure on housing and the difficulties of young people getting onto the housing ladder. He said that he believed this proposal would give people a chance in that direction.

CONSULTEES

Roads

Stuart Watson advised that Mr Williams had covered most of what he had to say but that he would like to highlight the traffic calming measures at the entrance to the site. He advised that as far as he was concerned the traffic calming layout was perfectly acceptable for this site. He pointed out that they had give and take systems on a number of areas across Argyll and Bute and he gave examples of these: the A816 which narrowed where there were 2 bridges; the A83 where the road crossed the Crinan Canal in Ardrishaig; a similar arrangement where the road crossed the canal at Cairnbaan; a 250m stretch of the A886 Cowal to Bute road. He advised that the volume of traffic into the site would be very low. He said that he was not sure if he could add much more but would be willing to answer questions. He pointed out that this was a two stage process – there was the planning process and there was Roads Construction Consent when the exact layout would be hammered out during that process. He advised that they would hammer out the details of access to the site and that there would likely be further traffic calming measures within the site such as speed bumps and chicanes etc.

Oban Community Council

Keith Miller said that he recognised only one local Member on the Committee today and that he recognised one or two faces from the application 3 years ago when, he said, the Glenshellach proposal was nodded through despite objection on a number of issues. He advised that unfortunately in the intervening years they have experienced a whole series of issues with that. He referred to flooding in the town centre of Oban and raw sewage being discharged into Oban bay. He advised there were severe visual impacts. He advised the Committee that their regard in the town in respect of their decision making was not held in high esteem. He said that the people here today would be grateful to have a sympathetic response to their legitimate and serious concerns about this application across a range of issues.

He advised that he has been in Oban for 33 years and that he lived in the south side. He referred to progressive development that has gone on in the south side and advised that he has seen the adverse consequences of that. He referred to grid locked traffic and congestion. He said that in reality the south side of the town was at capacity for development and that there was no case for further expansion, particularly when there was the first trench of 300 houses in Dunbeg and a further 300 in 2 years. He referred to 1,000 people being on the housing waiting list and suggested that the waiting list would be better served with the development in the Dunbeg corridor and to acknowledge the limitations in the south side. He advised that people were generally sympathetic that there needed to be more affordable housing but it was an important case that the existing residents, and their rights and interests, needed to be taken in greater regard than has been so far on the south side of Oban.

He advised that he was retired now but had spent 40 years working on ecological science. He said that he was not fully up to speed with technical issues that arose in building development but he did have knowledge of the linkages. He referred to the cavalier way Officers of the Council and consultees have dismissed out of hand the concerns of local people. He referred to there being no objections from consultees subject to various things being done. He said that a succession of important issues have been raised and followed through by Consultees with no objection subject to conditions. He said that people were very sceptical about that.

He advised that Oban Community Council delivered formal representation to the local authority on 6 areas of concern – wildlife, presence of invasive species, loss of local amenity and recreational open space, risk of flooding downstream, inadequacies of road access, and capacity of water supply. He said that Scottish Water were in dereliction of their responsibilities if they were happy to accept further connections. He referred to Scottish Water not being capable of managing the sewerage system they had at the moment.

Referring to a power point presentation he spoke about comparisons between the previous application approved and the current application and pointed out that the number of houses had increased. He referred to the core path and advised of concern that some of the policy provisions were not being adhered to in the way in which the application was accepted by the Access Officer.

He referred to safety and advised that the proposal of car parking, coupled with 2 lines of housing would end up with hazardous pedestrian passage for kids on the way to school. He said that the entrance had been a matter of a lot of debate and he showed a montage of what would likely happen with the mix of vehicles, children, other pedestrians. He said that this would be dangerous and unsatisfactory and needed thought out much more carefully.

He referred to congestion and showed a picture of a typical morning commute approach from McCaig's Road up to Lonan Drive. He pointed out the clutter of cars that had to be coped with on the way to the school campus.

He referred to the narrow access and said that you could not have a 2m high fence against a road. He advised that there was already a 2m high fence at that location.

He said he felt that the flooding issue had been made light of. He advised that due to the loss of permeability into the ground flooding was quite a live issue. He said that the Soroba burn was considered to be one of the main contributors to flooding into the town and that this needed to be taken more seriously and addressed. He advised that this issue had not been given sufficient weight by the developers and their advisers.

He pointed out that Lonan Drive, along with Morvern hill fed into a 10 inch sewer pipe. He advised that before Scottish Water consents to any further connections they should invest in capital to stop further combined connections. He said that the developers were well aware that the mains water from Tulloch Treatment Station ran through the site. He pointed out that the mains had burst and flooded property on at least 2 occasions. He said the pipe would need realigned to make it compatible with the development.

He said the appearance of the development would not be in keeping with the local vernacular. He advised that it would be incompatible with what was there at the moment. He said that it would be far easier to integrate housing of a similar nature. He advised that multi story buildings would be seen as incompatible and inconsistent and should be avoided.

He referred to open space protection and advised that Planning needed to consider green infrastructure.

In conclusion, he advised that the Community Council have been distressed at the cavalier and unprofessional attitude taken about the adverse impacts of this development. He said that there had been a failure to properly address the adverse impacts. He advised that there was no sign of a precautionary principle being adopted by this Committee. He said the precautionary principle needed to be primary. He said the Committee had a tendency to nod through subject to things that may or may not be done once outline consent was approved. He advised that this was not good enough. He said that people were entitled to see that their concerns were being addressed robustly. He advised that if there were issues or problems it would be far better to say 'no'. He encouraged the Committee to say 'no' until the issues raised had been properly addressed and then to have it brought back later. He advised that it was the Community Council's view that the Committee would not be delivering its duty to the people in the south side of Oban if they allowed this particular development to go through when there were so many unresolved issues. He advised that there were local concerns as well as wider concerns for Oban. He advised that they felt strongly that they needed to be heard. He said that the community in the south of Oban had been ignored the last time and that they were steamrollered in with the last phase at Glenshellach. He said that they felt they were being steamrollered again. He advised that they had a strong and heartfelt interest in what they had at the moment was what they wanted. He said that housing needs needed to be met somewhere else as the south of Oban was over developed. He referred again to the gridlock and congestion. He encouraged the Committee to say enough was enough and to look further afield to meet expansion for Oban.

OBJECTORS

William McKillop advised that he was quite passionate about the development and the impact it would have locally. He advised that he had concerns about the access and road safety. He referred to changes made since past applications and that he had consulted with Mr Watson through emails regarding the recommendation to approve by Roads. He said that the layout of the road was shown as a give and take system of traffic calming. He advised that he could find nowhere in legislation that give and take traffic calming could be used due to a lack of real estate into the site. He said the only reason he could find was for safety issues in order to reduce speed. He advised that the previous application was withdrawn very close to the date for the public meeting. He said it was strange as it had been so close to the public meeting but it had become clear when the consultee response from Roads was revised following receipt of the scale drawing for drainage on the site. It was said that the entrance to the site was too narrow to be brought up to adoptable standards and that Roads would have had to refuse planning permission unless the Applicant could obtain the land required for roads construction.

He referred to comment about fencing and advised that the fence in question was his fence and that it had been constructed some time ago after a long process of stuff being cut down etc. He advised that someone had complained that the fence was too high and so he had applied for retrospective planning permission which was granted for a 2m high fence. He said that it was his belief that you could not build a 2m fence beside a road. He advised that he had asked Roads the question why roads could be built next to a 2m high fence but you could not build a 2m high fence next to a road. He advised that he had spoken to Mr Watson and that he had received different answers from different people.

He referred to the recommendation for approval by Mr Watson subject to a condition regarding the clearing of scrub etc south east of the proposed development. He said that he did not believe that this condition could be met as this area was not the property of the Applicant. He said that it belonged to the owners of houses at Creran Gardens. He said that he had been advised that Roads could adopt responsibility up to any fence or wall. He asked if residents applied to put up a fence similar to his would they be refused? He advised that if a fence was there it would not be possible to adhere to the condition. He said that in general the access was very narrow and he could not see how it could be done safely. He added that he hoped that on the Committee's visit to the site today they would have seen how quiet and peaceful the valley was and how it should remain like that.

Derek Pretswell spoke on behalf of Andrew Cooper. He commended all the speakers for their contributions, including Planning. He intimated that on paper the proposal looked great but for him this development was about real time traffic congestion. He referred to traffic calming measures and said you did not need traffic calming measures, you needed driver calming measures. He advised that Oban was a one street town and that they had enough problems at the moment without adding to that congestion. He advised that last year he spent money replacing the suspension on his car because of the state of the roads. He advised that the amount of traffic would serve to increase problems. He stated that Nant Drive was a disgrace and needed sorted. He referred to children and pointed out that the school was on their door step. He said there were a lot of children walking around there and that there were a lot of drivers frustrated with nose to tail traffic. He advised that this was a good development but in the wrong place and that he believed everyone felt the same about that. He referred to lots of pieces of paperwork referring to similar projects that have been approved. He referred to the approval at Glenshellach and referred to the problems that have been created with flooding. He referred to talk of the wildlife and said that it had value as it slowed the rate of water down through the eco system. He said it was bad enough that it would be destroyed but it would also exacerbate the problem. He referred to bats and said he would like to see the environmental reports. He advised that this whole area was a foraging area for bats and that they were protected by law. He referred to it being said that there were all these planning rules that had to be adhered to. He asked the Committee not to dismiss the weight of community feeling in the room today. He asked the Committee to look at the turnout and said that this was testimony to the strong feeling of the affect this development would have on the lives of people. He asked the Committee to give weight to the people here and not to legislation.

Alfred McKenzie advised that all his questions had been answered and that he had nothing further to add.

Councillor Jim Lynch advised that he has worked closely with a lot of the residents on this. He advised that he strongly supported the building of social housing but he felt they needed to be built in the right place. He asked the Committee to look at the cause and effect. He pointed out that traffic through Oban fed in from 3 separate areas and feared what would happen by adding another development into the area. He referred to traffic calming and said that the proposal would build a community which would be sold a short, narrow access. He referred to complaints he has received about low water pressure and the discolouration of the water at the moment. He pointed out that Scottish Water have said they cannot guarantee a supply and said that this needed to be looked at. He advised of biodiversity being important and said that surveys needed to be done across the whole year. He advised that another important issue was the need for green space when building communities. He said that bit of land was everyone's and that was why there had been objections. He said that this would be a good development somewhere else. He advised that the traffic was terrible. He said that he agreed with the point Mr Pretswell made that everyone had put a lot of work into this project and that there was a need to respect their views. He thanked everyone for taking the time off work in order to come and speak.

MEMBERS' QUESTIONS

Councillor Trail referred to quite a bit being said about flooding. He referred to the Glenshellach development and asked Planning if they could comment in response to what had been said. Mr Williams advised that the key thing to say was that this site was not designated as a flood risk area. He said there had been no need to consult with SEPA because there was no flood risk. He confirmed that they had consulted with the Council's Flood Risk Assessor and would consult with him again at the detailed stage. He advised that the Flood Risk Assessor had raised no objection subject to a detailed drainage strategy plan to come at the detailed stage. He said there were no flooding issues expected there.

Councillor McCuish advised that he had two questions and that the first was for Mr Watson. He referred to the traffic impact study completed in 2009 and asked Mr Watson if he would agree that traffic had increased significantly since that study had been done. He also referred to the other study done in January 2018 and asked if the month of January would give a true reflection of traffic in Oban. Mr Watson acknowledged that traffic was increasing and that Oban was a busy town and a growing town just like Helensburgh. He referred to an Infrastructure Group working to secure additional routes and roads into Oban. In terms of studies, he said he was not aware of the one done in 2009. He acknowledged that Oban had grown since then. Referring to the 2018 study he said there were only a few months in a year that this could be carried out.

Councillor McCuish asked Mr Williams if the application was approved would this mean the site was at its capacity. Mr Williams advised that would not necessarily be so. He advised that it would depend on what came forward at the detailed planning application stage. He referred to the indicative layout which was okay now that development was limited to the valley floor. He said that the valley floor had a physical limit to it.

Councillor Redman referred to the site visit where it was mentioned that very few trees would need to be cut back to make room for the houses and the road. He advised that he would assume that a lot of felling would need to go on somewhere.

Mr Williams replied that there was no tree felling currently taking place that he was aware of. He advised that mainly the trees were limited to the steeply sloping sides which would not be affected by the development as this would be limited to the valley floor. He said that there were some less mature trees and vegetation on the valley floor and that some of these would have to go. He advised that they would work hard with the developers to ensure that any trees that can be retained or replaced elsewhere.

Councillor Redman advised that the entrance point to the site seemed dense with trees and asked if they would need to be felled. Mr Williams confirmed that there would be no felling of trees at the access point.

Councillor Douglas advised that she had two questions, the first being to Mr McKillop. She asked Mr McKillop to clarify what he had said about road traffic calming. Mr McKillop advised that on the slides showing the traffic calming there were pavements on both sides of the road but on the plan it only showed one pavement and this was because of the physical space available. He said the traffic calming was not being put there to slow traffic down it was being put there because of the physical space.

Councillor Douglas asked Mr Watson if it was correct to say that traffic calming was normally about speed and not about getting in and out safely to a place. Mr Watson advised that in recent years access into developments has been narrowed and that it depended on where you were. He referred to the 300 housing development at Dunbeg and advised that there were no defined footpaths there and that it would be shared space. He said that it was all about traffic management at the access which could include ramping up and narrowing. He said that this was an engineering system and that there was no requirement to have 2 footways.

Councillor Douglas sought and received clarification from Mr Watson that the narrow section would be a single lane and that the single lane would reduce speed. He advised that beyond that there would be additional traffic calming measures put in the site to reduce speed. He confirmed that traffic calming was about reducing speed and about access.

Councillor Douglas referred to concerns about the capacity of the sewerage system and water etc and concerns about the south side being over developed, putting systems under strain. She referred to concerns that putting 40 plus units could add to that or contribute to further congestion. She sought clarification on that from Planning. Mr Williams advised that as this was a planning permission in principle application there was no detail about that at this stage. He confirmed that they had consulted with Scottish Water who have confirmed they have the current capacity for water support. He advised that they have said they could not confirm the capacity of the waste water treatment network but did not object to the development. It is thought that there would be capacity here but it could not be confirmed at this stage. Scottish Water have advised the developer to submit a pre development enquiry to them prior to development on the site. If the application is approved today and Scottish Water subsequently say their system is not capable with dealing with this development then the development would not go ahead. He advised that this was not something to be concerned with at this stage. He advised that if it had been something to be concerned about then Scottish Water would have raised it.

Councillor McCuish sought and received confirmation from the Applicant that apart from the usual planning adverts they had not engaged with the community out with that.

Councillor McCuish sought and received confirmation from Mr Watson that in the Road's submission they have said that they would prefer a limit of 50 units on the site.

Councillor Forrest said that her question was for the Biodiversity Officer as people had raised a lot of questions about the wildlife there. She advised that at the site visit today she had counted 2 different types of bee and 3 different types of butterfly. She asked what species were there, what tests would be carried out and what measures would be taken to mitigate any impacts. Mrs Curran-Colthart advised that in terms of biodiversity an ecology study was done in 2010 and that this had been an indicative study. She advised that if this application was approved and a further detailed application came forward then studies would have to be a lot more detailed. She referred to bats and other protected species such as red squirrels. She said the importance of butterflies and bees would also be taken account during any habitat and survey work and that this would be carried out at the optimum time of the year. She advised that the encouragement of the growing of not just ornamental gardens but also fruit etc. could also be factored in, in terms of the future development.

Councillor Moffat advised that she had only been a Councillor for 2 years and therefore had not been involved in this particular area before and had not been involved in planning permission in principle cases. She said that she was feeling a bit uncomfortable as it seemed to her that they were looking at a skeleton, the bones of a project, and nothing else. She said that she felt they needed more information to make any decision on anything. She commented that statutory consultees were saying this proposal was fine but 'X' needed to be done. She asked if this was the normal amount of information given in a planning permission in principle case. Mr Williams said that what had been provided for this application was far more than what was normally received. He said that a planning permission in principle application could be nothing more than a red line around a development. He advised that it was a 2 stage process, with the first stage looking to see if the principle of any form of development was acceptable. He advised that all other things were dealt with at the detailed application stage. He said that as the principle was acceptable before then it had to be acceptable now.

Councillor Freeman commented that he was surprised by the amount of detail in front of the Committee considering it was an application in principle. He sought and received confirmation from Mr Williams that all applications were required to be assessed against the provisions of the Local Development Plan and other material considerations. Mr Williams confirmed that this application was in accordance with the provisions of the Local Development Plan.

Councillor Freeman referred to access and the core path network. He said that it was his understanding that if alterations were required to be made to the core path network this would require an application if this proposal was approved today. He asked if there was a detailed application, would there need to be a separate application for an alternation to the core path. Mr Williams explained that the current application was recommended for approval subject to a planning condition about any deviance or alteration to the core path. So yes, any detailed application would have to show the details of the core path diversion. In addition, he advised that any core

path diversion would be subject to its own legislation. He advised that effectively both would run alongside each other.

Councillor Freeman asked if the detailed application would come to Committee or could the Committee determine that any application relating to that site should come to the Committee for consideration. Mr Williams advised that whether or not any future application came to the Committee would depend on the scheme of delegation and the amount of public interest. If enough interest was generated then it would be considered by the Committee.

Councillor Freeman asked if Officers could confirm if there was not that level of objection and it fell under delegated powers, could the Members still determine that they wished any detailed application to come to Committee. Mr Williams said yes but they would need to do that at the time and not now. Mr Reppke advised that if the Committee expressed a view now that would be informative for Officers when the detailed application came in.

Councillor Taylor said it was obvious to him that this was a high value area that was valued by the community as an open space and that the Planners also supported that as they were looking for the wider area to be recognised in the future Local Development Plan as an OSPA. He asked if this would limit future development. Mr Williams advised that the Applicant owned a significantly larger area of land than what was in the current application. He said a lot of that land consisted of woodland and embankments. He advised that the high land would have value if retained as an open space and that they were working with the Applicant to ensure that some sort of protection could be given but he could not give an assurance that would happen.

Councillor Kinniburgh referred to Mr Miller speaking on behalf of Oban Community Council and he asked what survey work they had done to come to their view today. Mr Miller advised that a lot of people had taken an interest in the local community when the application emerged. Apart from one survey that was undertaken yesterday which was very much about the ecology, it was all about observations, raising interest in the area and people walking there. He advised that they had held public meetings and that Oban Community Council had the application on their agenda twice at their monthly meetings. He advised that people had come forward and raised concerns about the wildlife and the landscape.

Councillor Kinniburgh asked Mr Miller where most of the objection had come from. Mr Miller said that the majority came from the people living within 1 km of the proposed development. He advised that he was not saying there were no objections across the town as there was a mix of people from different parts of the town at the Community Council and all were unanimous in the need for protection of the land and the need for a line to be drawn under any further development.

Councillor Kinniburgh asked if any support was expressed at the public meetings. Mr Miller replied that there was none at all. He said there was support in principle for more social housing but the issue was it needed to be of the right type and in the right place. He advised that Lonan Drive was not considered appropriate for the reasons given today.

Councillor Kinniburgh sought clarification on the issue about the 2m fence. Mr Watson advised that from a roads perspective they had no issue with fences beside a road unless they caused sightline issues and in this case the fence did not. He

advised that the height of a fence was a planning issue. Mr Williams advised that you can build a 2m high fence at the side of a road if you have planning permission to do so and it was acceptable. He confirmed that this fence was assessed and deemed acceptable. It was confirmed that a 1m high fence would fall within permitted development rights but a fence of 2.5m would need an application for planning permission and as long as it met the planning policies it would be acceptable.

Councillor Kinniburgh sought clarification on traffic calming measures. Mr Watson referred to the old Strathclyde Design Guide and advised that a lot of the principles of that had been taken from there when looking at the design of streets and spaces. He advised that a give and take system could be used within a site as well as at the entrance to a site and he referred to the examples that had been given by Mr Williams in his presentation.

Councillor Kinniburgh sought and received confirmation that there would be no designated roads nor pathways at Dunbeg and that it would all be shared space with cyclists, pedestrians and vehicles all using the same space. Mr Watson said this was a fairly new concept for Argyll but it was used extensively elsewhere. He said that how it worked tied in with how the buildings were laid out as well. He advised that this was acceptable across the UK.

Councillor Kinniburgh sought and received confirmation from Mr Williams that the Committee were here today to determine whether or not the site was capable of development and that it was his professional opinion that it was. He confirmed that at this stage the details and how it would be served were not being looked at. He advised that it was important to have recognition of what statutory consultees said as they would flag up issues. It was confirmed that what the statutory consultees were saying at this point was the principle of the development was okay but it would still need further examination in the future and when the planning permission application came in the development would be looked at in more detail.

Councillor Freeman sought and received confirmation from Mr Williams that the previous permissions granted for this site were a material consideration and that they must be afforded considerable weight. Mr Williams confirmed that all the permissions had expired unimplemented so if this application was refused then the Applicant would not be able to progress on the back of the previous permissions but they should be given consideration in the determination of this application.

Councillor Freeman said that he was well aware from recent issues that Community Councils needed to avoid any potential for challenge and that a Community Council had to reflect the views of the community. He sought clarification from Mr Miller on when they considered this application. Mr Miller advised that the Community Council meet the last Monday of every month and that the application was on the agenda 2 or 3 months ago. He said that it was only last month when the decision was made to make a representation but they had already had discussions about it and it was agreed that they were against it and wanted to mobilise. He confirmed that a formal letter of objection was submitted by the deadline. He confirmed that the letter was based on a meeting of the Community Council.

Councillor Freeman referred to a survey only being carried out yesterday and asked if he was correct to say that the Community Council's objection was not based on

that survey. Mr Miller advised that the objection was based on the casual observations by a number of people who used the area and not on the survey.

Councillor Freeman sought assurance that the views of the Community Council reflected the views of the whole Community Council area and not just a small area. Mr Miller advised that he was confident that they had openly discussed the issue at their meetings and that the meetings were quorate with minutes published on their website. He advised that there may not have been very many members of the community there but it was unanimous that there were concerns about the proposal and that there was no dissent as far as he was aware.

Councillor Kinniburgh asked Mr Miller how the Community Council had consulted with the community. Mr Miller advised that they had a public meeting 18 months ago and that around 100 people had turned out. He said that this was when the proposals first emerged and that thereafter it was discussed at other Community Council meetings.

Councillor McCuish sought and received confirmation from Mr Watson that the guidance in the old Strathclyde document had been incorporated into other National Roads Design Guidance. He advised that there were countless roads design documents including ones specific to bridges.

Councillor McCuish asked if Mr Watson could have a gold star entrance what would he be looking for. Mr Watson advised that it would depend on where it was and the setting. He said that it was considered broadly across areas that you would want casual narrowing to control speeds along with other traffic calming measures.

Councillor Kinniburgh referred to the grid lock of traffic and the pictures provided by Mr Miller of McCaig Road. He asked at what times that grid lock occurred. Mr Miller advised that this normally happened during the morning rush hour between 8.30 and 9.15 am when people were going to work and doing the school runs. He advised that mid-afternoon between 3 and 5.30 pm was also very busy during the week. He said that there was less trouble at the weekends. He advised that most of the grid lock occurred coming down Oban from the Lochgilphead side. He said it was particularly congested here and did not happen to the same extent at the other side of the town. He referred to the volume of traffic coming from the Glenshellach area. He pointed out that the hospital, school and emergency services were all located on the south side and there was concern that if there was an incident at the north end the emergency services would not be able to get through. Mr Miller advised that not every day was horrendous but it was very much worse in the summer when you had tourists coming into and out of Oban and not being sure of where they were going.

The Chair ruled, and the Committee agreed to adjourn the meeting at 12.40 pm for lunch.

The Committee reconvened at 1.30 pm.

SUMMING UP

Planning

A summary of the summing up by Tim Williams is detailed below:

We are here today to debate difficult issues; to air free and often frank opinion and to ensure transparency and openness within the democratic process.

It is good to see so many of you here today, and it clearly shows the considerable weight of feeling.

We have discussed and debated a large variety of issues but there are a few matters which have been raised that I feel require a brief response from the planning authority.

Mr Miller from the Oban Community Council stated that Members and officers have previously 'noddled through' development; that members and officers are not held in high esteem by the community; that public concerns are often 'dismissed out of hand'; that the proposed access arrangements are 'half-baked'; and that the consultees have shown a 'woeful and cavalier attitude'.

However, he later admitted under questioning by Cllr Freeman that he has based these assessments upon 'casual observation' only.

In reality, this development has been carefully assessed by professional, experienced officers dedicated to a working life of public service. To suggest otherwise and to use such derogatory terms in a public forum frankly beggars belief and I'm sure Member's will draw their own conclusions.

Mr McKillop stated that, in his opinion, the give and take access system is only being proposed due to a lack of space. Similarly, Cllr McCuish asked Mr Watson what his 'golden ticket' access standard would be if the site were not constrained in width at its access point.

The answer to this question is that, irrespective of any reduced site width at this point, the give and take traffic calming measure is likely to be the preferred option, even if the width of the site at this point were wider.

Mr McKillop referred to a roads condition referring to a need to clear scrub growth from land south east of Lonan Drive. He stated that this cannot be achieved because this land is in private ownership.

Firstly, this is not a condition forming part of the current recommendation. – It would form part of a subsequent application for Road Construction Consent (RCC) under the Roads (Scotland) Act (RSA). Secondly, this land forms part of the existing highway verge and is within the confines of the public highway. The RSA affords access to the highway for maintenance and improvement at all times, irrespective of ownership.

Mr Pretswell, on behalf of Mr Cooper, raised no new issues. I did, however, enjoy his footballing analogy.

Councillor Lynch stated that, "this is everybody's piece of land". Unfortunately, however, it isn't. It is land in private ownership and has a longstanding history of approved development.

The assessment of applications for planning permission can be difficult and may, on occasion, lead to a decision that may be unpalatable to many.

My responsibility here today is to act not as an individual but to be the mouthpiece for long-established planning principles enshrined within a national and local planning policy and legislative framework. In this respect, I act solely as the voice of the planning authority in this matter.

The key issue in the determination of this planning application is whether or not the principal of residential development within this site is appropriate given the opportunities and constraints afforded by national and local planning policy and having had due regard to all material planning considerations.

I must advise you that in my considered professional experience the development before Members today is wholly in accordance with planning policy – just as it was in 2010, 2011 and 2012 and through to the expiry of those planning permissions approximately three and a half years ago.

The future of our economy and the health, welfare and security of the people who live, attend school, work or are retired in Argyll and Bute depends, to a fundamental extent, upon the continued delivery of appropriate, sustainable development. This Council recognises that one of the key challenges we face is “an urgent need to reverse static or falling populations in some of our Main Towns and Key Settlements by making them better places to live, particularly for economically active families.” One of the central visions of the Planning Authority is that we might achieve this by delivering our housing needs in places where people want to live. By offering a wide range of housing choice in places with modernised essential services and infrastructure and to thereby meet the need for high quality, energy efficient and affordable housing in the right locations to support our economic competitiveness, social justice and sustainable development obligations.

If we can do this together then we might take a few steps closer to ensuring that a decent home is within the reach of every household.

I urge Members to move the recommendation and approve the principle of this development in accordance with the published Report of Handling.

Applicant

Andy Knight advised that he would like to expand and sum up on three minor points. Firstly, he said that he would like to expand on his response to Councillor McCuish regarding consultation with the community. He confirmed that they did not consult at this stage but, moving to the next stage of the process, if this application was approved, they would undertake to consult with the community at the point when preparing to submit their detailed application. He suggested that would be through the Community Council so that people could give their views on the further design of the development.

Secondly, he referred to talk about the access and narrowing of the access and whether or not this was a viable way to enter a site. He advised that he was on site yesterday at Lochdon, Isle of Mull for the same client. He said that the access onto that site had a wide bellmouth which narrowed to 3 metres then widened to 6 metres. He advised that this was a shared surface across the width. He advised there were no constraints in terms of land and that the reason for the narrowness was for traffic calming to ensure vehicles travelled slowly into the site.

Thirdly, he advised that as this was an application in principle there would still be a lot for them to do if this was passed today. He confirmed that a lot of what they would be doing from here would almost be the start of the process. He advised that there would be a lot of liaison with everyone in this room and that it would ultimately come back to the Council for approval. He said that they were closer to the start of the process rather than the end.

Consultees

Roads

Stuart Watson advised that it was his opinion that the layout of the access was acceptable and that a pragmatic and logical approach had been taken. He advised that in respect of control of the road corridor the Roads Authority took at least 1m from the edge and usually 2m and in the absence of a boundary this would go to a fence line. He advised that the principal of the layout was generally okay and that it was when the detailed application came forward that they would hammer out the nuts and bolts of it.

Oban Community Council

Keith Miller advised that he fully stood by everything he had said despite Mr Williams' challenge to that. He advised that his comment about a casual observation was about the wildlife survey and not about how previous applications were handled or the way in which the Committee handled its affairs. He advised that the Community Council remained vexed at the suggestion there had been some underhand mechanism going on and orchestrated campaigning and that the views of the Community Council were not the views of the whole community. He said that no one had expressed an interest other than the one he had delivered today. He advised that the Committee should be safeguarding the public interest of the local residents affected by the hostile development and that they should not be acting as rubber stampers for the Scottish Government's agenda for social housing if it ended up in the wrong place. He asked the Committee to do the right thing in respect of development in the south side of Oban. He referred to the number of years of trouble and problems with other developments there which continued to cause annoyance. He advised that they felt it would be a travesty to allow these things to be introduced into the settled lives of the people living and thriving in Oban. He said they were not looking to display nimbyism but felt there was a better alternative to deliver the Scottish Government's agenda for affordable housing.

Objectors

William McKillop referred to the Planning Officer advising of the historic approvals for planning permission in principle at this site. He said that this was indeed the case but nothing had become of it. He advised that previously the proposal was for 23 or 24 houses and that this would be a far greater development in terms of density. He referred to the previous application that had been withdrawn last year on advice as it was going to be recommended for refusal due to its inadequate access. He pointed out that the Committee had seen the site, had seen the fences and seen the narrowness of the access. He stated that it was totally inappropriate. He referred to the condition about fences and the clearing of verges. He said that his neighbours had been talking about building a fence. He stated that if they went ahead and built a 1m high fence then between there and the pumping station then no grounds would

be able to be cleared as the condition recommended. He referred to the email response to him from Mr Watson regarding his question about the traffic calming situation and layout. He advised that in the planning application priority should be given to traffic in Lonan Drive entering the site. He referred to the chicanes shown in the plans and to priority traffic shown as coming out of the site. He advised that the reply he received from Mr Watson was baffling. He advised that this was an inappropriate proposal and in principle it was just not right.

As Pretswell had to leave the meeting, Andrew Cooper reiterated what colleagues and friends had said. He referred to no mention of possible health issues. He advised that the development would be in a cauldron and that the houses would be low energy. He questioned where the fumes would go and advised that there would not be much sunlight.

Alfred MacKenzie advised that all his questions had been answered and that he had nothing further to add.

Councillor Lynch confirmed that he had nothing further to add but would like to commend the Council Officers and developers for their professional conduct.

Everyone confirmed that they had received a fair hearing.

DEBATE

Councillor Trail advised that the Committee were sometimes faced with a divided community with people having differing viewpoints. He said he did not think that was the case today and in front of the Committee was a fairly united stance. He referred to Mr Pretswell asking the Committee to consider disregarding the law and going with the community. He said that you could not ask the Committee to choose which laws they wished to abide by and those they wished to ignore. He noted that some people have said that this was the right development but in the wrong place. He pointed out that the application before the Committee was the one that had to be determined. He confirmed that he agreed that this was the right development and that it was his opinion that the place was perfectly acceptable. He referred to people raising the issue of safety and he confirmed that an assessment had to be made on whether this was a reasonably safe access road as all roads were dangerous. He advised that he had no problem in agreeing with the Planning Officer's recommendation to approve this application

Councillor McCuish confirmed that at the appropriate time he would be moving a Motion to contradict the recommendation from the Planning Officer.

Councillor Douglas said that she had concerns but took on board what Councillor Trail had said. She agreed that the Committee could only go with what was in front of them. She referred to this being an application for planning permission in principle and questioned whether or not the proposal would succeed. She advised that from what she had heard she was not convinced that it would succeed. She pointed out that there were no details at this stage and said that there were a lot of ifs, buts and maybes and that it was not clearly defined. She said again she was not sure if the Applicants would succeed with this proposal.

Councillor Freeman referred to it being said earlier that there was only one local Member on the Committee and that the Committee were not held in high esteem in

Oban. He advised that the Committee faced criticism wherever they held hearings that the local Members were in the minority and that was a fact across Argyll and Bute. He advised that the Committee had to consider planning applications based on the adopted Local Development Plan and that was a major factor. He stated that the Committee did not take decisions on the basis of trying to be popular and that if they did there would be very few major developments actually approved. He referred to the concerns he had raised about how the Community Council had raised its objection. He advised that it was his understanding that the Community Council discussed this application at a meeting in February and that there were only 5 members of the public in attendance at that meeting. He said that it was difficult for him to accept that the Community Council's views reflected the wider community of the Oban Community Council area. He advised given that the principal of housing on the site had long been established and that the current Local Development Plan supported it, he suggested that any proposal to go against the Local Plan and the Officer's recommendation would mean that the developer would have a strong case for appeal to the Scottish Government. He advised that if this happened he believed that the application would probably end up being approved at that level. He confirmed that based on all the information he had heard today he would be supporting the Officer's recommendation to approve the application.

Councillor Taylor referred to taking account of designated guidance. He advised that as part of the planning system the Local Plan determined what should go where. He pointed out that in the Local Development Plan this site was designated for housing. He also referred to its positive planning history and commented that he believed the current design was better than what had come before. He advised that as the Roads Engineer was satisfied with the arrangements for access and, for his own interest, the protection of Open Space going forward was being looked at, he was minded to say this was an appropriate development for the site. He said that he had some misgivings in the course of some of the questions asked and would reserve his final opinion until he had heard Councillor McCuish's Motion.

Councillor Moffat advised that she was not hugely comfortable with this. She referred to the huge amount of work that had been put in not only by the members of the public but also by the Officers, the Applicant and statutory bodies. She said that it was always the case that not everyone would win no matter how hard a case was presented. She advised that she was not minded to go ahead with this but would like to say that if it was approved then it should come back to the Committee at the detailed stage for consideration. She said that she would not like to see it go through under delegated powers. She advised that it was a huge burden to the Committee to see all this animosity against the proposal and having heard all that was said it was very difficult to walk that narrow and neutral path. She advised that at the moment she felt disinclined to support the proposal but if approved would not like to see it go forward without the detail coming back to the Committee.

Councillor Kinniburgh addressed the points made by the Community Council. He advised that at no time did he suggest or feel that it was suggested that the Community Council had reached its conclusion by underhand measures. He advised that if his view was correct, attendance today, showed they represented the community within the immediate vicinity of the application site and what was put forward by the Community Council today was representative of that community. He also advised of his support of the Planning Officers. He confirmed that he has been involved in Planning since he became a Councillor in 2007 and that he had attended the hearing in 2010 which had been talked about earlier. He advised that he believed

this was one of the first hearings carried out by the PPSL Committee as previous to 2009 planning applications were decided by Area Committees. He confirmed that he has always believed the Council's Officers have acted professionally and gave reports and advice to the Committee for them to scrutinise and question on how Officers reached a decision. He advised that the way a planning application was reviewed it was first assessed and then a report was prepared by a Planning Officer. This report was then passed to another Planning Officer in order to review the assessment and from there it was passed to the Head of Planning who would review and have the final say before signing off the report. He advised that he has always found the manner in which an Officer acted whether in favour or against an application was professional in coming to their decision at the end of the day. He advised that to hear it said that their professional judgement was half baked was astonishing. He confirmed that taking into consideration what was before the Committee today and he personally having sat on the hearing in 2010, he believed that the proposal before the Committee today was better than the proposal put forward in 2010. He pointed out that this proposed development would not encroach on the hillside like it did before. Coming to his conclusion he advised that everyone needed to realise that this application was for planning permission in principle and that this was not the time to be assessing whether the sewage will be accommodated or whether the houses laid out in the indicative plan were in the correct place or providing the right type of accommodation. He advised that this all came later in the planning system when, and if, a detailed application came in if this application was approved. He said that he thought that needed to be borne in mind. He acknowledged that there may be some valid arguments made today about sewage and flooding but this was not the place to be deciding on these issues today as this would come later. He pointed out that these issues were covered by condition in respect of this application and that they would be fully assessed should an application come in the future on the back of this planning permission in principle application if approved today.

Motion

To agree to approve planning permission in principle subject to the conditions and reasons set out in the report of handling and to request Planning Officers not to exercise their delegated powers should a detailed application come in future and that this should come back to the PPSL Committee for consideration.

Moved by Councillor David Kinniburgh, seconded by Councillor George Freeman.

Amendment

I move that this application be refused on road safety grounds given that the conditions proposed by Roads services will not address the very real community concerns about road safety, given the narrowness of the road at points along the proposed access, the unusual use of traffic calming measures to permit a new development and the intensity of traffic already using the existing public road network which would be exacerbated to an unacceptable degree if development were to be allowed to take place on the proposed site. It is considered that the conditions proposed would not provide sufficient assurance that emergency vehicles could properly access the development unhindered by competing traffic in the give /take section of the proposed development. The proposals are therefore considered contrary to LDP policy LDP11 and SG LDP Tran 4 in that they do not meet primary

objectives of meeting the safety of all road users including pedestrians, cycle and motorised vehicles.

Moved by Councillor Roderick McCuish, seconded by Councillor Lorna Douglas.

On there being an equality of votes the Chair gave his casting vote in favour of the Motion and the Committee ruled accordingly.

DECISION

The Committee agreed to grant planning permission in principle subject to the following conditions and reasons and requested Planning Officers not to exercise their delegated powers should a detailed application come in future and that this should come back to the PPSL Committee for consideration:

General

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

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

Note to Applicant:

- This consent constitutes a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended and as such does not authorise the commencement of development until matters requiring the further consent of the Planning Authority have been satisfied.
- Application(s) for Approval of Matters Specified in Conditions must be made in accordance with the provisions of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 within the time limits specified in Section 59 of the Act.
- Having regard to Regulation 12, application(s) for the Approval of Matters Specified in Conditions must be submitted within 3 years from the date of which Planning Permission in Principle was granted. The exception being where an earlier submission for the Approval of Matters Specified in Conditions was refused or dismissed on appeal, in which case only one further application in respect of all outstanding matters requiring further approval of the Planning Authority may be submitted within a period of 6 months from determination of the earlier application. Any elements of the Planning Permission in Principle for which further approval of the Planning Authority has not been sought within the time periods summarised above will no longer be capable of being implemented within the terms of this permission.

- The development to which this planning permission in principle relates must commence no later than 2 years from the date of the requisite approval of any matters specified in conditions (or, in the case of approval of different matters on different dates, from the date of the requisite approval for the last such matter being obtained), whichever is the later. If the development has not commenced within this period, then this planning permission in principle shall lapse.

The applicant should note the advice contained in the attached consultation response from Scottish Water and the Councils Access Officer and should contact them direct to discuss the issues raised.

2. The development shall be implemented in accordance with the details specified on the application form dated 18/12/18 and the approved drawing reference numbers Plan 1 of 5 to Plan 5 of 5, 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

It should be noted that the indicative layout submitted in support of the application does not form part of the approval, it is solely for indicative purposes only.

Roads, Access and Parking

3. Pursuant to Condition 1 – no development shall commence until details of the proposed service road and connection with the existing public road have been submitted to and approved by the Planning Authority. Such details shall incorporate:
 - i) A vehicular access layout providing a Road over which the public has a right of access in terms of the Roads (Scotland) Act 1984;
 - ii) A turning head for the public service vehicle;
 - iii) Details of the priority signage for the access into the site.

Prior to work starting on site, the junction with the existing public road shall be fully formed and surfaced with all access roads and footways granted consent constructed to at least base course level prior to any work starting on the erection of the buildings which they are intended to serve and the final wearing surface of the roads and footways shall be applied concurrently with the construction of the final building.

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

Note to Applicant:

Road Construction Consent under the Roads (Scotland) Act 1984 must be obtained from the Council's Roads Engineers and a Road Bond provided prior to the formation of the access within the development site.

4. Pursuant to Condition 1 – no development shall be commenced in respect of any individual building until plans and particulars of the means of parking/turning arrangements to serve that building have been submitted to and approved by the Planning Authority. Such details shall incorporate:
 - i) The provision of parking and turning in accordance with the requirements of Supplementary Guidance SG LDP TRAN 6 of the adopted 'Argyll and Bute Local Development Plan' 2015.

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

Reason: In the interests of road safety.

Land Drainage

5. Pursuant to Condition 1, no development shall commence on site until full details, in plan form, of the land drainage design for the site and details of its ongoing maintenance has been submitted to and approved in writing by the Planning Authority. Such details shall show a drainage system designed in accordance with CIRIA C753 and Sewers for Scotland 4th Edition.

Reason: In order to safeguard the development from the possibility of flooding.

Design and Finishes

6. Pursuant to Condition 1 – no development shall commence in respect of any individual building until plans and particulars of the site layout, open space, design and external finishes of the development have been submitted to and approved by the Planning Authority. These details shall incorporate:
 - i) A Design Statement in accordance with the advice set out in Planning Advice Note 68 which shall establish the design principles applicable to the layout of the development as a whole and design of the individual dwellings.
 - ii) A statement addressing the Action Checklist for developing design contained within the Argyll and Bute Sustainable Design Guide 2006;
 - iii) Local vernacular design.

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

7. Pursuant to Condition 1 – no development shall commence until full details of proposed earthworks to include existing and proposed levels including all finished ground, road and dwelling floor levels and any area of infill proposed have been submitted to and approved by the Council as Planning Authority.

Reason: In the interest of visual amenity.

Landscaping, Tree Surveys and Japanese Knotweed

8. Pursuant to Condition 1 – no development shall commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved by the Planning Authority. The scheme shall comprise a planting plan and schedule which shall include details of:
- i) Existing and proposed ground levels in relation to an identified fixed datum;
 - ii) Existing landscaping features and vegetation to be retained;
 - iii) Location design and materials of proposed walls, fences and gates;
 - iv) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;
 - v) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.

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

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

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

9. Pursuant to Condition 1 – no development shall commence until a scheme for the retention and safeguarding of trees during construction has been submitted to and approved by the Planning Authority. The scheme shall comprise:
- i) A survey of trees on and overhanging the site indicating the location, species, height, canopy spread and condition of each tree;
 - ii) An assessment of the amenity and nature conservation value of tree groups and individual trees which shall inform the layout of the development proposed;
 - iv) Details of all trees to be removed and the location and canopy spread of trees to be retained as part of the development;
 - v) A programme of measures for the protection of trees during construction works which shall include fencing at least one metre beyond the canopy spread of each tree in accordance with BS 5837:2012 “Trees in Relation to Design, Demolition and Construction”.

The tree survey should be undertaken prior to drafting the design plan for the placement of dwellings, verges, access routes and services.

Tree protection measures shall be implemented for the full duration of construction works in accordance with the duly approved scheme. No trees shall be lopped, topped or felled other than in accordance with the details of the approved scheme unless otherwise approved in writing by the Planning Authority.

Reason: In order to retain trees as part of the development in the interests of amenity and nature conservation.

10. Pursuant to Condition 1 – no development shall commence on site until full details of a scheme for the eradication of Japanese Knotweed has been submitted to and approved in writing by the Planning Authority in consultation with the Biodiversity Officer. The scheme shall include a timetable for implementation and clearly identify the extent of the Japanese Knotweed on a scaled plan. Prior to construction works commencing on site the approved scheme and timetable shall be implemented in full and a validation report confirming details of the remediation treatment carried out and confirmation that the site is free of Japanese Knotweed shall be submitted to the Planning Authority.

Reason: To eradicate Japanese Knotweed from the development site and to prevent the spread of this non-invasive species through development works.

Affordable Housing

11. Pursuant to Condition 1 - no development shall commence until a scheme for the provision of affordable housing (as defined below) has been submitted to and approved by the Planning Authority. The scheme shall:
- a) Provide that a minimum of 25% of the approved dwellings are affordable homes;
 - b) Define those properties to be used as affordable homes;
 - c) Establish the timing of their provision relative to the phasing of the development, which shall ensure that the last 25% of the dwellings within the development are not commenced until the affordable housing phase has been completed for occupation;
 - d) Establish the arrangements to ensure the affordability of the affordable homes for both initial and subsequent occupiers (including any discount rate applicable in terms of (ii) below);

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

- i) Social housing (rented or shared ownership or shared equity) managed by a registered social landlord (a body registered under part 3 chapter 1 of the Housing (Scotland) Act 2001, or any equivalent provision in the event of the revocation and re-enactment thereof, with or without modification);
- ii) Discounted low cost sale housing (subject to a burden under the Title Conditions (Scotland) Act 2003), or any equivalent provision in the event of the revocation and re-enactment thereof, with or without modification).
- iii) Housing for sale or rent without subsidy, which is designed to be affordable and to meet the housing needs of the majority of those households identified as in housing need in the Local Housing Strategy or Housing Market Study i.e. one or two person households on average income, with conditions attached to their missives to prevent further extension, thereby helping to ensure that they are likely to remain affordable to subsequent purchasers.

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

Reason: To accord with the provisions of the development plan in respect of affordable housing provision.

Wildlife Surveys

12. Pursuant to Condition 1 - no development shall commence until full details of a Bat Survey and Red Squirrel Survey have been submitted to and approved in writing by the Planning Authority in Consultation with the Biodiversity Officer. Such details shall include when the surveys are to be carried out, the methodology to be employed in both surveys and any mitigation measures, including a timetable for the implementation of mitigation measures.

Reason: To prevent the disturbance of Protected Species.

Peat Survey

13. Pursuant to Condition 1- no development shall commence until full details of a Peat Survey and Management Plan has been submitted to and approved in writing by the Planning Authority in consultation with the Biodiversity Officer. Such details shall provide details of the depth of the peat deposit on site.

Reason: In order to protect natural heritage assets.

Note to Applicant:

Should the survey determine the depth of peat to be in excess of 0.5 metres the applicant will require to liaise with SEPA for advice on management.

Open Space/Play Areas

14. Pursuant to Condition 1 – no development shall commence until details for the provision and maintenance of proposed areas of communal open space and equipped play area(s) within the development have been submitted to and approved by the Planning Authority. The details shall comprise:
- i) A plan showing the location and extent of communal open space and equipped play areas;
 - ii) Provision to satisfy the minimum standards set out in the Development Plan; 6sqm of equipped play space and 12sqm of informal open space per dwelling unit;
 - iii) Specification of play equipment to be installed, including surface treatments and any means of enclosure, designed in accordance with the provisions of BS5696 (Play Equipment Intended for Permanent Installation Outdoors);
 - iv) Proposals for the timing of the implementation of the play area(s) in relation to the phasing of the development;
 - v) A maintenance schedule for communal open spaces and equipped play areas in accordance with the provisions of BS5696 including details of on-going inspection, recording and procedures for detailing with defects.

The communal open space and equipped play area(s) shall be provided in accordance with the duly approved details and shall be retained and maintained to the specified standards thereafter.

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

Core Path

15. Pursuant to Condition 1 – no development shall commence until details for the provision of the Core Path through the development site has been submitted to and approved by the Planning Authority in consultation with the Access Officer.

The details shall comprise:

- i) The route a minimum width of 2.5 metres wide;
- ii) The route finished in a tarmacadam surface;
- iii) The route provided with dropped kerbs where it meets the road surface;
- iv) Gradients kept to a minimum to ensure the route is accessible for people of all abilities.

The route shall be provided in accordance with the duly approved details and maintained to the specified standards thereafter.

Reason: In order to secure the retention of the existing core path in the interests of amenity

Note to Applicant:

The advice contained in the consultation response from the Access Officer should be fully considered in the preparation of the details for the provision of the Core Path within the development.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 1 April 2019 and supplementary report number 1 dated 16 April 2019, submitted)

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

This report is a recommended response to the Scottish Government's Energy Consents and Deployment Unit (ECDU) Section 36 consultation regarding the proposed Airigh wind farm, on Land south-west of Tarbert, Argyll and Bute

Reference No: 17/02484/S36

Planning Hierarchy: Major

Applicant: EDF Energy Renewables Ltd (via Scottish Government Consents Unit)

Proposal: Electricity Act Section 36 consultation relative to Airigh Wind Farm

Site Address: Land south-west of Tarbert, Argyll and Bute

SUPPLEMENTARY REPORT NO. 4

1.0 INTRODUCTION

1.1 At the May 2019 PPSL Committee meeting Members agreed to object to this section 36 wind farm proposal. The Council's objection to the proposal was submitted to the Energy Consents Unit on 23rd May 2019. The purpose of this report is to 1) provide clarification in respect of the consultee response submitted by South Knapdale Community Council ('SKCC') to the Energy Consents Unit and the Council dated 16th May 2019; 2) advise members of a consultee response from Ardrishaig Community Council dated 16th April 2019 which was not reported in the Supplementary Report No. 3 (dated 20th May 2019), and 3) seek confirmation from Members on whether they wish to maintain their objection to this section 36 consultation on the proposed Airigh Wind Farm.

2.0 DETAIL

2.1 Since the May PPSL committee, the Council has received correspondence from the applicant, Force 9 Energy (letter dated 23/7/19) and SKCC (letter dated 20/7/19). These letters were also copied to Members of the PPSL committee. The letter from Force 9 Energy expresses concerns that that SKCC has been misrepresented by officers who have stated in Supplementary Report No.3 that SKCC submitted an objection to the proposed wind farm. In addition, the applicant has also raised concerns that the Committee was not advised of a letter from Ardrishaig Community Council dated 16th April 2019 expressing support for the proposal.

SKCC's letter to the Council confirms that;

"At our recent SKCC meeting, three members of the community expressed their concern that the Council's Planning Department had described South Knapdale's submission as an objection to the proposed Airigh Windfarm project. We have been

asked to write to the Council advising them of this concern and to request the Planning Department to make clear that our submission was in fact neutral.”

- 2.2 It is the officers’ view that the substantive points raised in the SKCC’s consultee response of 16th May 2019 were accurately reflected in the Supplementary Report 3 that was placed before members at the meeting of the Planning Protective Services and Licensing Committee of 22nd May 2019. Although the word ‘objection’ was not specifically used in the Community Council’s response, officers exercising professional judgement, interpreted the response as such. It is not considered that it was unreasonable for officers to have reached the conclusion that SKCC’s consultee response was an objection to the application, albeit a holding one. However, given that it has now been clearly stated to the Council that SKCC wishes its response to be read as neutral in nature it is considered appropriate, for the sake of clarity, to report this matter to Members.
- 2.3 Ardrishaig Community Council’s consultee response dated 16th April 2019 was not reported to members. This occurred as the Community Council had addressed the response for the attention of the Council as opposed to Energy Consents Unit. The council officer, in compiling Supplementary Report 3, had checked the Energy Consents Unit website for consultee responses. As the Community Council’s response did not appear there it was not taken into account. It is the Council’s usual practice to report all consultee responses submitted in respect of s36 applications to members. The consultee response should accordingly have been reported to members. This consultee response has now been forwarded to the Energy Consents Unit for entry on its system.
- 2.4 It is the substantive planning and policy matters pertaining to the proposal raised in consultation responses that are summarised and noted by officers in presenting their recommendation to Members. The substantive points raised in the consultee response by SKCC dated 16th May 2019 remain as previously stated in Supplementary Report No. 3, to which members had regard in determining to object to the proposal. The consultee response by Ardrishaig Community Council dated 16th April 2019, whilst expressing support, does not deal with the substantive merits, or otherwise, of the proposal. It is officer’s view that the Council’s grounds for objection are not altered by the fact that SKCC has now intimated that it has adopted a neutral stance in respect of the proposal, or that Ardrishaig Community Council have expressed their support where it was previously noted that they had ‘no objection’.
- 2.4 The applicant has further suggested that a Discretionary Hearing is held prior to making a decision on this issue. However, officers do not consider that it would be appropriate, or competent, for the Council to hold a Discretionary Hearing in respect of this matter prior to determining if it will maintain its objection to the Airigh application.
- 2.5 The Energy Consents Unit has been contacted to advise that a further report is to be placed before members and to ask that matters in respect of the holding of a public local inquiry are not progressed until members have reached a determination as to whether the Council’s objection to the proposal will be maintained.

3.0 RECOMMENDATION

- 3.1 It is recommended that Members note the content of SKCC's letter to the Council dated 20th July 2019, together with the consultee response by Ardrishaig Community Council dated 16th April 2019, and thereafter reaffirm that the Council should object to the proposal on the grounds agreed by PPSL on 22nd May 2019, as set out in full in section 4 below.

4.0 REASONS FOR OBJECTION TO THE PROPOSAL AS PREVIOUSLY AGREED BY THE COMMITTEE ON 22nd MAY 2019 AND INTIMATED TO THE ENERGY CONSENTS UNIT ON 23rd May 2019

1. Significant Adverse Effects on the appreciation of South Knapdale Area of Panoramic Quality (APQ)

Argyll and Bute Council will resist any development in, or affecting, Areas of Panoramic Quality where its scale, location or design will have a significant adverse impact on the character of the landscape unless it is adequately demonstrated that any significant adverse effects on the landscape quality for which the area has been designated are clearly outweighed by social, economic or environmental benefits of community wide importance. Argyll and Bute Council will also resist renewable energy developments where these are not consistent with the principles of sustainable development and it has not been adequately demonstrated that there would be no unacceptable significant adverse landscape and visual impacts, whether individual or cumulative.

The proposed wind farm would be located within the Knapdale Area of Panoramic Quality (APQ). There is no detailed assessment of the special qualities of the APQ in the Environmental Statement. The Environmental Statement presumes that the APQ is '*designated for its outwards looking views*'. Despite the applicant's rebuttal stressing the strategic nature of the Argyll and Bute Landscape Wind Energy Capacity Study, their landscape consultants appear to rely on the information provided in this study rather than providing a detailed assessment of the special qualities of the APQ. This is contrary to the guidance on local landscape designations set out in Scottish Planning Policy and the Guidelines for Landscape and Visual Impact Assessment, third edition. There is no citation for this designated landscape although its key qualities are likely to comprise:

- Fragmented rocky coasts and a varied seascape which includes the narrow confined West Loch Tarbert as well as the more open sea basin bounded by Knapdale, Gigha, Islay and Jura
- The diversity of landscapes including knolly coastal fringes richly patterned with woodland, pockets of farmland, wetland and largely traditional buildings and backed by undulating forested slopes and open well-defined hills. The landscape has a secluded timeless quality, accessed only by a single-track road and sparsely settled, contributing to the specialness of this APQ.

- Dramatic views west from the APQ over the sea focussing on Jura and Islay but also views to the APQ particularly from the south where the intricate coastal fringes, forested middle ground and open high hills, including the shapely Meall Reamhar, are seen scenically juxtaposed with West Loch Tarbert and the sea.
- The wider setting this scenic landscape provides to the Knapdale National Scenic Area (NSA)

The proposal would be visible from west Kintyre, the northern part of Gigha (additional Viewpoint 15) and (extensively) offshore. Views from these areas tend to focus on the arresting profile of Jura but south Knapdale forms part of an extensive scenic panorama of little developed coast, settled fringes, forested and open uplands. It is considered that the proposal would be likely to incur significant adverse impacts on the appreciation of the Area of Panoramic Quality in views from parts of North West Kintyre, from West Loch Tarbert and other offshore areas (principally from the Islay ferry but also from recreational sailing craft).

The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected direct or indirect benefits which a development of this scale would make, including local economic benefits and the achievement of climate change related commitments.

Having due regard to the above it is considered that the proposal will have significant adverse impacts on the Knapdale Area of Panoramic Quality contrary to the provisions of SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality (APQs); SG LDP ENV 14 – Landscape; Supplementary Guidance 2: Renewable Energy; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zones; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; and LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll and Bute Local Development Plan; Scottish Planning Policy (2014); The future of energy in Scotland: Scottish Energy Strategy (December 2017); Onshore wind policy statement (January 2017); SNH Siting and Designing Wind Farms in the Landscape Guidance (August 2017); and Argyll and Bute Landscape Wind Energy Capacity Study, SNH and Argyll and Bute Council (2017).

2. Significant Adverse Strategic Cumulative Landscape Impact

The Council will support renewable energy developments where these are consistent with the principles of sustainable development and it can be adequately demonstrated that there would be no unacceptable significant adverse landscape and visual impacts, whether individual or cumulative.

The Srondoire and Allt Dearg wind farms are located within the *Knapdale Upland Forest Moor Mosaic* LCT. While these developments are prominent in views from the north and east in the Lochgilphead/Loch Fyne area, they are

barely visible from the south-west. The proposal would introduce wind turbines into a scenic landscape (Knapdale) where there are currently no wind farms unlike the Kintyre peninsula which is also seen in the view.

The south Knapdale area between the high ridge of Stob Odhar to Meall Reamhar and West Loch Tarbert and west to the Kilberry area (and abutting the NSA) has a distinctive and scenic character which is unaffected by large scale development. While the richly scenic diverse coastal fringe of South Knapdale would not be dominated by this proposal (due to distance and partial/intermittent screening), the sense of this area being undeveloped and remote (principally appreciated in views across West Loch Tarbert, the NW Kintyre coast and the sea) would be significantly diminished. The expansive and highly scenic panorama of the south/west Knapdale area and the islands of Islay/Jura contrast with the nearby Kintyre peninsula where wind farm development is a key characteristic. While wind farms could potentially be accommodated in this part of Knapdale without widespread significant landscape and visual impacts arising (due to the sparse settlement and less complex landform and vegetation cover of hill slopes) it is also important to keep the most scenic parts of Argyll and Bute free from development given the extent of wind farm development accommodated elsewhere. The scenic quality of the area is recognised by the APQ designation.

The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected direct or indirect benefits which a development of this scale would make, including local economic benefits and the achievement of climate change related commitments.

Having due regard to the above it is considered that the proposal would have a significant adverse strategic landscape impact contrary to the provisions of SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality (APQs); SG LDP ENV 14 – Landscape; Supplementary Guidance 2: Renewable Energy; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zones; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; and LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll and Bute Local Development Plan; Scottish Planning Policy (2014); The future of energy in Scotland: Scottish Energy Strategy (December 2017); Onshore wind policy statement (January 2017); SNH Siting and Designing Wind Farms in the Landscape Guidance (August 2017); and Argyll and Bute Landscape Wind Energy Capacity Study, SNH and Argyll and Bute Council (2017).

3. Layout

Argyll and Bute Council will support renewable energy developments where these are consistent with the principles of sustainable development and it can be adequately demonstrated that there would be no unacceptable significant

adverse landscape and visual impacts, whether individual or cumulative. Argyll and Bute Council will resist development with poor quality or inappropriate layouts.

It is considered that the layout of turbines at variable levels leads to an unsatisfactory 'jumbled' appearance evident in views from the south-west. In particular, from Viewpoint 15: Gigha North End, the layout of the wind farm is unsatisfactory with turbines appearing muddled, which contributes to an adverse impact despite the viewpoint lying some 14km away.

The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected direct or indirect benefits which a development of this scale would make, including local economic benefits and the achievement of climate change related commitments.

Having due regard to the above it is considered that the layout of the turbines is unacceptable contrary to the provisions of SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality (APQs); SG LDP ENV 14 – Landscape; Supplementary Guidance 2: Renewable Energy; 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 6 – Supporting the Sustainable Growth of Renewables and LDP 9 – Development Setting, Layout and Design of the Argyll and Bute Local Development Plan; Scottish Planning Policy (2014); The future of energy in Scotland: Scottish Energy Strategy (December 2017); Onshore wind policy statement (January 2017); SNH Siting and Designing Wind Farms in the Landscape Guidance (August 2017); and Argyll and Bute Landscape Wind Energy Capacity Study, SNH and Argyll and Bute Council (2017).

Report Author: Sandra Davies
Reviewing Officer: Peter Bain

Date: 12/8/19
Date: 13/8/19

Fergus Murray
Head of Development and Economic Growth

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

This report is a recommended response to the Scottish Government's Energy Consents and Deployment Unit (ECDU) Section 36 consultation regarding the proposed Airigh wind farm, on Land south-west of Tarbert, Argyll and Bute

Reference No: 17/02484/S36

Planning Hierarchy: Major

Applicant: EDF Energy Renewables Ltd (via Scottish Government Consents Unit)

Proposal: Electricity Act Section 36 consultation relative to Airigh Wind Farm

Site Address: Land south-west of Tarbert, Argyll and Bute

SUPPLEMENTARY REPORT NO. 3

1.0 INTRODUCTION

1.1 At PPSL on the 17th April 2019 the Committee agreed to continue consideration of this application to a future meeting of the Committee to give Members' time to seek advice on the terms of a competent Motion to justify not raising objections to this proposal.

2.0 CONSULTATIONS

2.1 Since the 17th April 2019 PPSL a further consultee response from South Knapdale Community Council (SKCC) objecting to the proposal has been submitted to the Energy Consents Unit (ECU). The original submission by the SKCC dated 18th October 2017 in response to the original process and the supplementary response dated 28th March 2019 including this most recent response are available on the ECU website and continue to reflect the position of SKCC. SKCC's most recent consultee response dated 16th May 2019 may be summarised as follows:

Amongst the environmental and economical issues that arise from the application special consideration needs to be given to: the proposed wind farm is in a designated Area of Panoramic Quality which will be spoiled; there are no commitments within the original proposal or the SEI to provide local employment or contracts; and the SEI accepts that there will be disturbance of protected wildlife and designated protected areas.

Force 9 Energy Partners LLP is the principle managing agent of the scheme acting on behalf of EDF Energy Renewables Ltd. There is an obligation on them to consult with the local community, however: the scoping report was published by F9 without pre-scoping consultations with SKCC; there was a public presentation in Tarbert after the scoping report was issued but thereafter no meetings or presentations were volunteered by F9 until requested by SKCC; and SKCC had no notice and was not consulted before submission of the SEI.

A Memorandum of Understanding has been offered by F9 to SKCC which SKCC has so far rejected on the following issues: it is drafted as a legal document but claimed by F9 not to be legally binding; it offers the opportunity to buy in to a “shared income scheme” but offers no real (tangible) asset for the community; the calculation of the income to be shared is complex and without defined time periods; the offer is less than the minimum recommendations of the Scottish Government, as there is no element of ownership offered; no contingencies are considered for the failure of the owners, operators, or the viability of the project; and there is the potential for the community to be left with unsustainable debts. Negotiations are nevertheless continuing at SKCC’s request.

There are other issues that SKCC see as unresolved: SKCC has asked for access to EDF but thus far this has been avoided; The connections between, and the identities of, the parties that will profit from the proposal are obscure; there is no barrier to F9, if consent is given, selling the project to a third party as EDF has made no visibly binding commitment to the venture; and While F9 acknowledges the expectation of the Scottish Government that £5,000 per Mw generated will be offered to the local Communities there is no assurance by F9 that this will be available.

In conclusion SKCC is concerned that:

- *The outcome could be a considerable increase in the value of the land to the landowners without any actual development taking place for many years. NB: The connection to the National Grid is dependent on the new high voltage power line between Inveraray and Crossaig which is still being planned and it is likely to be many years before it is functional.*
- *No guarantees or commitments have been offered for anything.*
- *The South Knapdale area could be faced with uncertainty for many years leaving the prospects for the community blighted.*

Until these matters are resolved South Knapdale Community Council asks Argyll & Bute Council to withhold their support and that the Energy Consents Unit does not grant consent to the Airigh Wind Farm project.

3.0 REPRESENTATIONS IN RESPONSE TO AEI

- 3.1 As this is not a planning application the Energy Consent Department’s web page is where representations must be recorded and not the Council’s public access system. Since April PPSL no further letters of representation have been forwarded to Officer’s from the Energy Consents Unit, they therefore remain as detailed in the previous committee reports.

4.0 CONCLUSION & RECOMMENDATION

- 4.1 In conclusion, having considered the additional consultation response received from South Knapdale Community Council, it is considered that their objection adds weight to Officers recommendation that the Council object to the proposed Airigh wind farm. Consequently, there is no change to the recommendation to object to the proposal for the following reasons:

1. Significant Adverse Effects on the appreciation of South Knapdale Area of Panoramic Quality (APQ)

Argyll and Bute Council will resist any development in, or affecting, Areas of Panoramic Quality where its scale, location or design will have a significant adverse impact on the character of the landscape unless it is adequately demonstrated that any significant adverse effects on the landscape quality for which the area has been designated are clearly outweighed by social, economic or environmental benefits of community wide importance. Argyll and Bute Council will also resist renewable energy developments where these are not consistent with the principles of sustainable development and it has not been adequately demonstrated that there would be no unacceptable significant adverse landscape and visual impacts, whether individual or cumulative.

The proposed wind farm would be located within the Knapdale Area of Panoramic Quality (APQ). There is no detailed assessment of the special qualities of the APQ in the Environmental Statement. The Environmental Statement presumes that the APQ is '*designated for its outwards looking views*'. Despite the applicant's rebuttal stressing the strategic nature of the Argyll and Bute Landscape Wind Energy Capacity Study, their landscape consultants appear to rely on the information provided in this study rather than providing a detailed assessment of the special qualities of the APQ. This is contrary to the guidance on local landscape designations set out in Scottish Planning Policy and the Guidelines for Landscape and Visual Impact Assessment, third edition. There is no citation for this designated landscape although its key qualities are likely to comprise:

- Fragmented rocky coasts and a varied seascape which includes the narrow confined West Loch Tarbert as well as the more open sea basin bounded by Knapdale, Gigha, Islay and Jura
- The diversity of landscapes including knolly coastal fringes richly patterned with woodland, pockets of farmland, wetland and largely traditional buildings and backed by undulating forested slopes and open well-defined hills. The landscape has a secluded timeless quality, accessed only by a single-track road and sparsely settled, contributing to the specialness of this APQ.
- Dramatic views west from the APQ over the sea focussing on Jura and Islay but also views to the APQ particularly from the south where the intricate coastal fringes, forested middle ground and open high hills, including the shapely Meall Reamhar, are seen scenically juxtaposed with West Loch Tarbert and the sea.
- The wider setting this scenic landscape provides to the Knapdale National Scenic Area (NSA)

The proposal would be visible from west Kintyre, the northern part of Gigha (additional Viewpoint 15) and (extensively) offshore. Views from these areas tend to focus on the arresting profile of Jura but south Knapdale forms part of an extensive scenic panorama of little developed coast, settled fringes, forested and open uplands. It is considered that the proposal would be likely to incur significant adverse impacts on the appreciation of the Area of Panoramic Quality in views from parts of North West Kintyre, from West Loch Tarbert and other offshore areas (principally from the Islay ferry but also from recreational sailing craft).

The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected direct or indirect benefits which a development of this scale would make, including local economic benefits and the achievement of climate change related commitments.

Having due regard to the above it is considered that the proposal will have significant adverse impacts on the Knapdale Area of Panoramic Quality contrary to the provisions of SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality (APQs); SG LDP ENV 14 – Landscape; Supplementary Guidance 2: Renewable Energy; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zones; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; and LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll and Bute Local Development Plan; Scottish Planning Policy (2014); The future of energy in Scotland: Scottish Energy Strategy (December 2017); Onshore wind policy statement (January 2017); SNH Siting and Designing Wind Farms in the Landscape Guidance (August 2017); and Argyll and Bute Landscape Wind Energy Capacity Study, SNH and Argyll and Bute Council (2017).

2. Significant Adverse Strategic Cumulative Landscape Impact

The Council will support renewable energy developments where these are consistent with the principles of sustainable development and it can be adequately demonstrated that there would be no unacceptable significant adverse landscape and visual impacts, whether individual or cumulative.

The Srondoire and Allt Dearg wind farms are located within the *Knapdale Upland Forest Moor Mosaic* LCT. While these developments are prominent in views from the north and east in the Lochgilphead/Loch Fyne area, they are barely visible from the south-west. The proposal would introduce wind turbines into a scenic landscape (Knapdale) where there are currently no wind farms unlike the Kintyre peninsula which is also seen in the view.

The south Knapdale area between the high ridge of Stob Odhar to Meall Reamhar and West Loch Tarbert and west to the Kilberry area (and abutting the NSA) has a distinctive and scenic character which is unaffected by large scale development. While the richly scenic diverse coastal fringe of South Knapdale would not be dominated by this proposal (due to distance and partial/intermittent screening), the sense of this area being undeveloped and remote (principally appreciated in views across West Loch Tarbert, the NW Kintyre coast and the sea) would be significantly diminished. The expansive and highly scenic panorama of the south/west Knapdale area and the islands of Islay/Jura contrast with the nearby Kintyre peninsula where wind farm development is a key characteristic. While wind farms could potentially be accommodated in this part of Knapdale without widespread significant landscape and visual impacts arising (due to the sparse settlement and less complex landform and vegetation cover of hill slopes) it is also important to keep the most scenic parts of Argyll and Bute free from development given the extent of wind farm development

accommodated elsewhere. The scenic quality of the area is recognised by the APQ designation.

The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected direct or indirect benefits which a development of this scale would make, including local economic benefits and the achievement of climate change related commitments.

Having due regard to the above it is considered that the proposal would have a significant adverse strategic landscape impact contrary to the provisions of SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality (APQs); SG LDP ENV 14 – Landscape; Supplementary Guidance 2: Renewable Energy; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zones; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; and LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll and Bute Local Development Plan; Scottish Planning Policy (2014); The future of energy in Scotland: Scottish Energy Strategy (December 2017); Onshore wind policy statement (January 2017); SNH Siting and Designing Wind Farms in the Landscape Guidance (August 2017); and Argyll and Bute Landscape Wind Energy Capacity Study, SNH and Argyll and Bute Council (2017).

3. Layout

Argyll and Bute Council will support renewable energy developments where these are consistent with the principles of sustainable development and it can be adequately demonstrated that there would be no unacceptable significant adverse landscape and visual impacts, whether individual or cumulative. Argyll and Bute Council will resist development with poor quality or inappropriate layouts.

It is considered that the layout of turbines at variable levels leads to an unsatisfactory 'jumbled' appearance evident in views from the south-west. In particular, from Viewpoint 15: Gigha North End, the layout of the wind farm is unsatisfactory with turbines appearing muddled, which contributes to an adverse impact despite the viewpoint lying some 14km away.

The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected direct or indirect benefits which a development of this scale would make, including local economic benefits and the achievement of climate change related commitments.

Having due regard to the above it is considered that the layout of the turbines is unacceptable contrary to the provisions of SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality (APQs); SG LDP ENV 14 – Landscape; Supplementary Guidance 2: Renewable Energy; 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 6 – Supporting the Sustainable Growth of Renewables

and LDP 9 – Development Setting, Layout and Design of the Argyll and Bute Local Development Plan; Scottish Planning Policy (2014); The future of energy in Scotland: Scottish Energy Strategy (December 2017); Onshore wind policy statement (January 2017); SNH Siting and Designing Wind Farms in the Landscape Guidance (August 2017); and Argyll and Bute Landscape Wind Energy Capacity Study, SNH and Argyll and Bute Council (2017).

Report: Arlene Knox **Date:** 20th May 2019
Reviewing Officer: Angus Gilmour **Date:** 20th May 2019

Angus Gilmour
Head of Planning, Housing and Regulatory Services

Reference No:	17/02484/PP
Planning Hierarchy:	Major
Applicant:	EDF Energy Renewables Ltd (via Scottish Government Consents Unit)
Proposal:	Section 36 Consultation for proposed wind farm
Site Address:	Airigh Wind Farm, south west of Tarbert, Argyll and Bute

SUPPLEMENTARY REPORT NO. 2

1.0 BACKGROUND

Since completion of the original PPSL report (22nd December 2017) and Supplementary Report 1 (22nd January 2018), further correspondence has been received from the agent by Members, also copied to Officers dated 29th January 2018. This letter seeks to address a number of points raised during the committee meeting ahead of the agreed site visit scheduled for the 9th February. The purpose of this Supplementary Report is to provide Members with the Officers' view on these matters.

2.0 VISUALISATIONS

The visualisation packs were requested by Officers to assist Members in their deliberation of the proposal, as they are easier to handle than the large format fold out versions. It is the duty of Officers to highlight that these are not produced to SNH standards. The Environmental Report with the full suite of fully compliant visualisations was also available at committee.

3.0 CUMULATIVE MAP

During the PPSL meeting Councillors were shown a map which illustrated the cumulative picture of wind farm sites in the area. Officers acknowledge that the map chosen to illustrate the cumulative landscape and visual points related to the ornithological assessment. Officers would confirm that the correct map for use in the cumulative landscape and visual assessment is available in the Environmental Statement (Figure 6.7). The map used did however show the locations of the other wind farms.

4.0 LANDSCAPE & VISUAL IMPACT

Officers would reiterate that they concur with the advice of Scottish Natural Heritage (10th November 2017) that the proposal is contrary to the guidance set out in the Argyll and Bute Landscape Wind Energy Capacity Study (LWECS) commissioned jointly by SNH and Argyll and Bute Council in 2017 in terms of significant landscape, visual and cumulative effects. It is considered that the nature and scale of the proposal cannot be accommodated in this location without significant adverse landscape and visual effects, including:

- Significant adverse landscape effects on parts of the Upland Forest Moor Mosaic (6b) and the small scale settled 'Rocky Mosaic' (20) landscape character types and associated seascapes;
- Significant adverse visual effects from key viewpoints in particular coastal views and views from the sea where key routes, scattered settlement and recreation areas are concentrated;
- Significant adverse strategic cumulative landscape effect;
- Significant adverse cumulative landscape and visual effects; and
- Adverse effect upon the character, qualities and experience of the landscape.

5.0 MITIGATION – TURBINE HEIGHT & COLOUR

- 5.1 Officers wish to make it clear that the 14 turbines are already at varying heights of 'up to 149.5m – comprised of eight at 149.5m, two at 138.5 and four at 131m. The proposal as presented in the LVIA already takes these varying heights into consideration, the purpose of which was to provide a degree of mitigation, undertaken as part of the design of the proposal. Also, that as confirmed by Force 9, they are not in control of the forestry which currently offers some screening of the wind farm from viewpoint 8 (A83 Whitehouse). At present from this viewpoint there is a collection of blades and blade tips flicking over the horizon, the visibility of which would increase should the forestry be felled.
- 5.2 In their most recent correspondence Force 9 highlight that VP 12 Gigha Ferry Terminal was agreed at the Scoping stage. Officers would highlight that, in SNH's most recent consultee response to the Energy Consents Unit (10th November 2017) they state that: *"The visualisation (VP 12, Gigha ferry terminal) provided to represent views from the Isle of Gigha is screened by landform (contrary to SNH's guidance). This makes it difficult to draw conclusions regarding the overall effects from Gigha. It is considered that the views from northern Gigha could potentially be significant. Further visualisations and assessment to represent the effect on views from Gigha would be helpful"*.
- 5.3 Officers disagree with Force 9's statement that there are few receptors (people) in the north of Gigha, it is a popular recreational destination accessed via Core Path C096 .
- 5.4 The turbines proposed currently for the development are a non-reflective pale grey colour, consistent with other existing and proposed wind farms and the visualisations supporting the proposal have been prepared on this basis. In regard to mitigation, Officer's would confirm that darker turbine models than typical are proposed as a **mitigation option** within the EIA, the purpose of which would be to better integrate the turbines into the landscape where they are seen backclothed against the land (e.g. viewpoints 9, 10, 11).
- 5.5 Coloured turbines, darker than the non-reflective pale grey normally used for turbines can help to mitigate visual effects in situations where the turbines are generally seen against the backdrop of land beyond. Against a coloured (usually moor or forest) background, darker turbines can blend in with the back ground better than pale grey turbines. However, they will also appear darker in views where they are seen against the sky. The benefits of darker colours in views with turbines seen against a land backdrop must therefore be weighed against the effects of having darker turbines against the sky in other views.

- 5.6 This would be a matter for the Energy Consents Unit to consider in the event that they were minded to support the proposal.

6.0 TRAFFIC MANAGEMENT PLAN

- 6.1 The Airigh Wind Farm EIA Report states that: *“The anticipated route for abnormal load vehicles is indicated in **Figure 12.1**. It is anticipated that the turbine components will be delivered to the Port of Campbeltown, however, there is potential for the tower components to be sourced from CS Wind in Machrihanish subject to an agreement between EDF Energy and CS Wind. The source of the turbine components will be finalised post planning consent”*. Figure 12.1 Abnormal Loads Route, shows the abnormal load route going through Tarbert.
- 6.2 Transport Scotland’s response provided to the Energy Consents Unit (10th October 2017) and summarised in the PPSL Report was based on the information contained in the EIA Report. Transport Scotland note that: *“The EIA assessment predicts that, prior to mitigation measures, the effect of severance and pedestrian delay and amenity because of increased levels of traffic associated with the development will be significant within the village of Tarbert. Furthermore, the effect of dust and dirt will have a significant effect throughout the study area if not managed appropriately. A Construction Traffic Management Plan (CTMP) is proposed, which comprises measures intended to mitigate the identified effects e.g. designated construction routes; restricted hours for HGV movements; warning signs; construction traffic speed limit of 20mph; a wheel washing facility etc., and these are deemed to be acceptable. However, it is noted that the CTMP is proposed to be fully developed at the detailed design stage”*.
- 6.3 *“In terms of severance, pedestrian delay and pedestrian amenity, the EIA concludes that the residual effects after implementation of the CTMP and the mitigation measures it comprises, are minor and not significant. Given the temporary nature of the estimated increase in traffic volumes and the presumed effective implementation of a Construction Traffic Management Plan, this conclusion is deemed to be appropriate”*.
- 6.4 Consequently, included in the suite of conditions recommended by Transport Scotland (as detailed in PPSL Report) is the requirement that a Traffic Management Plan (TMP) be prepared and agreed in consultation with the local roads authority. The reason is to minimise interference with the safety and free flow of the traffic on the trunk road; to ensure that material from the site is not deposited on the trunk road to the detriment of road safety; and to ensure the safety of pedestrians and cyclists using the trunk road and adjacent facilities.
- 6.5 It is noted that Force 9 Energy has recently entered agreement with the Stonefield Estate to use its land to take access from the A83, onto the Strategic Timber Haul Route (the B8024) and back to the A83. This way construction traffic associated with the wind farm can bypass Tarbert, including abnormal load deliveries. This position will need to be formalised with the Scottish Government by the submission of Supplementary Environmental Information detailing the proposed change to the transport route.

7.0 CONCLUSION

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

8.0 RECOMMENDATION:

In light of the above, there is no change to the recommendation to object to the proposal for the reasons detailed in the main report dated 22nd December 2017.

Angus Gilmour
Head of Planning, Housing and Regulatory Services

Author of Report:
Contact Point:

Arlene Knox 6th February 2018
Sandra Davies 01436 658884

**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 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 17/02484/PP

Planning Hierarchy: Major

Applicant: EDF Energy Renewables Ltd (via Scottish Government Consents Unit)

Proposal: Section 36 Consultation for proposed wind farm

Site Address: Airigh Wind Farm, south west of Tarbert, Argyll and Bute

SUPPLEMENTARY REPORT NO. 1

1.0 BACKGROUND

Since completion of the original PPSL report dated 22nd December 2017, further information, a representation and a consultation response have been received. The purpose of this Supplementary Report is to update Members in this regard.

2.0 FURTHER INFORMATION

- 2.1 The Council is in receipt of a copy of a letter from the Energy Consents Unit to the Applicant (dated 16th January) requesting the additional information requested by SNH (Ornithology), Forestry Commission Scotland (scale of felling, forest plan guidance, forest design, water quality and flooding, and compensatory planting), AM Geomorphology (peat), and RSPB Scotland (floating tracks and peat). The purpose of this is to assist the Energy Consents Unit in reaching a reasoned conclusion on the significant effects of the development on the environment.
- 2.2 The requirement for further information for these consultees has already been acknowledged in the PPSL report dated 22nd December 2017, within which it has been highlighted that the Council would expect these outstanding matters to be addressed prior to the Energy Consent Unit reaching a decision on the proposal. Consequently, the request by the ECDU to the applicant for further information does not have any bearing on the recommendation to object to the proposal on the grounds of landscape and visual impact.

3.0 LETTER OF SUPPORT

An additional letter of support has been received since completion of the PPSL report by the Energy Consents Unit from:

CS Wind UK, PO BOX 9263, Campbeltown, Argyll, PA28 6WA (dated 29th December 2017 – received 10th January).

The purpose of this letter is to highlight that EDF ER and CS Wind UK jointly share a Memorandum of Understanding which allows CS Wind UK the opportunity to participate in tenders issued by EDF ER to turbine suppliers, for the supply of tower sections for their wind farms. Consequently, given the proximity of the site to their Campbeltown facility they believe that they could be a very competitive supplier for tower sections for the proposed Airigh wind farm. This letter does not have any bearing on the recommendation to object to the proposal on the grounds of landscape and visual impact.

4.0 CONSULTEE RESPONSE

Ardrishaig Community Council (19th January 2018) – advise that the proposed wind farm was discussed at a recent meeting of Ardrishaig Community Council and no objections were raised. However it is pointed out that the committee is small and may not be representative of the wider community. This consultee response does not have any bearing on the Council's recommendation to object to the proposal on the grounds of landscape and visual impact.

5.0 RESPONSE TO SNH CONSULTATION RESPONSE FROM THE APPLICANT'S LANDSCAPE CONSULTANT

Land Use Consultants Ltd. have responded to SNH's consultee response in a letter dated 11th January 2017. The main issues raised in this letter relate to:

- Landscape and Visual - The Argyll and Bute Landscape Wind Energy Capacity Study 2017 – the context of the landscape character type, landscape scale, landform, land cover pattern, the built environment, perceptual qualities, visual amenity, and landscape values; Extent of Significant Landscape Effects; West Loch Tarbert; Cumulative Effects; Effects on Areas of Panoramic Quality; The design; and Viewpoint Selection
- Ornithological Impact - Knapdale Lochs SPA (Black-throated Diver), surveys and assessment, Black Grouse, Golden Eagle, red-throated divers, and black-throated divers,

The additional comments do not alter the recommendation to object to the proposal on the grounds of landscape and visual impact.

6.0 LETTER TO COUNCILLORS

A letter has been sent to Councillors by the applicants dated 19th January 2018. This letter contains three appendices: Appendix 1: comments on 'The Report of Handling' dated 19th January 2018 (summarised below); Appendix 2: the response to SNH from LUC dated 11th January 2018 (summarised above); and Appendix 3: the letter of support from CS Wind UK dated 29th December 2017 (summarised above).

The letter from Force 9 Energy highlights that:

- SNH does not object to the proposal (subject to a condition on bird protection).

Comment: SNH will only object in circumstances where a proposal will significantly affect a national interest. In this case they have highlighted serious concerns about the proposal.

- The proposal has the support of Ardrishaig Community Council

Comment: Refer to section 4 above.

- The limited visibility of the wind farm, has resulted in a remarkably small number of objections from local residents
- Force 9 Energy's joint Development Partner, EDF Energy Renewables ('EDF ER') is offering a Community Ownership Opportunity in the proposed wind farm. The Officer's report does not make any reference to this opportunity and the socio-economic benefits which could flow from it, all of which was clearly communicated through the application documentation and which is material to determination of the proposals.

Comment: Refer to Section V: Community & Economic Benefit of the main PPSL Report. Whilst the report does not go into specifics it is made clear that: "economic benefit should be regarded as a factor weighing in favour of the development in the planning balance".

- That Tarbert and Skipness Community Trust and Ardrishaig Development Trust have, this week, both signed a Memorandum of Understanding ('MoU') with EDF ER for the Community Ownership Opportunity.
- In addition to the Community Ownership opportunity, EDF ER would pay Community Benefit at the prevailing Scottish Government recommended rate, currently £5,000 per Mega Watt, per annum, throughout the operational period of the wind farm. Community Benefit could therefore total up to £8.82m (index-linked) over the lifetime of the wind farm.
- The Community Ownership opportunity and the Community Benefit commitment together provide a very significant opportunity for local communities to implement their Community Action Plans.

Comment: Refer to Section V: Community & Economic Benefit of the main PPSL Report: "Community Benefit is not considered to be a 'material planning consideration' in assessment of planning proposals. "In the event that consent were to be granted, the negotiation of any community benefit, either directly with the local community or under the auspices of the Council, would take place outside the Electricity Act consenting process".

- That the project will also create a wide range of opportunities for local businesses, for instance accommodation providers, suppliers, forestry contractors, tradesmen and civil contractors, in relation to both the construction and operations & maintenance of the wind farm.

Comment: Refer to Section V: Community Benefit & Economic Benefit of the main PPSL Report: "Economic benefit is a material planning consideration and arises from procurement construction, employment and indirect benefits associated with the supply chain.... Experience of wind farm development elsewhere in Kintyre, and with the previous Scottish Power developments at Beinn and Tuirc, indicates that local employment of contractors, hauliers and so on, will be of significance during the construction period (12 – 18 months) and that accordingly economic benefit should be regarded as a factor weighing in favour of the development in the planning balance".

- CS Wind are one of the largest employers in Argyll & Bute and have written to formally support the application.

- The Officer's report is an imbalanced appraisal of the application which may be unsafe for Committee members to rely upon. The significant long term economic and social benefits of this sensitively designed wind farm have not been adequately reported to committee in the Report of Handling.

Comment: Refer to Section V: Community Benefit & Economic Benefit of the PPSL Report.

- These positive benefits far outweigh the very limited impacts that the project would have.
- The sensitively sited and designed Airigh wind farm proposal provides a real opportunity to achieve this goal and create a lasting legacy for local communities.

Appendix 1 comments that in the applicant's opinion:

- The PPSL Report does not present a balanced description of the effects of the development.
- The Report does not give sufficient detail on the potential economic benefits of the proposal.
- The Report fails to mention that the proposal has been subject to discussions with representatives of 4 communities in the area (South Knapdale, Ardrishaig, Tarbert and Skipness and West Kintyre)

Comment: It is true that the report does not state that the applicant has had discussions with the representatives of South Knapdale, Ardrishaig, Tarbert and Skipness and West Kintyre. These Community Councils would have been consulted separately by the Energy Consents Unit. The views of those who provided a response are detailed in the report.

- In failing to report these matters to Committee the Report does not allow members to consider the potential positive aspects of the development in a balanced way.
- The Report does not provide Councillors with any information on how Force 9 Energy has sought to mitigate any effects which the proposals might have on the environment.

Comment: The report summarises the advice of all relevant consultees and the mitigation that they would require to be in place in the event of consent being given, and acknowledges where applicable mitigation has been advanced by the applicants.

- The Report does not present the correct approach to considering the application against the Development Plan and fails to consider the application against the Council's own Supplementary Guidance on Wind Energy.

Comment: For the avoidance of doubt, the primacy of the development plan in decision making is not engaged in Section 36 applications in the way it would be with a planning application. The Electricity Act requires the applicant and the decision-maker to have regard to the avoidance of adverse impacts on various environmental factors set out in the legislation. Nonetheless, the development plan would still be expected to be a significant material consideration to be weighed in the balance of decision-making.

- The Report relies heavily on the Council's Landscape Wind Energy Capacity Study ('LWECS') to frame the reasons for the Committee to object to the application; however the Council's own Supplementary Guidance notes that LWECS is not intended to be used in this way.
- Much of the Landscape and Visual assessment in the Report is informed by SNH comments on the application.

Comment: The updated LWECS (2017) has been commissioned by and approved jointly by the Council and SNH. Consequently, there is expected consistency between the content of this document and SNH's consultation advice. As a consultee SNH are able to access in house qualified landscape architecture expertise which is not otherwise available within the Council.

- There are a number of instances in the Report where the appraisal is overstated or where there is an inaccuracy in reporting.
- The Report notes (in reason for objection 2) "*there is extensive visibility of the proposal from the West Loch Tarbert Area*". Viewpoint 8 of the ES (which illustrates a point on the A83 which represents maximum visibility of the proposal in the West Loch Tarbert area) demonstrates that the development will be barely perceptible from there. The ES shows that the project will be practically imperceptible in the West Loch Tarbert Area, except in isolated elevated areas very rarely frequented by people. The Environmental Statement reports no significant effect from viewpoint 8 or on the A83.

Comment: The photomontage (with forestry) shows that there will be 7 blade tips visible from this location.

- Point D Landscape and Visual Effects in the Report reiterates a point made by SNH that the Viewpoint from Gigha, at the Ferry terminal, is unsatisfactory because it screens much of the development. However, the viewpoint location at the ferry terminal was specifically suggested by SNH and the Council officers in scoping discussions. It was suggested that this viewpoint was most appropriate because it is where most people congregate and it has been used for other windfarms.
- The Report suggests that "*the LVIA does not fully define the qualities of the Knapdale Area of Panoramic Quality, nor does it fully consider the effects on the views and experience of the APQs*". In this case it is noted that there is no underpinning document which references the key qualities of the APQ. The only statement which could be referenced in the course of assessment of the development is within the LWECS which notes that the key qualities of the APQ are in effect views outwards (i.e. coastal views). Given the site is centrally located within the APQ it is physically impossible for the proposal to affect the only documented key quality of the APQ. Furthermore the landscape containment of the site is exceptional for a development of the scale and nature proposed, leading to very limited landscape effects. As such the APQ designation will remain virtually unaffected.

Comment: Page 20 of the main report states "the LVIA does not fully define the qualities of the APQ, nor does it fully consider the effects on the views and experience of the APQs. Given this area forms the important and presently uncluttered backdrop to the diverse, settled coastal landscape, in particular key views of the scenic West Loch Tarbert area, SNH consider that the Environmental Impact Assessment Report may underrate the effects on the APQ".

Comment: This is true. Whilst Officers are experienced in dealing with wind farms they are qualified in Planning not Landscape Architecture. Consequently, the Council relies on the advice of SNH as a statutory consultee on landscape and visual impact matters, as they are appropriately qualified to provide it.

- Additional information on peat slide risk and forestry is in preparation to address consultee concerns in these environmental topic areas. Clarification on ornithological matters has also been submitted to SNH.
- There are no objections from key consultees such as SNH, SEPA, Historic Environment Scotland, Aviation Interests and the host community.

Comment: To reiterate – as a matter of policy SNH will only deploy a formal objection in circumstances where a proposal will pose significant adverse effects upon a national interest. In other circumstances they will confined themselves to advice for decision-makers. In this case they have highlighted serious concerns about the intended development. The absence of an objection should not be construed as SNH expressing satisfaction with a proposal.

5.0 CONCLUSION

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

5.0 RECOMMENDATION:

There is no change to the recommendation to object to the proposal for the reasons detailed in the main report dated 22nd December 2017.

Angus Gilmour
Head of Planning, Housing and Regulatory Services

Author of Report:
Contact Point:

Arlene Knox 22nd January 2018
Sandra Davies 01436 658884

**Argyll and Bute Council
Planning and Regulatory Services**

This report is a recommended response to the Scottish Government's Energy Consents and Deployment Unit (ECDU) Section 36 consultation regarding the proposed Airigh wind farm, on Land south-west of Tarbert, Argyll and Bute

Our Reference No: 17/02484/S36

Applicant: EDF Energy Renewables Ltd (via Scottish Government Consents Unit)

Proposal: Electricity Act Section 36 consultation relative to Airigh Wind Farm

Site Address: Land south-west of Tarbert, Argyll and Bute

(A) Section 36 application made up of the following elements:

- 14 No. three-bladed wind turbines (including external transformers) of up to 149.5m to blade tip;
- Crane hardstanding areas x 14 No.;
- On-site underground electrical cables;
- Control building;
- Vehicle turning circles;
- Three temporary construction compounds/laydown areas;
- Site signage;
- Approximately 30.4km of access tracks (of which 16km is existing track which will be upgraded and 14.4km is new and includes the new site access);
- Felling of 160.2ha of forestry to accommodate turbines and associated infrastructure;
- Replanting of 129.4ha of forestry (Within red line boundary);
- Planting of 26.6ha of native scrub forest by way of forest compensation and habitat enhancement.

Associated works, but which do not form part of this application, include a connection from the on-site sub-station to the grid network (subject to separate consent), and the creation of up to 10 temporary on-site borrow pits for the extraction of stone (subject to site investigation and separate consent).

(B) RECOMMENDATION:

It is recommended that the Council as Planning Authority objects to this proposal for the reasons detailed below and that the Scottish Government be notified accordingly.

(C) CONSULTATIONS:

Scottish Natural Heritage (SNH) (10th November 2017) - the proposal is close to Knapdale Lochs Special Protection Area (SPA) classified for its breeding black-throated divers. This proposal could be progressed with appropriate mitigation. However, because it could affect internationally important natural heritage interests,

SNH object to this proposal unless it is made subject to conditions so that the works are done strictly in accordance with recommended mitigation.

SNH also provide advice on what they consider to be significant landscape, visual and cumulative effects. In their opinion, the proposal is clearly contrary to the guidance set out in the 'Argyll and Bute Landscape Wind Energy Capacity Study' (LWECS) commissioned jointly by SNH and Argyll and Bute Council in 2017. SNH consider that the nature and scale of the proposal cannot be accommodated in this location without significant adverse landscape and visual effects, including:

- Significant adverse landscape effects on parts of the Upland Forest Moor Mosaic (6b) and the small scale settled 'Rocky Mosaic'(20) landscape character types and associated seascape;
- Significant adverse visual effects from key viewpoints in particular coastal views and views from the sea where key routes, scattered settlement and recreation areas are concentrated;
- Significant adverse strategic cumulative landscape effect;
- Significant adverse cumulative landscape and visual effects; and
- Adverse effect upon the character, qualities and experience of the landscape.

From the information presented in the EIA Report, SNH also seek further clarification regarding the ornithology surveys and assessment.

Royal Society for the Protection of Birds (RSPB) (20th October 2017) – does not object to this proposal, however they have concerns that some potential impacts may have been underestimated. RSPB provide advice in relation to red-throated diver and habitat management in order to minimise biodiversity impacts of the development.

Forestry Commission Scotland (FCS) (9th November 2017) – object on the grounds that the proposal is not UKFS compliant and insufficient information has been presented within the Environmental Statement (ES). FCS recommends that in the event of an approval a condition is applied to any consent to ensure compensatory planting and a full forest plan is completed.

Transport Scotland (10th October 2017) – no objection subject to conditions relating to: consultation with Transport Scotland prior to works on the southern access; consultation with Transport Scotland on works within the Trunk Road boundary; to ensure that the development does not affect the integrity of the trunk road drainage network; provision of the abnormal load assessment to Transport Scotland; provision of a Traffic Management Plan; consultation with Transport Scotland on the Traffic Management Plan where proposals may directly or indirectly affect the trunk road network; and that the Traffic Management Plan takes account of Traffic Management Plans for other wind farms and major developments in the area.

Council's Roads Engineer (5th October 2017) – does not object to the proposal subject to conditions to ensure that all construction traffic accesses the site directly from the A83 Tarbet – Campbelltown Trunk Road; and that no construction traffic uses the B8024 Kilberry Road without written permission from Roads & Amenity Services.

Council's Archaeological Advisors, the West of Scotland Archaeologist Service – no response at time of writing.

Council's Access Officer – no response at time of writing.

Council's Local Biodiversity Officer (30th October 2017) – notes that the turbines will be sited in either Class 1, 2 and Class 5 carbon-rich soils and reference should be made to SG LDP 11 Protection of Soil and Peat Resources in this regard. Welcomes the inclusion of a CEMP along with the employment of an Ecological Clerk of Works to ensure that plan is effective and delivered. Recommends that the CEMP should include the management of peat; the access route adjacent and over existing freshwater burns, along with a Conservation Action Plan. Asks that monitoring of habitats and species are included so as to assist in ensuring that they are being effectively managed. This approach will allow for any modifications for the purpose of mitigation.

Council's Environmental Health Officer (26th October 2017) – no objection subject to conditions relating to: control noise of immissions; noise complaints and assessment by independent consultant; remedial action following complaint; continuous logging of wind speed, wind direction and power generation data; provision of a private water supply action plan; and provision of a nominated representative to act as a point of contact in connection with noise complaints.

Council's Flood Risk Assessor – no response at time of writing.

Historic Environment Scotland (4th October 2017) – do not object to the proposal.

Marine Scotland (6th October 2017) – recommend the developer establish a robust water quality monitoring programme, which in addition to the proposed mitigation measures, should aim to minimise and/or avoid any impacts on the fish populations within and downstream of the proposed development area and to protect the water quality such that there is no deterioration in the status as a result of the development, thereby adhering to the requirements of the Water Framework Directive.

SEPA (31st October 2017) - no objection.

Scottish Water (20th September 2017) – no objection. There are no Scottish Water Drinking Water Protected Areas in the area that may be affected by the proposed development. There are no other Scottish Water assets that would be affected by the proposed development (including water supply and sewer pipes, water and waste treatment works, reservoirs etc).

Ministry of Defence (12th September 2017) – no objection subject to conditions to secure aviation safety lighting.

Argyll District Salmon Fishery Board (6th October 2017) – no overall concerns about the development, they expect that the condition and connectivity of brown trout habitat on the site and its access routes is retained throughout and after the construction phase of the project.

Fisheries Management Scotland (7th September 2017) – no objection but advise that consultation should be undertaken with the Argyll District Salmon Fishery Board, and the catchments relating to the Argyll Fisheries Trust.

National Air Traffic Services (NATS) (6th September 2017) – no safeguarding objection to the proposal.

VisitScotland (15th September 2017) – no objection, their response focuses on the crucial importance of tourism to Scotland's local and national economy, and of the natural landscape for visitors and strongly recommend any potential detrimental impact

of the proposal on tourism - whether visually, environmentally and economically - be identified and considered in full.

West Kintyre Community Council (30th October 2017) – object on the grounds of: visual impact, cumulative impact, and adverse effect on the vital tourist economy of the area.

South Knapdale Community Council (13th December 2017) – is mindful that it is required to represent the views and concerns of local people. In the case of the Airigh Wind Farm proposal, two very different categories of view have been expressed. One group is supportive of the wind farm, the other group objects to it. There is no clear, quantifiable majority view evident to SKCC. Comments in support of the proposal relate to: community benefit/shared ownership; limited visibility; private water supplies; operational noise; construction traffic; and employment/investment opportunities. Comments against the proposal relate to: Area of Panoramic Quality; height of turbines; precedent; excessive development; ornithology; and socio-economic impact on businesses in the area.

BT (7th September 2017) – the proposal should not cause interference to BT's current and presently planned radio networks.

Peat Landslide Hazard and Risk Assessments Checking Report Prepared for Energy Consents Unit by AM Geomorphology Ltd (10th October 2017) – concludes that the PSA requires resubmission due to shortcomings in key elements of the assessment.

Crown Estate Scotland (20th September 2017) – the assets of Crown Estate Scotland are not affected by this proposal.

The Coal Authority (27th September 2017) – no objection

(D) REPRESENTATIONS:

There have been 9 representations made to the Scottish Government's Energy Consents Unit at time of writing of this report.

As this is not a planning application the Energy Consent Department's web page is where the full and formal record of representations must be recorded and not the Council's public access system. All representations can be found on the Scottish Government Webpage related to this application which provides the up-to-date listing of third party representations and other submissions relating to this S36 application.

At time of writing the number of representations in support is 3 and the number of objections is 6. Scottish Government Energy Consents Unit policy is not to publish any personal details: Name/s, Address, email address, telephone number and signatures. The content of the letters may be summarised as follows:

Supporters:

- Mid Argyll is an area that really needs employment opportunities and this project will bring that in both a major construction project and subsequent ongoing engineering and infrastructure support. Despite the dire warnings put forward by some, I have not found the existing wind farms at Allt Dearg and Srondoire to be intrusive or noisy and I am not aware of any downside from those projects.

- Having considered the environmental and economic effects of the proposed wind farm, we hereby wish to register our support for the proposal.
- I support the wind farm on Airigh and hope it will go ahead.

Objectors:

Wind Resource

- The wind is not a reliable energy source. Sometimes there is not enough wind, sometimes there are too strong winds. Therefore you have to have a dependable back up system.

No Local Need

- There is no local need for energy production. We and our neighbours are surrounded by turbines. If there was a need hydro energy would be a better choice.

Scale

- The site chosen by the developers, we are told is in a hollow to help screening of the site, but are then informed that the turbines are to be the largest they can install at just under 150 metres high (8 metres short of the height of Blackpool Tower). The current Argyll & Bute regulations appear to limit turbine heights to 130 metres maximum throughout the county, so I am not sure that these applied for heights are compliant.

Landscape

- Turbines despoil the landscape and the habitat for humans and animals. The proposal clearly violates the designation of the area as being of "special beauty and scientific interest".
- It would be yet another visual intrusion into the landscape of Argyll. It would be visible from my house which already has to endure the blot on the landscape which is the Freasdail wind farm. These developments are not wanted by the vast majority of local inhabitants and have a detrimental effect on tourism; Freasdail has already attracted lots of adverse comments from visitors to whom I have spoken. It would also involve the construction of yet more miles of unsightly tracks.

Visual

- I have attended both public exhibitions regarding Airigh Wind Farm, which was held in Templar arts and leisure centre. On both occasions Force 9 Energy admit that from the main Tarbert to Clachan Road residents would be able to see the tops of the wind turbines. However, as our house is considerably higher than the main road we would be exposed to more of these turbines. In addition to this our back garden is also elevated from the house, resulting in the higher up the garden we are the more of the wind farm would be seen.

Carbon Footprint

- Can we be sure the “carbon footprint” will be negligible for the construction of the platforms for the 14 turbines and their eventual removal, construction of roads and other infrastructure?

Ornithology & Ecology

- Golden eagles have this year been sighted by several people within Carse Forest together with red deer, adders, badgers, red squirrels, bats and a plethora of other birds. Do they have no rights? Who speaks for them? When they are killed by the turbines and in case of the birds have their migratory pathways disrupted; it may be too late to recreate their habitat and lure them back.
- The proposed site is in an area of unspoilt beauty. The plant and tree species should remain protected. The wild life is also special and should be protected (sea eagle osprey?)

No support

- We have not met one single neighbour who supported the Force 9 Energy proposal, all to a person was against, even with a possible promise of cash back from the energy companies to the community.
- The only ones who benefit from this monstrosity of a proposal are some absentee landowners and energy companies, who have fought hard to get the decision making moved away from the local Argyll and Bute Council.

Energy Storage

- There currently is no way of storing electricity (batteries or otherwise) and there is a significant loss of electricity by transport from the production site.

Access & Traffic

- I'm not opposed to the proposed location of the wind farm itself – my objection is principally to the means of access from the A83, a considerable distance to the north. Between the existing Allt Dearg wind farm and the proposed site is an expanse of remote moorland crossed only by a few unobtrusive land rover tracks, which are quite in keeping with an area that feels wild in nature – the necessary ‘upgrade’ of these tracks to support turbine transportation will leave a huge scar on an unspoilt landscape and change its character forever. I feel that if the development is to proceed access should come from the South/East through existing forestry, with perhaps an upgrade to a mile or two of the B8024. This would also avoid the necessity of transporting the turbines through the middle of Tarbert (assuming they will be coming up from Kintyre).
- One of my main concerns is around the safety of the vastly increased volume weight and size of the traffic on an inadequate single track road. I regularly run and cycle on this road and cannot imagine how my safety will not be compromised by this development.
- The application involves a 17km Haul Road from an existing wind farm through and alongside, Areas of Panoramic Quality, as defined by Argyll & Bute Council. As an

ex HGV1 Driver, I have grave reservations over this road and its route and the contours it follows as designed, as it has to be able to allow Turbine Blades some 54 metres, the largest in length, I believe of any in Great Britain at this time, which by any measurement are exceptional loads. This Road and its construction along with the Borrow Pits will be visible from many places and if the recent development at Freasdail (Kintyre) is anything to go by, the road as drawn may well prove inadequate and then in physical terms have to be re-engineered to allow safe haulage, all to the detriment of the local scenery.

- At the most recent public meeting the developers stated that construction of the site would be done, if permission were granted, through the 17km Haul Road, but that the servicing of the wind farm would be done by all vehicles travelling along the B8024 and the through the main Forestry Haul Road, over the next 25/30 years. This single track, poorly maintained road is constantly used for Timber Extraction currently, is a designated national cycle route and has recently been designated of significant scenic interest, along the lines of the NC500. We as residents wonder how on earth we are going to be able to enter and exit our own properties along this single road with this proposed significant uplift in traffic, this on a road which is already unfit for the traffic it carries today.

Tourism & Recreation

- A major local industry: Tourism will be devastated by this proposal. Tourists are coming to our beautiful part of Scotland to enjoy our unspoilt nature, not to look at 150 feet high wind turbines.
- I understand the need for alternative energy and locally the Kintyre Peninsular has a number of wind farms already constructed as well as some in the pipeline, so the South Knapdale Peninsular, which has to date been held in high regard for its scenic beauty, does not need to be blighted by this development. Visitors to the area in the future will not have anywhere to enjoy our natural habitat, if no thought is given to keeping some areas of Argyll untouched by the development.

Community

- I have followed the developer's information distribution locally with interest. They have been very economical with their community involvement when contrasted with other wind farm developments around this area and the information has been limited to what they consider we need to know.

Public Consultation Exercise

Members should also note that the applicants have held community engagement events in order to present details of the scheme and receive feedback from the local community. This included public exhibitions and a dedicated webpage with information and contact details.

(E) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) **Environmental Impact Assessment Report:** Yes

An EIA Report dated August 2017 was submitted in support of this S36 application which considers the following key issues:

- Introduction
- Approach to the EIA
- Site Selection and Design Strategy
- Scheme Description
- Planning and Legislative Context
- Landscape and Visual Amenity
- Hydrology, Hydrogeology, Geology and Soils
- Ecology
- Ornithology
- Cultural Heritage
- Noise and Vibration
- Access, Traffic and Transport
- Socio-Economics, Tourism and Recreation
- Other Issues
- Summary of Significant Effects

- (ii) **An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** A Habitat Regulation Appraisal is required to be undertaken by Scottish Government for this proposal.
- (iii) **A design or design/access statement:** Yes
- (iv) **A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc:** Yes

(F) 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

Members are asked to note in the context of the development plan and planning process that this application has been submitted to the Scottish Government under s.36 of the Electricity Act 1989. As part of the s.36 application process, the applicant is also seeking that the Scottish Ministers issue a Direction under s.57 (2) of the Town and Country Planning (Scotland) Act 1997 that deemed planning permission be granted for the proposed development.

In such instances, the Development Plan is not the starting point for consideration of Section 36 applications, as Sections 25 and 37 of the of the Town & Country Planning (Scotland) Act 1997 which establish the primacy of development plan policy in decision-making, are not engaged in the deemed consent process associated with Electricity Act applications. Nonetheless, the adopted Argyll & Bute Local Development Plan 2015 still remains an important material consideration informing the Council's response to this proposal.

Schedule 9 of the Electricity Act does require both the applicant and the decision-maker to have regard to the preservation of amenity. It requires that in the formulation of proposals the prospective developer shall have regard to:

- (a) *the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and*
- (b) *shall do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.*

Similarly, it obliges the Scottish Ministers in their capacity as decision maker to have regard to the desirability of the matters at (a) and the extent to which the applicant has complied with the duty at (b).

Consideration of the proposal against both the effect of 'Scottish Planning Policy' 2014 (SPP) and the adopted Argyll & Bute Local Development Plan 2015 will ensure that proper consideration is given by the Council to the extent to which the proposal satisfies these Schedule 9 duties.

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

'Argyll & Bute Local Development Plan' (2015)

LDP STRAT 1 – Sustainable Development
LDP DM 1 – Development within the Development Management Zones.
LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment
LDP 4 – Supporting the Sustainable Development of our Coastal Zone
LDP 5 – Supporting the Sustainable Growth of our Economy
LDP 6 – Supporting the Sustainable Growth of Renewables
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 to the Argyll and Bute Local Plan 2015' (2016)

SG LDP ENV 1 – Development Impact on Habitats, Species and our Biodiversity
SG LDP ENV 2 – Development Impact on European Sites
SG LDP ENV 4 – Impact on Sites of Special Scientific Interest (SSSIs) and National Nature Reserves
SG LDP ENV 6 – Development Impact on Trees / Woodland
SG LDP ENV 7 – Water Quality and the Environment
SG LDP ENV 9 Development Impact on Areas of Wild Land
SG LDP ENV 10 Geodiversity
SG LDP ENV 11 – Protection of Soil and Peat Resources
SG LDP ENV 12 – Development Impact on National Scenic Areas (NSAs)
SG LDP ENV 13 – Impact on Areas of Panoramic Quality (APQs)
SG LDP ENV 14 – Landscape
SG LDP ENV 15 Development Impact on Historic Gardens and Designed Landscapes

SG LDP ENV 16(a) Development Impact on Listed Buildings
SG LDP ENV 19 – Impact on Scheduled Ancient Monuments (SAMs)
SG LDP ENV 20 – Impact on Sites of Archaeological Importance
SG LDP Sustainable Siting and Design Principles
SG LDP SERV 2 – Incorporation of Natural Features/SuDS
SG LDP Sustainable – Sustainable Siting and Design Principles
SG LDP SERV 3 – Drainage Impact Assessment
SG LDP SERV 5(b) Provision of Waste Storage and Collection Facilities within New Development
SG LDP SERV 6 – Private Water Supplies and Water/Waste Conservation
SG LDP SERV 7 – Flooding and Land Erosion – The Risk Framework for Development
SG LDP TRAN 1 – Access to the Outdoors
SG LDP TRAN 4 – New & Existing, Public Roads & Private Access Regimes
SG LDP TRAN 6 – Vehicle Parking Provision
SG LDP TRAN 7 – Safeguarding of Airports
Supplementary Guidance 2 (December 2016)
Supplementary Guidance 2 - Windfarm map 1
Supplementary Guidance 2 - Windfarm map 2

Note: The above supplementary guidance has been approved by the Scottish Government. It therefore constitutes adopted policy.

Note: The Full Policies are available to view on the Council's Web Site at www.argyll-bute.gov.uk

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

- National Planning Policy Framework 3 (NPF3) (June 2014)
- Scottish Planning Policy (SPP) (June 2014)
- Scottish Government's Onshore wind turbine: planning advice (May 2014)
- 'Argyll and the Firth of Clyde Landscape Character Assessment' SNH (1996);
- 'Argyll and Bute Landscape Wind Energy Capacity Study' SNH and A&BC (2017)
- 'Guidance on Siting and Designing Windfarms in the Landscape' SNH (2009);
- 'Control of Woodland Removal Policy' (FCS 2009)
- Scottish Historic Environment Policy (SHEP)
- 'Scottish Energy Strategy: The Future of Energy in Scotland' (consultation draft) January 2017
- 'Onshore Wind Policy Statement' (December 2017)
- Views of statutory and other consultees;
- Legitimate public concern or support expressed on relevant planning matters

G) Does the Council have an interest in the site: No

(H) **Is the proposal consistent with the Development Plan:** No

(I) **Summary of reasons why planning authority should object to this Section 36 application:**

- The proposal by virtue of its scale and location is clearly contrary to the guidance set out in the 'Argyll and Bute Landscape Wind Energy Capacity Study' (LWECS 2017) and it cannot be accommodated in its receiving landscape without giving rise to significant adverse landscape and visual effects, including:
 - Significant adverse landscape effects on parts of the Upland Forest Moor Mosaic (6b) and the small scale settled 'Rocky Mosaic' (20) landscape character types and associated seascape;
 - Significant adverse visual effects in the appreciation of South Knapdale from frequented coastal locations in west Kintyre and from the Isle of Gigha where sensitive receptors in terms of transport routes, settlement and tourism/recreational assets are concentrated, and in views of South Knapdale from locations offshore;
 - Significant adverse strategic cumulative landscape impact resulting from the spread of the effects of wind farm development from the Kintyre peninsula, where development is currently concentrated, across West Loch Tarbert into South Knapdale;
 - Significant adverse cumulative landscape and visual effects upon the experience of Knapdale and Kintyre, particularly having regard to the combined effect with Freasdail Wind Farm which would lead to a presence of wind farm development on both sides of West Loch Tarbert.

In light of the above it is considered that the proposal is contrary to the provisions of: 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 4 – Supporting the Sustainable Development of our Coastal Zone; LDP 6 – Supporting the Sustainable Growth of Renewables; SG LDP ENV 12 – Development Impact on National Scenic Areas (NSAs); SG LDP ENV 13 – Impact on Areas of Panoramic Quality (APQs); SG LDP ENV 14 – Landscape; SG LDP Sustainable Siting and Design Principles; and the Argyll & Bute Council Wind Energy Capacity Study.

- Although the contribution which this proposal could make to renewable energy targets and the achievement of climate change commitments are material considerations, as are local economic benefits associated with construction and operation, these are not of sufficient weight to offset the identified adverse effects upon the local environment.
- Having regard to the above, the proposal conflicts with SPP, the adopted Local Development Plan, the Council's 'Landscape Wind Energy Capacity Study' (2017) and SNH design and siting guidance for wind farm development.

Note: This is a summary - please refer to recommended reasons for objection on the following page.

Reviewing Officer: Sandra Davies

Date: 22nd December 2017

Angus Gilmour
Head of Planning Housing and Regulatory Services

RECOMMENDED REASONS FOR OBJECTION TO 17/02484/S36

1. The proposal lies in the Upland Forest Moor Mosaic (UFMM) (6b) landscape character type (LCT) identified in the 'Argyll and Bute Landscape Wind Energy Capacity Study' (LWECS 2017) which has established that this LCT has an overall 'high sensitivity' to Very Large typology wind turbines and affords no scope to accommodate them. The area in which the proposal is located forms the landscape backdrop to the coastal, small scale, settled Rocky Mosaic LCT and to views across the scenic West Loch Tarbert area. The proposal lies within the western part of this area which is designated an Area of Panoramic Quality (Knapdale APQ). This landscape also forms the backdrop to the adjacent Knapdale National Scenic Area (NSA).

In this location, there are a number of landscape characteristics increasing sensitivity to large or very large turbines, including the scale, complexity of landform, visual sensitivity, and landscape context. The close proximity of the development to the highly sensitive coastal landscape (Rocky Mosaic LCT) and intrusion into the landscape of South Knapdale as appreciated from locations across West Loch Tarbert, and across the sea from locations in West Kintyre and from Gigha, are key constraints. At 149.5m to blade tip the turbines will appear out of scale/too large in relation to the higher open ridge to the north-east and distract from the landscape setting of West Loch Tarbert (as represented by VP 9 Dun Skeig). These uplands currently form an uncluttered backdrop to the scenic West Loch Tarbert area and the introduction of development at this scale would compromise this composition and significantly detract from the contribution South Knapdale makes to the experience of West Loch Tarbert (as represented by VP 10 Ronachan) and the appreciation of this area across water (as represented by VP F2 from the Islay-Jura ferry).

The number and size of turbines proposed would therefore have a significant adverse effect upon the character, qualities and experience of the landscape within areas of the Upland Forest Moor Mosaic (6b) and the smaller scaled and settled 'Rocky Mosaic' (20) landscape character types and associated seascape. This would be clearly contrary to the guidance set out in the 'Argyll and Bute Landscape Wind Energy Capacity Study' 2017.

The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected direct or indirect benefits which a development of this scale would make, including local economic benefits and the achievement of climate change related commitments. Having due regard to the above it is considered that this proposal is inconsistent with the provisions of the Scottish Planning Policy; Scottish Government's Onshore wind turbine: planning advice (May 2014); 'Onshore Wind Policy Statement' (December 2017); Policies LDP STRAT 1 - Sustainable Development; LDP DM 1 – Development within the Development Management Zones; LDP 6 – Supporting the Sustainable Growth of Renewables; and LDP 9 – Development Setting, Layout and Design; of the 'Argyll & Bute Local Development Plan' (adopted 2015) and Supplementary Guidance: SG LDP ENV 13 – Impact on Areas of Panoramic Quality (APQs); and the conclusions of the 'Argyll & Bute Landscape Wind Energy Capacity Study' (LWECS) 2017.

2. There is extensive visibility of the proposal from the West Loch Tarbert area, the wider seascape (including islands) and from part of the west coast of Kintyre. Development on the scale proposed would intrude in scenic views from these locations and would compromise the contribution South Knapdale makes to the landscape setting of West Loch Tarbert in particular. It would pose significant adverse effect on views from the Islay – Jura ferry (as represented by VP F2) and would extend the influence of wind farm development upon the Isle of Gigha from locations to the east within Kintyre, to also include this additional location to the north. The proposal's significant visual effects would include popular and scenic walking routes including part of the Kintyre Way (as represented by VP 10 Ronachan), the walk to Dun Skeig (as represented by VP 9 Dun Skeig), coastal locations popular for recreation on the north-west coast of Kintyre and around the West Loch Tarbert area, and would include views from the Islay/Jura ferry and recreational watercraft. In addition to the inappropriate scale of the turbines, the design results in a poor layout and image from some locations (as represented by VP 3) where there is a considerable variation in turbine position/height.

The proposal would therefore lead to significant adverse visual effects in the appreciation of South Knapdale from frequented coastal locations in west Kintyre and from the Isle of Gigha where sensitive receptors in terms of transport routes, settlement and tourism/recreational assets are concentrated, and in views of South Knapdale from locations offshore. This would be clearly contrary to the guidance set out in the 'Argyll and Bute Landscape Wind Energy Capacity Study' 2017.

The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected direct or indirect benefits which a development of this scale would make, including local economic benefits and the achievement of climate change related commitments.

Having due regard to the above, it is considered that this proposal is therefore inconsistent with the provisions of the Scottish Planning Policy and Scottish Government's Onshore wind turbine: planning advice (May 2014); 'Onshore Wind Policy Statement' (December 2017); Policies LDP STRAT 1 - Sustainable Development; LDP DM 1 – Development within the Development Management Zones; LDP 6 – Supporting the Sustainable Growth of Renewables; and LDP 9 – Development Setting, Layout and Design; of the 'Argyll & Bute Local Development Plan (adopted 2015) and Supplementary Guidance: SG LDP ENV 13 – Impact on Areas of Panoramic Quality (APQs); and the Argyll & Bute Landscape Wind Energy Capacity Study (LWECS) 2017.

3. The proposal would result in the spread of the effects of wind farm development from the Kintyre peninsula, where development is currently concentrated, across West Loch Tarbert into Knapdale, thereby posing significant adverse cumulative effects on the experience of Knapdale and Kintyre. The uplands of Knapdale presently provide an important uncluttered backdrop to, and contribute to the scenic composition of, West Loch Tarbert. This proposal would extend the influence of very large scale wind turbine development to the northern side of West Loch Tarbert, thereby reducing the distinctiveness of the Knapdale landscape and the contribution which it makes to the setting of sensitive coastal areas valued for their scenic qualities. In particular, it would impinge on the dramatic coastal panoramas of the Paps of Jura as

experienced from west Kintyre where they are first revealed (Clachan and Ronachan).

This change to the established pattern of development, and the spread of development into a new area would also be experienced from locations offshore, particularly from the Isle of Gigha and from key ferry routes. Significant adverse cumulative visual effects would occur from offshore, and from parts of Gigha as represented by VP 12, the sea and West Loch Tarbert as represented by the Islay – Jura ferry view (F2) where, in combination with Freasdail Wind Farm, wind farms would then have an unwelcome presence on both sides of West Loch Tarbert.

These significant adverse cumulative landscape and visual effects would be clearly contrary to the guidance set out in the 'Argyll and Bute Landscape Wind Energy Capacity Study' 2017.

The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected direct or indirect benefits which a development of this scale would make, including local economic benefits and the achievement of climate change related commitments.

Having due regard to the above, it is considered that this proposal is therefore inconsistent with the provisions of the Scottish Planning Policy; Scottish Government's Onshore wind turbine: planning advice (May 2014); 'Onshore Wind Policy Statement' (December 2017); Policies LDP STRAT 1 - Sustainable Development; LDP DM 1 – Development within the Development Management Zones; LDP 6 – Supporting the Sustainable Growth of Renewables; and LDP 9 – Development Setting, Layout and Design; of the 'Argyll & Bute Local Development Plan (adopted 2015) and Supplementary Guidance: SG LDP ENV 13 – Impact on Areas of Panoramic Quality (APQs); and the Argyll & Bute Landscape Wind Energy Capacity Study (LWECS) 2017.

APPENDIX A - PLANNING LAND USE AND POLICY ASSESSMENT

A. THE SECTION 36 CONSENTING REGIME

In Scotland, any application to construct or operate an onshore power generating station with an installed capacity **of over 50 megawatts (MW)** requires the consent of Scottish Ministers under Section 36 of the Electricity Act 1989. Any ministerial authorisation given would include a 'deemed planning permission' and in these circumstances there is then no requirement for a planning application to be made to the Council as Planning Authority. The Council's role in this process is one of a consultee along with various other consultation bodies. It is open to the Council to either support or object to the proposal, and to recommend conditions it would wish to see imposed in the event that authorisation is given by the Scottish Government. In the event of an objection being raised by the Council, the Scottish Ministers are obliged to convene a Public Local Inquiry (PLI) if they are minded to approve the proposal. They can also choose to hold a PLI in other circumstances at their own discretion. Such an inquiry would be conducted by a Reporter(s) appointed by the Directorate for Planning and Environmental Appeals.

In the event that consent is given, either where there has been no objection from the Council, or where objections have been overruled following PLI, the Council as Planning Authority would become responsible for the agreement of matters pursuant to conditions, and for the ongoing monitoring and enforcement of such conditions. This report reviews the policy considerations which are applicable to this proposal and the planning merits of the development, the views of bodies consulted by the Scottish Government along with other consultations undertaken by the Council, and third party opinion expressed to the Scottish Government following publicity of the application by them. It recommends views to be conveyed to the Scottish Government on behalf of the Council before a final decision is taken in the matter.

The conclusion of this report is to recommend that objection be raised to this proposal on the grounds of significantly adverse landscape, visual and cumulative impacts. It is not necessary at this point in the process to recommend conditions in the event that the project is authorised by the Scottish Ministers, for if they are minded to approve the project regardless of an objection by the Planning Authority, there would be opportunity to suggest appropriate conditions as part of the Public Local Inquiry which would require to be convened in such circumstances.

B. Settlement Strategy

The proposed wind farm and access is located within a 'Rural Opportunity Area', 'Countryside Zone', and 'Very Sensitive Countryside' as defined by the 'Argyll and Bute Local Development Plan'. Within Rural Opportunity Areas and the Countryside Zone Policy LDP DM 1 – Development within the Development Management Zones, only supports development up to 'small scale' on appropriate sites including the open countryside as well as small scale infill, rounding-off, redevelopment and change of use of existing buildings. Only in exceptional cases, will up to and including large scale development be supported if it accords with an Area Capacity Evaluation (ACE). The policy does not however require an Area Capacity Evaluation (ACE) for renewable energy related developments which are the subject of Environmental Impact Assessment. Within Very Sensitive Countryside, encouragement is only given to specific categories of development on appropriate sites, which does include renewable energy related development.

Policy LDP 6 – Supporting the Sustainable Growth of Renewables supports renewable energy developments where they are consistent with the principles of sustainable development and it can be adequately demonstrated that there would be no unacceptable significant adverse effects, whether individual or cumulative, including on local communities, natural and historic environments, landscape character and visual amenity, and that the proposals would be compatible with adjacent land uses.

For the reasons detailed below in this report, it is considered that this proposal does not satisfy Local Development Plan policy, and Scottish Government policy and advice in respect of wind farm development.

Having due regard to the above it is considered that the proposal is contrary to the provisions of the SPP (2014); Scottish Government’s Onshore wind turbine: planning advice (May 2014); ‘Onshore Wind Policy Statement’ (December 2017); and relevant Local Development Plan Policy in this regard.

C. Location, Nature and Design of Proposed Development

The site is located in South Knapdale, approximately 8.4km from Tarbert. Whilst the site occupies a total area of approximately 890 hectares (ha), the development will only occupy a small percentage of this area. The site is located in a bowl-like area and is currently covered with forest plantations, with a network of rides and tracks of varying accessibility. The existing forest plantations are of relatively mature stages, and a few areas have recently been felled, with some replanted.

The closest sizeable settlement to the development is Tarbert, with small settlements within approximately 15km at Kilberry, Carse, Whitehouse, Clachan, Claonaig and Achahoish. The main public road in proximity to the site, and from which the site will be accessed, is the A83 trunk road that runs the length of the Kintyre peninsula, running south along the west coast of Loch Fyne to Tarbert, then along the slopes south of West Loch Tarbert and along the west coast from Ronachan southwards.

This proposal comprises 14 horizontal axis three bladed wind turbines (including external transformers), each up to 149.5 m maximum to tip height, producing a total installed wind farm capacity of between 50.4 and 58.8 MW. Key elements of the proposal include: crane hard standings; onsite underground electrical cables; a control building; site signage; vehicle turning circles; approximately 30.4km of access tracks (of which 16km is existing track which will be upgraded and 14.4km is new and includes the new site access); and replanting of 129.4ha of forestry. In addition, construction of the development will also require: felling of 160.2ha of forestry to accommodate turbines and associated infrastructure; the creation of up to 10 temporary on-site borrow pits for the extraction of stone (subject to site investigation and separate consent); three temporary construction compounds/laydown areas; and planting of 26.6ha of native scrub forest by way of forest compensation and habitat enhancement.

The general design of the turbines and ancillary structures follows current wind energy practice. The design of the sub-station could benefit from amendments to the gable width and roof pitch, more appropriate detailing and finishing. Subject to this it could integrate appropriately into the location suggested, taking the appearance of a traditional building.

The various material considerations requiring to be addressed by virtue of the effect of national and development plan policy and relevant Council and SNH siting, design and landscape guidance are assessed individually below.

D. Landscape and Visual Effects

Landscape Guidance - The 'Argyll and Bute Landscape Wind Energy Capacity Study' 2017 (LWECS) forms a material consideration in the appraisal of this proposal. The proposal lies in the 'Upland Forest Moor Mosaic' (UFMM) (6b) landscape character type (LCT) identified in the LWECS. This character type has an *"irregular, often complex craggy landform with pronounced ridges and occasional high, more defined summits, although some limited areas of slightly smoother and gentler hill slopes also occur, mainly in the south-west"*. Importantly, this area forms the backdrop to the coastal, small scale, settled 'Rocky Mosaic' LCT and views across the scenic West Loch Tarbert area. The proposal lies within the western part of the area which is designated an Area of Panoramic Quality (Knapdale APQ). This landscape also forms the backdrop to the adjacent Knapdale National Scenic Area (NSA).

The LWECS concludes that the UFMM (6b) LCT has some limited scope for wind energy development; but no scope for very large turbines and a clear acknowledgement that turbines less than 80 m would be more likely to minimise effects on the coast, the A83 and other views over West Loch Tarbert. Whilst there may be some limited areas of simpler landform (in the south-west) well set back from the coast which could potentially relate in principle to large turbine typologies (80-130m), more generally, key constraints to development include: the complexity of landform, the higher open ridge and views across West Loch Tarbert. Sensitivity is heightened in the APQ.

The LWECS also found that this landscape has an overall high sensitivity to the 'Very Large' typology (>130m), and High-medium sensitivity to the 'Large' typology (80-130m turbines). The study concludes that there is **no scope** for the Very Large typology (>130m), and that there may be **some very limited scope** for Large turbines (80-130m). It advises that turbines should be sited in *"Areas of lower, less complex gently undulating landform set back from sensitive coastal edges and from the higher more defined ridges and pronounced summits...."* and *"sited to avoid significant intrusion on views over West Loch Tarbert from the A83, from the adjacent settled and small scale Rocky Mosaic (20)...."*

Key Landscape and Visual Effects

Key Strategic Issues

- SNH consider the proposed Airigh wind farm would have significant adverse impacts on the regionally distinctive landscape of the West Loch Tarbert area; in terms of its landscape character and visual amenity, adversely affecting the experience of the landscape for both residents and tourists.
- The addition of the proposed development would also give rise to significant adverse cumulative effects on the experience of Knapdale and Kintyre. In the context of considerable levels of existing, consented and proposed wind farm development on the adjacent Kintyre peninsula. Airigh wind farm would spread development into a distinctive, scenic part of the Knapdale/West Loch Tarbert area. In SNH's opinion, it is important to retain a balance of wind farm developed and undeveloped landscapes/seascapes.

Landscape Character

West Loch Tarbert - West Loch Tarbert is regionally distinctive; the interplay of land and sea and the strongly grained landform, with rugged parallel ridges aligned on a

north-east south-west axis, creates a diverse landscape of dramatic contrasts in scale and form.

The high open ridge (Meall Reamhar-Stob Odhar) forms a prominent feature and important backdrop, contrasting with the layers of very complex smaller ridges stepping down to the sea, the small-scale and settled character of the coast, and the diverse coastal scenery comprising sandy bays, skerries and islands, contrasting with the wider complex seascapes and panoramic views over the islands. Key views across West Loch Tarbert extend west to the scenic; vast coastal panoramas of the western seaboard encompassing the silhouettes of the islands of Gigha, Islay and Jura and the dramatic focus of the Paps of Jura.

The experience of the area is dominated by views to and from the coastal edge, the sea and the islands. The proposal will significantly impinge on this scenic composition and distract from the key features and foci.

The LWECS advises that there is no scope for the scale of turbine proposed (>130m). While the LWECS finds there may be some very limited areas of simpler landform, well set back from the coast able to accommodate large turbines (80-130m) in this character sub-type; it clearly indicates that most of the area will be highly sensitive to this scale of development due to a number of constraints. In this location, there are a number of landscape characteristics increasing sensitivity to large or very large turbines including the scale, complexity of landform, visual sensitivity, and landscape context. The close proximity of the development to the highly sensitive coastal landscape (Rocky Mosaic LCT) and intrusion into key views across West Loch Tarbert area are key constraints.

In SNH's opinion, the turbines will appear out of scale/too large in relation to the higher open ridge to the north-east and distract from this key feature in views across West Loch Tarbert as represented by, for example, VP 9 Dun Skeig. Similarly, the turbines appear out of scale where the proposal is seen in conjunction with areas of more complex landform and settlement on the coastal fringes of West Loch Tarbert, as represented by, for example VP F2 from the Islay-Jura ferry. Importantly, these uplands currently form an uncluttered backdrop to the scenic West Loch Tarbert area. The introduction of this proposal would compromise this composition as represented by, for example, VP 10 Ronachan. Turbines of this scale in this location would significantly detract from the scenic views and experience of West Loch Tarbert.

SNH therefore consider there is potential for significant adverse effects on the character and experience of parts of the UFMM (6b) and Rocky Mosaic (20) LCTs, and the associated seascape. The LVIA concludes that there will only be a significant adverse effect on the receiving character type UFMM (6b) up to approximately 2km from the turbines. However, SNH consider that effects on landscape/seascape character may be underrated.

Effects on Designated Landscapes - The West Loch Tarbert area has high scenic value recognised in the designation of both Knapdale and the west coast of Kintyre as Areas of Panoramic Quality (former Regional Scenic Areas).

The LVIA concludes that there will be no significant effect on either APQ:

- Knapdale APQ – as views from the B8024 are not affected; and
- West Kintyre coast APQ – as it does not affect the “availability of panoramic views of the coastal interactions of land and sea”.

However, the LVIA does not fully define the qualities of the APQ, nor does it fully consider the effects on the views and experience of the APQs. Given this area forms the important and presently uncluttered backdrop to the diverse, settled coastal landscape, in particular key views of the scenic West Loch Tarbert area, SNH consider that the Environmental Impact Assessment Report may underrate the effects on the APQ.

Visual Effects

There is extensive visibility of the proposal from the West Loch Tarbert area, the wider seascape (including islands) and the west coast of Kintyre. The turbines vary in their relationship to landform and, as such, the image of the wind farm varies from most of the turbines being visible, to a collection of blades and tips or as blade tips flicking over the horizon (as represented by, for example, VP 8 A83 Whitehouse, West Loch Tarbert).

The LVIA considers 15 viewpoints, including the view from Islay – Jura ferry in West Loch Tarbert (F1-3). It concludes that significant adverse effects would only occur on 2 of these: VP9 Dun Skeig and VP 10 Ronachan. SNH concur that views from the areas that these viewpoints represent are significant. SNH consider there is likely to be a significant adverse effect on views from the Islay – Jura ferry (e.g. VP F2) and potentially from the Isle of Gigha and associated seascape.

In summary, SNH consider significant visual effects include:

- Popular and scenic walking routes including the promoted long distance route – part of the Kintyre Way as represented by, for example, VP 10 Ronachan and the walk to Dun Skeig as represented by, for example, VP 9 Dun Skeig.
- Coastal views and panoramas across West Loch Tarbert from the west coast of northern Kintyre including areas popular for recreation e.g. Ronachan.
- Offshore views from the sea e.g. West Loch Tarbert area including views from the Islay/Jura ferry and recreational watercraft with effects reducing with distance. The visualisation (VP 12, Gigha ferry terminal) provided to represent views from the Isle of Gigha is screened by landform (contrary to SNH guidance). This makes it difficult to draw conclusions regarding the overall effects from Gigha. SNH consider views from northern Gigha could potentially be significant. Further visualisations and assessment to represent the effect on views from Gigha would be helpful.
- Views from minor routes e.g. the Clachan area.

Design and Layout - The design results in a poor layout and image from some locations, as represented by, for example, VP 3 where there is a considerable variation in turbine position / height. This is probably due to the complexity of the landform, noting that turbine tips vary in height from 274m Above Ordnance Datum (AOD) to 370m AOD - almost 100m height variation, even with the use of different hub heights to ameliorate this effect.

Access Track - SNH highlight the potential effects of the associated infrastructure on the fabric of the landscape, including approximately 30.4km of track, of which 14.4km is new track and the remainder being upgraded. Given the relatively steep slopes on which the tracks are proposed, cut and fill would be required and the 'scarring' of tracks on the landscape is likely to arise. The effects on these relatively undeveloped hills are extensive and could be highly visible to people using the surrounding hills, and possibly from the local road network e.g. B8024 once rotational forestry felling is taken

into account. Approximately 3km of existing access track is located within the Knapdale NSA with a further 1km of track that forms the boundary of the NSA. Chapter 4 of the EIA Report: Scheme Description indicates that tracks will have a running surface of 5m (or 7m at bends). SNH recommend that in the event of any consent Scottish Government considers requesting track reinstatement and amelioration options appropriate to minimise visual impacts and to protect the qualities of the NSA.

Summary - The location and scale of the proposed wind farm is clearly contrary to the guidance set out in the 'Argyll and Bute Landscape Wind Energy Capacity Study' 2017. Although the location of the site affords beneficial topographical screening for some locations (within parts of the National Scenic Area to the north and for settlement fringing the South Knapdale coast, for example) it remains open to view from West Loch Tarbert, parts of the west Kintyre coast, from the north end of Gigha and from ferry routes and other locations offshore. In these views, from within smaller scaled landscapes, South Knapdale provides the upland landscape backdrop to valued views and seascapes, and in this context the scale of the turbines would be incongruous and disproportionately large to the scale of the receiving landscape. Whilst there might be more opportunity for a lesser number of smaller scaled turbines, the drive for large scale machines capable of economic viability in the post-subsidy regime is such that there has not been any scope for negotiation, and accordingly the only opportunity for the Council is to respond to the development as submitted to the Scottish Government. Adverse landscape, visual and cumulative impact effects therefore constitute the recommended reason for objection being raised in this case.

Having due regard to the above it is considered that this proposal is contrary to the provisions of SPP; Scottish Government's Onshore wind turbine: planning advice (May 2014); 'Onshore Wind Policy Statement' (December 2017); Argyll and Bute Local Development Plan; and the Landscape Wind Energy Capacity Study.

F. Cumulative Effects

Whilst the operational Allt Dearg/Sronoire wind farm is located in the same character type (UFMM 6b), critically it is screened in views from across West Loch Tarbert area by the high ridge between Meall Reamhar and Stob Odhar. Views of Knapdale from the West Loch Tarbert area are therefore currently not influenced by wind farm development. This is in marked contrast to views from Kintyre and views of Knapdale from outer Loch Fyne/Loch Caolisport area.

In SNH's view, the addition of the proposed development would give rise to significant adverse cumulative effects on the experience of Knapdale and Kintyre. In strategic terms, the southern section of Knapdale is a key area which has not been developed for wind farms. The proposed Airigh wind farm would result in the spread of the effects of wind farm development from the Kintyre peninsula where development is currently concentrated, across West Loch Tarbert to Knapdale. These uplands presently provide an important uncluttered backdrop to the scenic West Loch Tarbert area. Freasdail wind farm already adversely affects views to the south of West Loch Tarbert. This proposal would introduce development to the northern shores in a different landscape context thereby reducing the distinctiveness of the Knapdale landscape.

Airigh wind farm will extend the influence of wind farms into the sensitive coastal edge and areas of landscape valued for their scenic qualities. It would impinge on the dramatic coastal panoramas of the Paps of Jura as experienced from, for

example, west Kintyre (e.g. Clachan and Ronachan) where they are first revealed. The change to the established pattern of development, and spread of development into a new area would also be experienced offshore (islands and the sea) from, for example, the islands and key ferry routes.

In SNH's opinion, significant adverse cumulative visual effects would occur from offshore, for example parts of Gigha (as represented by VP 12), the sea and West Loch Tarbert as represented by, for example the Islay – Jura ferry view (F2) where, in combination with Freasdail wind farm, there would potentially be a 'corridor' effect. The significance of effects will diminish with distance. The LVIA found that significant effects would occur between the north end of Gigha and West Loch Tarbert.

Having due regard to the above it is considered that this proposal is contrary to the provisions of SPP; Scottish Government's Onshore wind turbine: planning advice (May 2014); 'Onshore Wind Policy Statement' (December 2017); the Argyll and Bute Local Development Plan; and the Landscape & Wind Energy Capacity Study

G. Ecological Impact

Protected Habitats - SNH note that the proposal will result in the loss of the 0.43 ha of blanket bog (Annex 1 Habitat Directive habitat, Scottish Biodiversity List and a UK Biodiversity Action Plan (UK BAP) Priority Habitat) for both permanent infrastructure and borrow pit areas. The proposal will also result in the permanent loss of 2.87 ha of wet heath habitat (Annex 1 Habitat Directive habitat, Scottish Biodiversity List and UK BAP Priority Habitat). SPP establishes carbon-rich soils, deep peat and priority peatland habitat as nationally important environmental interests.

The applicant proposes to enhance wet areas and increase the abundance and distribution of Sphagnum mosses by rendering drains, grips and redundant forestry ditches in the Woodland Management Area ineffective. The applicant also proposes to increase the abundance and distribution of dwarf shrubs (including *Calluna vulgaris*, *Empetrum nigrum* and *Vaccinium myrtillus*) within the Woodland Management Area by the management of deer densities.

Non-avian Protected species - SNH are satisfied with the assessment of the impacts of the proposal on non-avian protected species and the proposed mitigation to avoid any significant impacts.

SNH are pleased to note that pre-construction protected species surveys would be carried out and a suitably qualified Ecological Clerk of Works (ECoW) would be appointed during wind farm construction. SNH are also pleased to note that the applicant proposes to implement a Species Protection Plan during construction which will include measures to safeguard protected species known to be in the area. SNH also note that a Construction Environmental Management Plan (CEMP) would be implemented and would contain good practice environmental management and pollution prevention measures.

Marine Scotland recommend the developer establish a robust water quality monitoring programme, which in addition to the proposed mitigation measures, should aim to minimise and/or avoid any impacts on the fish populations within and downstream of the proposed development area and to protect the water quality such that there is no

deterioration in the status as a result of the development, thereby adhering to the requirements of the Water Framework Directive.

The Argyll District Salmon Fishery Board advise that while they have no overall concerns about the development, they expect that the condition and connectivity of brown trout habitat on the site and its access routes is retained throughout and after the construction phase of the project. Fisheries Management Scotland (FMS) advise that the proposed development falls within the district of the Argyll District Salmon Fishery Board, and the catchments relating to the Argyll Fisheries Trust and that the proposal should be conducted in full consultation with these organisations.

The Council's Local Biodiversity Officer has reviewed the Environmental Impact Assessment and has no objection to the proposal in this regard.

Having due regard to the above, it is considered that this proposal is consistent with the provisions of SPP; Scottish Government's Onshore wind turbine: planning advice (May 2014); 'Onshore Wind Policy Statement' (December 2017); and the relevant Local Development Plan Policy in terms of its impact on ecological interests.

H. Ornithological Impact

Natura Appraisal re Knapdale Lochs Special Protection Area for Birds (SPA) - The wind farm access track is proposed to run past Loch nan Torran, a component loch of Knapdale Lochs Site of Special Scientific Interest and Special Protection Area. SNH consider that the mitigation presented in the EIA Report is inadequate and, in particular, does not address disturbance issues associated with the use of the access track, including the transportation of wind farm componentry.

In SNH's view, this proposal is likely to have a significant effect on black-throated divers. Consequently, Scottish Government, as competent authority, is required to carry out a Habitats Regulations 'appropriate assessment' in view of the site's conservation objectives for its qualifying interest(s). SNH advise that in their view on the basis of the information provided, if the proposal is undertaken strictly in accordance with the following mitigation, then the proposal will not adversely affect the integrity of the site.

The appraisal SNH carried out considered the impact of the proposals on the following factor:

- Loch nan Torran is very close to the construction access tracks. Black-throated divers are highly susceptible to disturbance. Movements of vehicles and componentry have the potential to disturb or displace black-throated divers during the breeding season.

SNH have some concerns regarding some aspects of the ornithological surveys which reduces their ability to be confident regarding their advice on golden eagle, black grouse, black-throated diver and red-throated diver. SNH recommend areas where further work would be useful to make more confident estimates of the impacts of the proposal.

Surveys and Assessment – SNH have some concerns regarding the Vantage Point (VP) locations on and around the ridge between the recorded golden eagle sites and the wind farm which could have affected levels of activity recorded.

SNH also have concerns that some VP watches were undertaken in less than ideal weather conditions, contrary to their guidance. This included VP surveys in conditions where wind speeds were up to F8 and in poor visibility and which were used for CRM (e.g. VP3 on 28/06/2013 and VP5 on 13/7/2012). SNH note that VP watches where visibility was less than 1 on their scoring were excluded from CRM but it is not clear if this has been undertaken and therefore SNH seek clarification on this.

It is not clear whether the applicant have accounted for the overlaps in the viewsheds of VPs 1, 3, 5, and 11 used for the Collision Risk Modelling in the area surveyed. They have noted simultaneous watches for 17 hours' worth with VP1 and VP5 but it is not clear if these hours have been taken into account in terms of time the site was watched as both VPs watching the same area will only count for one set of hours and this has potential implications for subsequent CRM predictions and therefore the applicant should clarify this.

In addition, SNH are unsatisfied with the cumulative assessment undertaken. SNH recommend assessments to be undertaken at the Natural Heritage Zone (NHZ) level however the applicant has only considered proposals within 20 km and therefore this assessment is incomplete.

Black Grouse - The recorded black grouse lek of six individuals is important in a Natural Heritage Zone context and is clearly the main lek with others being used as satellite leks. SNH note that the main lek (recorded in 2012) is within 400m of the closest turbine and therefore may be displaced by the presence of the development. SNH therefore recommend that disruption of the main lek is avoided and that a separation distance of at least 500m should be maintained between the main lek and the closest turbine.

From an initial view, the proposed Woodland Management Area (comprising existing conifer plantation and open moorland) looks suitable for black grouse and therefore is already likely to be used by this species. However SNH have also noted that this section of land is also defined as an area of search for compensatory scrub/native planting. SNH seek clarification to confirm that there is no conflict in habitat management practices in this area.

Golden Eagle - The location of the two golden eagle nest sites suggests that the birds will be able to see the track. In addition, the altitude of the nests will mean the plantation is likely to provide very limited or no screening. However, SNH do appreciate that the birds are used to a level of human activity given the presence of the existing track. SNH are content with the proposal to limit track widening / construction works to outwith the breeding season as well as implementing a maximum speed limit of 15mph. However, it is not clear as to whether turbine component delivery will also avoid the breeding season. SNH also seek further clarification regarding the volume of traffic associated with this activity and over what period of time. SNH request that the applicant clarifies this and confirms what action they will take if there is disturbance to golden eagle nest sites during the breeding season.

SNH wish to highlight that golden eagles are protected from harassment at all times and can often roost at or near nest sites so this should be taken into account when undertaking pre-construction surveys.

Several historical golden eagle nest sites were recorded as part of the 2003 national survey in and around the proposed wind farm site in the currently forested areas. SNH can provide the applicant with these nest locations under data licence if necessary.

Evidence, mainly from Argyll, indicates that golden eagles use open areas in forestry more than previously thought. SNH note that the revised felling plan shows a large area of land which will be opened up and replanted during the lifetime of the wind farm. It is possible that golden eagles could subsequently use this area for hunting, which does not appear to have been considered in the EIA Report.

The revised felling plan with the wind farm in the Forestry Chapter of the EIA Report shows a large area will be opened up and replanted during the lifetime of the wind farm. The EIA Report seems to have relied on the PAT (Predicting Aquila Territory) model and the current forestry to say it is of little importance. The Haworth post-construction monitoring on Skye suggests likely displacement by approximately 500m, likely to be related to construction disturbance with more observations of birds flying close to turbines as time went on. They also cautioned about applying the findings of their work to other wind farms as their work covered two wind farms where the golden eagle response was slightly different. This work also relates to non-breeding birds not territorial like the ones affected by this proposal.

Data for this golden eagle territory from the 2003 national survey records several historical nests sites in and around the proposed wind farm site and in the current forestry areas. Opening up of the forestry may make the area more attractive to eagles again.

The presence of eagles around the wind farm area in 2013 was much higher than in other years with Table 9.10 stating a Collision Risk of 0.658/yr; much higher than the average of 0.022/yr over the whole survey period. If they were to use the opened up forestry in some years of the wind farm lifetime the risks will be higher than stated.

It's not clear in the EIA Report if these other nest sites were taken into consideration.

As with black grouse, SNH note that the proposed Woodland Management Area is likely to be currently used by golden eagles but it also appears to be the area of search for proposed compensatory planting – SNH would appreciate clarification that there is no habitat management conflict here.

Red-throated Divers - The variability of red-throated diver loch occupancy and breeding means that displacement from Loch Racadal, which is not used annually, is unlikely to be an issue at NHZ level although cumulative impacts will need to be reviewed following reassessment. It is also worth noting that beneficial uptake of artificial rafts is around 50% and therefore there is no guarantee that rafts will improve productivity or increase breeding pairs to offset any impacts of displacements. Rafts should be targeted for lochs which are already used by red-throated divers (either lochs which are regularly used but with poor breeding success or those used regularly by non-breeding birds) to maximise potential of breeding success.

Black-throated Divers - Ongoing monitoring of black-throated divers on Loch nan Torran has been undertaken by SNH and various stakeholders since 1985. The lack of recent breeding success of black-throated divers at this location suggests that there is not a range of alternative nest site possibilities at the loch and therefore the applicant could consider installing a raft on Loch nan Torran in addition to the two rafts proposed for red-throated divers. Note that recent surveys show that a pair of black-throated divers were present on Loch nan Torran in early summer 2017.

SNH are broadly content with the proposed mitigation to minimise disturbance effects but they request, as per their comments on the Knapdale Lochs SPA that the applicant details further mitigation in relation to vehicular disturbance effects in the vicinity of Loch nan Torran during the breeding season.

Summary - In summary, and in addition to recommendations outlined above, SNH recommend that the following information is requested in order to be able to be more confident of the impacts on these species:

- Clarification that VP watches where visibility was less than 1 were discounted from use in CRM;
- Clarification that overlaps in the viewsheds of VPS 1, 3, 5 and 11 were accounted for in CRM;
- Cumulative assessment to be undertaken and reassessed at the NHZ level;
- Clarification as to whether delivery of turbine components and other infrastructure will be undertaken during the breeding bird season and associated traffic volumes; and
- Clarification on the area proposed for compensatory planting and black grouse and golden eagle Woodland Management Area.

The RSPB does not object to the proposal, however they have concerns that some potential impacts may have been underestimated. RSPB provide advice in relation to red-throated diver and habitat management in order to minimise biodiversity impacts of the development. Due to the biodiversity and peat concerns, the RSPB recommend conditions to ensure: that no construction works/vegetation clearance/tree felling or decommissioning shall be carried out during the bird breeding season (April to July inclusive) unless undertaken after a bird disturbance management plan has been agreed and implemented; to secure the submission of a Conservation Management Plan for approval in writing by the Planning Authority SNH and RSPB (to include measures for diver rafts; and native scrub creation); to secure the employment of an appropriately qualified and experienced Ecological Clerk of Works to oversee construction of turbines, tracks and other infrastructure and delivery of mitigation measures in order to minimise ecological impacts; and an appropriate programme of post-construction monitoring of bird populations should be established on the wind farm site and habitat monitoring on the area identified for mitigation under the CMP.

The Council's Local Biodiversity Officer has reviewed the Environmental Impact and has no objection to the proposal in this regard.

The Council would expect the further clarification regarding the ornithology surveys and assessment to be submitted and agreed with SNH prior to a decision being made on this application. The Council would also expect the condition recommended by SNH to secure appropriate mitigation to be a condition of any consent granted.

I. Hydrology & Hydrogeology

The Energy Consents Unit has commissioned AM Geomorphology Ltd to technically assess the Peat Landslide Hazard and Risk Assessments submitted by developers. This 'checking report' considers whether or not adequate and appropriate field survey, peat sampling and analytical methods have been employed to provide a sound basis for assessing peat stability and the risk from peat landslides within the development envelope. On the basis of the review detailed in the checking report, the Peat Slide Risk Assessment requires resubmission due to shortcomings in key elements of the assessment. Given the requirement to resubmit, no conditions are proposed at this stage.

SEPA have no objection to the proposal. They advise that peat reuse proposals seem reasonable and in line with SEPA and partner agency guidance.

Scottish Water advise that there are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposed development. Furthermore, there are no Scottish Water assets that would be affected by the proposed development. Scottish Water provide detailed advice on precautions to protect drinking water and Scottish Water assets during wind farm construction and operational activities, including the requirement to submit a site specific Construction Method Statement including e.g. Construction Environmental Management Plan, Risk Assessment, Pollution Prevention and Contingency Plan, Drainage Plan and Peat Management Plan prior to the commencement of development.

The Council would expect sufficient information to be supplied and agreed with AM Geomorphology Ltd prior to a decision being made on this application.

J. Minerals

The Coal Authority have confirmed that the proposed development site is located outside of the defined coalfield. Accordingly, the Coal Authority has no specific comments to make.

Having due regard to the above, it is considered that this proposal is consistent with the provisions of SPP; Scottish Government's Onshore wind turbine: planning advice (May 2014); 'Onshore Wind Policy Statement' (December 2017); and the relevant Local Development Plan Policy in this regard.

K. Forestry

Forestry Commission Scotland (FCS) expect to see forest related works satisfy the Scottish Government's 'Control of Woodland Removal Policy', to provided appropriate compensatory planting and the application of UK Forest Standard (UKFS) to the tree related activity. Forestry Commission Scotland object on the grounds that the proposal is not UKFS compliant and insufficient information has been presented within the EIA Report. In addition, FCS recommend that a condition is applied to any consent to ensure compensatory planting and a full forest plan is completed.

FCS's view is that the requirement to fell 129.4ha or 52% of the forest in the first 5 years (possibly the first 18 months), is not good practice and advice that further

phasing of felling should be incorporated. Opportunities to further reduce the scale of felling in phase 1 should be considered. Furthermore, that the calculation of percentages for felling and restocking of species is unclear. Figures should be presented as per the standard Forest Plan guidance to demonstrate UKFS compliance and open ground should be mapped. The ES presents insufficient information for FCS to assess whether the forest design is appropriate within the landscape and surrounding woodland environment. Insufficient information has been provided on potential effects of forest felling on nutrient levels regarding surface water quality. FCS are unclear as to whether the temporary increase in water run off following large scale tree felling has been included in the assessment of effects on flooding and water quality. It is unclear whether there is any woodland loss associated with the wind farm access road line that should be included in the calculation.

SEPA advise that all forestry operations should adhere to SEPA guidance for forestry waste and/or windfarm industry guidance.

The Council would expect sufficient information to be supplied and agreed with Forestry Commission Scotland prior to a decision being made on this application.

K. Borrow Pits

The creation of up to 10 temporary onsite borrow pits for the extraction of stone (subject to site investigation) have been indicated, albeit they have not been submitted in detail. The Council would expect these to be the subject of separate planning applications.

L. Historic Environment

Historic Environment Scotland are content that there is sufficient information within the EIA Report and associated application material to come to a view on the proposal for their interests. Overall, HES agree with the conclusions within the Cultural Heritage Chapter that the proposals will not give rise to significant adverse effects on historic environment features within their remit and therefore they do not object to the proposal. At time of writing no response has been received from the WoSAS.

Having due regard to the above it is considered that the proposal is consistent with the relevant Local Development Plan Policy in terms of historic environment interests.

M. Noise, Air Quality & Lighting

The main issues of concern in terms of possible amenity effects are operational noise, construction noise, air pollution (such as dust during the construction phase), lighting during the construction phase and effects upon private water supplies.

Noise - The Environmental Health Officer has no objection to the proposal in regard to noise subject to conditions relating to monitoring, recording and complaints procedure.

Air Quality - The Environmental Health Officer has confirmed that there are no matters associated with the proposal that are considered to pose a threat to ambient air quality objectives. The applicant has stated that a Construction Environmental Management Plan (CEMP) will be prepared and a condition to require compliance with this could be considered.

Lighting - The Environmental Health Officer has confirmed that the wind farm development itself is unlikely to require significant lighting and given that there are no known sensitive receptors within a reasonable distance of the proposed construction activities, it is not anticipated that light pollution will be a matter to control via planning condition.

Private Water Supplies - The Environmental Health Officer notes that the ES has determined that there are two active private water supplies in the area that may be impacted by the development and these have been assessed and monitoring and mitigation measures proposed including the implementation of a Private Water Supply Action Plan and a Private Water Supply Emergency Response Plan. It is not anticipated that site welfare facilities during the construction and operational phases will require the provision of a water supply. SEPA note that two private water supplies have been identified and advise that with appropriate mitigation, SEPA advise that the identified PWSs are not at risk from the proposed development.

Having due regard to the above it is considered that the proposal is consistent with the relevant Local Development Plan Policy in this regard.

N. Tourism & Recreation Impact

VisitScotland's response focuses on the crucial importance of tourism to Scotland's local and national economy, and of the natural landscape for visitors. While VisitScotland understands and appreciates the importance of renewable energy, tourism is crucial to Scotland's economic and cultural well-being. It sustains a great diversity of businesses throughout the country. According to a recent independent report by Deloitte, tourism generates £11 billion for the economy and employs over 200,000 – which is 9% of the Scottish workforce. Tourism provides jobs in the private sector and stimulates the regeneration of urban and rural areas. One of the Scottish Government and VisitScotland's key ambitions is to grow tourism revenues and make Scotland one of the world's foremost tourist destinations. This ambition is now common currency in both public and private sectors in Scotland, and the expectations of businesses on the ground have been raised as to how they might contribute to and benefit from such growth.

Importance of scenery to tourism - Scenery and the natural environment have become the two most important factors for visitors in recent years when choosing a holiday location. The importance of this element to tourism in Scotland cannot be underestimated. The character and visual amenity value of Scotland's landscapes is a key driver of our tourism product: a large majority of visitors to Scotland come because of the landscape, scenery and the wider environment, which supports important visitor activities such as walking, cycling wildlife watching and visiting historic sites. The VisitScotland Visitor Experience Survey (2011/12) confirms the basis of this argument with its ranking of the key factors influencing visitors when choosing Scotland as a holiday location. In this study, over half of visitors rated scenery and the natural environment as the main reason for visiting Scotland.

Taking tourism considerations into account - VisitScotland suggest that full consideration is given to the Scottish Government's 2008 research on the impact of wind farms on tourism, which provides recommendations for planning authorities which could help to minimise any negative effects of wind farms on the tourism industry. The report also highlights a request, as part of the planning process, to provide a tourism impact statement as part of the ES. Planning authorities should also consider the following factors to ensure that any adverse local impacts on tourism are minimised: the number of tourists travelling past en route elsewhere; the views from

accommodation in the area; the relative scale of tourism impact i.e. local and national; the potential positives associated with the development; the views of tourist organisations, i.e. local tourist businesses or VisitScotland.

Given the aforementioned importance of Scottish tourism to the economy, and of Scotland's landscape in attracting visitors to Scotland, VisitScotland would strongly recommend any potential detrimental impact of the proposal on tourism - whether visually, environmentally and economically - be identified and considered in full. This includes when taking decisions over turbine height and number. VisitScotland strongly agrees with the advice of the Scottish Government – the importance of tourism impact statements should not be diminished, and that, for each site considered, an independent tourism impact assessment should be carried out. This assessment should be geographically sensitive and should consider the potential impact on any tourism offerings in the vicinity. VisitScotland would also urge consideration of the specific concerns raised above relating to the impact any perceived proliferation of developments may have on the local tourism industry, and therefore the local economy.

SPP (2014) identifies tourism as one of the key sectors in Scotland with particular opportunities for growth which should be supported by the functioning of the planning system in the delivery of the visitor economy. It requires that development plans should be informed by the Tourism Development Framework for Scotland in order to maximise the sustainable growth of this sector. In the context of onshore wind development, this has contributed to the introduction of the Spatial Framework approach set in which SPP deems wind farms to be unacceptable in National Parks and National Scenic Areas, ostensibly as a consequence of their scenic sensitivity to large scale development and their value to Scotland's tourism economy. This would indicate that at government level there is recognition that wind farms sited inappropriately in sensitive locations valued for their scenic qualities would be unlikely to be in the interests of sustaining Scotland's tourism economy.

The Council also regards landscape as being a particularly valued asset both in terms of its intrinsic qualities and in terms of its value to the tourism economy. For all types of development the maintenance of landscape character is an important facet of decision-making in the countryside in Argyll and Bute, regardless of the scale of development proposed. The Council's Local Development Plan Policy LDP 6 identifies impacts on tourism and recreation as a material consideration in the assessment of wind turbine developments on the basis that inappropriate developments with significant adverse effects which contribute to the degradation of landscape character are unlikely to be in the interests of the Argyll tourism economy.

The response of visitors and the public across Scotland to the appearance of wind farms in the landscape appears polarised, as indeed it does towards the desirability of pursuing wind energy as a matter of principle. Therefore unlike many other sectors where there is likely to be consensus amongst the public as to the desirability or otherwise of a particular form of development, the public response to wind turbines continues to be very subjective.

There has been wide ranging and often conflicting research undertaken to establish the attitude of tourists in Scotland towards wind farms, and the extent to which their presence in the landscape might deter repeat visits. Given the relatively rapid and continuing spread of wind farm development in Argyll and Bute and elsewhere, it is questionable how much reliance can be placed on the findings of these reports, which have been based upon the experience of participants based upon the extent of wind farm development in place at the time of the research. They rely on attitudes fashioned by the experience of developments which thus far tend to have been carefully sited

under the auspices of the planning system, and in most cases involving turbines of a lesser scale than those which would be contemplated in contemporary developments. If less care were to be taken in future planning decision-making over the siting of turbines in the landscape, public attitudes might shift significantly. However, given that the available evidence is inconclusive and not necessarily a reliable indicator of future attitudes, there is simply too much uncertainty surrounding this particular issue to be able to be definitive in the matter.

In this case the presence of adverse landscape, visual and cumulative impacts, would suggest that, if granted, the development may influence public attitudes to a point where tourists might become dissuaded from visiting due to the proliferation of wind farms. It is considered that there remains limited scope to assimilate this additional wind farm in the landscape without presenting any serious quantifiable threat to the tourism economy.

At time of writing no response has been received from the Council's Access Officer.

O. Shadow Flicker & Ice Throw (Equipment Safety)

Shadow flicker effects occur only within 130 degrees of north and within 10 rotor diameters of a turbine (i.e. 1,148m in the case of this development). As there are no properties within 130 degrees of north and within 1,148m of the development Shadow Flicker is not a matter of concern. The Environmental Health Officer has not raised any concerns in this regard.

Ice throw is not a matter which falls under the auspices of Planning or Public Protection. This said, companies supplying products and services to the wind energy industry are required to operate to a series of International, European and British Standards and the operator has a duty of care not to prejudice the health and safety of site operatives or other persons frequenting the site.

Having due regard to the above, in terms of shadow flicker and ice throw, it is considered that the proposal is consistent with the provisions of SPP; Scottish Government's Onshore wind turbine: planning advice (May 2014); 'Onshore Wind Policy Statement' (December 2017); and the relevant Local Development Plan Policies in this regard.

P. Television Reception

Television reception can be affected by the presence of turbines although this has become less of a problem since the switchover from analogue to digital broadcasting. In this location due to poor reception properties tend anyway to rely on satellite signals so no measures are required to address any deterioration in conventionally broadcast signals.

Having due regard to the above, in terms of television reception, it is considered that the proposal is consistent with the provisions of SPP; Scottish Government's Onshore wind turbine: planning advice (May 2014); 'Onshore Wind Policy Statement' (December 2017); and the relevant Local Development Plan Policies in this regard.

Q. Aviation Matters

The MOD has no objection to the proposal. In the interests of air safety the MOD request that the development should be fitted with MOD accredited aviation safety lighting. National Air Traffic Services has confirmed that the proposal has been

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

Having due regard to the above, in terms of aviation interests, it is considered that the proposal is consistent with the provisions of SPP; Scottish Government's Onshore wind turbine: planning advice (May 2014); 'Onshore Wind Policy Statement' (December 2017); and the relevant Local Development Plan Policies in this regard.

R. Electro-Magnetic Interference to Communication Systems

The relevant operator (BT) has been consulted to determine whether their systems would be affected by electro-magnetic radiation associated with electricity generation, who have confirmed that the proposal should not cause interference to BT's current and presently planned radio networks. SPP (2014) and Local Development Plan Policy highlights telecommunications interference as a material consideration in considering the acceptability of wind turbines. No interference with UHF or microwave telecommunication links has been identified in this case and there have been no objections from relevant consultees.

Having due regard to the above, in terms of communication interests, it is considered that the proposal is consistent with the provisions of SPP; Scottish Government's Onshore wind turbine: planning advice (May 2014); 'Onshore Wind Policy Statement' (December 2017); and the relevant Local Development Plan Policies in this regard.

S. Road Traffic Impact

The development will be served by a combination of existing and new tracks. The site will be accessed via the existing Alt Dearg Wind Farm site entrance off the A83 (11km north of Tarbert). The existing Alt Dearg junction is intended be used by general construction traffic, but an additional new site entrance is to be created approximately 80m south of the existing Alt Dearg site entrance in order to allow abnormal load construction vehicles to access the site when arriving from the south. It is anticipated that the turbine components will be delivered to the Port of Campbeltown, with the potential for the tower components to be sourced from CS Wind at Machrihanish.

From this additional junction, a section of new track measuring approximately 110m in length will be required to join the existing Alt Dearg access track which will be used for approximately 3km before joining a section of new track heading south-west to the application site. The access track network within the site itself will extend to 30.4km, of which 14.4km will be newly constructed.

Transport Scotland has no objection to the proposal subject to conditions relating to: consultation with Transport Scotland prior to works on the southern access; consultation with Transport Scotland on works within the Trunk Road boundary; to ensure that the development does not affect the integrity of the trunk road drainage network; provision of the abnormal load assessment to Transport Scotland; provision of a Traffic Management Plan; consultation with Transport Scotland on the Traffic Management Plan where proposals may directly or indirectly affect the trunk road network; and that the Traffic Management Plan takes account of Traffic Management Plans for other wind farms and major developments in the area.

The Council's Area Roads Engineer has no objection to the proposal subject to conditions to ensure that all construction traffic accesses the site directly from the A83

Tarbet – Campbeltown Trunk Road; and that no construction traffic uses the B8024 Kilberry Road without written permission from Roads & Amenity Services.

Having due regard to the above, it is considered that in access and traffic terms (but not in visual impact terms), the proposal is consistent with the provisions of SPP; Scottish Government’s Onshore wind turbine: planning advice (May 2014); ‘Onshore Wind Policy Statement’ (December 2017); and relevant Local Development Plan Policy in this regard.

T. Infrastructure

The proposal will not be connecting to public water or drainage infrastructure.

Site drainage – SEPA advise that assuming best practice construction methods are employed, they do not anticipate any major issues. SEPA would however offer the following comments: drainage from borrow pits and tracks should be considered along with all site drainage which should be disconnected fully from water environment; tracks should be constructed with relief culverts to sumps and with disconnections for all drain ends, especially at crossing points; some soils, particularly at the Stronachullin location, are liable to cause sedimentation and therefore good site drainage design and installation is essential; borrow pit restoration plans should be in line with current guidance and should also include drainage via oversized/sumps and lagoons; and where ever possible, opportunities to move tracks and compounds away from watercourses, minimise new access track lengths and use tracks for cable routes, should be taken. All watercourse crossings will require an options appraisal in line with SEPA crossings guidance and will also require an identification of the appropriate level of authorisation under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR). An exception to an options appraisal would be to assume oversized bottomless arch culverts or bridges. There may be opportunities to improve existing crossing points where multiple culverts have been installed previously, particularly crossings 16, 22, 23, 26 and 27. The developer should consider if existing water course crossings can be improved, thereby offsetting some impacts of the new development.

Foul drainage - SEPA advise that any sewage treatment and disposal arrangements associated with the development must be in accordance with their requirements.

Having due regard to the above, it is concluded that, in terms of drainage and water supply, the proposal is consistent with the provisions of SPP; Scottish Government’s Onshore wind turbine: planning advice (May 2014); ‘Onshore Wind Policy Statement’ (December 2017); and the relevant Local Development Plan Policies in this regard.

U. Grid Network & Cables

Connection to the National Grid is not a matter of land use policy, however, it should be considered ‘in the round’ as part of the planning application process. No objections have been raised in respect of these matters by any consultees.

Having due regard to the above it is considered that the proposal is consistent with the Scottish Government’s Onshore wind turbine: planning advice (May 2014); ‘Onshore Wind Policy Statement’ (December 2017).

V. Community and Economic Benefit

Community Benefit is not considered to be a 'material planning consideration' in assessment of planning proposals. In the event that consent were to be granted, the negotiation of any community benefit, either directly with the local community or under the auspices of the Council, would take place outside the Electricity Act consenting process.

Economic benefit is a material planning consideration and arises from procurement construction, employment and indirect benefits associated with the supply chain. Office for National Statistics data for 2014 shows that direct and indirect economic activity associated with the deployment of onshore wind energy in Scotland amounted to £3.2 billion in turnover, and that Scotland employs 46% of all UK renewables employment. Experience of wind farm development elsewhere in Kintyre, and with the previous Scottish Power developments at Beinn and Tuirc, indicates that local employment of contractors, hauliers and so on, will be of significance during the construction period (12 – 18 months) and that accordingly economic benefit should be regarded as a factor weighing in favour of the development in the planning balance.

W. Decommissioning

Should Scottish Ministers be minded to support the proposal a requirement for decommissioning and site restoration should be included in any conditions recommended by the Council, which would be triggered by either the expiry of the permission, or if the project ceases to operate for a specific period. This would ensure that at the end of the proposal's operational life the turbines would be decommissioned and principal elements removed; the site would be restored to its former use leaving little if any visible trace of the turbines; the foundations, new tracks and hardstandings would be covered over with topsoil and reseeded; the cables would be de-energised and left in place, and any cables marker signs removed; and the electrical substation building would be demolished to ground level with the foundation covered with topsoil and reseeded.

Having due regard to the above, it is considered that the proposal is acceptable in terms of SPP (2014); the Scottish Government's Onshore wind turbine: planning advice (May 2014); 'Onshore Wind Policy Statement' (December 2017); and the relevant Local Development Plan Policies.

X. Scottish Government Policy & Advice

The commitment to increase the amount of electricity generated from renewable sources is a vital part of the response to climate change. Renewable energy generation will contribute to more secure and diverse energy supplies and support sustainable economic growth (SPP). The current target is for 100% of Scotland's electricity and 11% of heat demand to be generated from renewable sources by 2020 (2020 Routemap for Renewable Energy in Scotland).

The Scottish Government recently published two consultation documents namely the 'Scottish Energy Strategy: The Future of Energy in Scotland' and the associated 'Onshore Wind Policy Statement' (January 2017) both of which had consultation deadlines at the end of May this year. These seek to increase the drive to secure zero carbon energy sources, with a stated ambition to meet half the country's energy needs across all sectors (including electricity generation) by 2030. Onshore wind is anticipated to continue to represent a significant contributor to the attainment of what is an ambitious overall target. Stated policy is to support deployment of onshore wind, whilst protecting the environment (landscape and visual, ecological and other environmental impacts); protecting residential amenity; and maximising local benefits, including through promoting shared ownership and community benefits. The Scottish

Government's intention is to continue to support further development of onshore wind in order to achieve the targets set by the Climate Change (Scotland) Act at the lowest cost. The Scottish Government's position is that wind offers the best opportunity to secure low carbon renewable electricity at scale and sustains growth and employment in the Scottish supply chain.

SPP 2014 advises that wind farms should only be supported in locations where the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed. Furthermore, that criteria for determining wind farm proposals varies depending on the scale of proposal and its relationship to the characteristics of the surrounding area, but usually includes: landscape and visual impact, effects on the natural heritage and historic environment, contribution of the development to renewable energy generation targets, effect on the local and national economy and tourism and recreation interests, benefits and disbenefits for communities, aviation and telecommunications, noise and shadow flicker, and cumulative impact. Finally, that the design and location of any wind farm should reflect the scale and character of the landscape and the location of turbines should be considered carefully to ensure that the landscape and visual impact is minimised.

Having due regard to the relevant considerations reviewed above it is considered that the proposal is contrary to the provisions of SPP (2014); the Scottish Government's Onshore wind turbine: planning advice (May 2014); 'Onshore Wind Policy Statement' (December 2017); and the relevant Local Development Plan Policies.

Y. Scottish Government Renewable Energy Targets & Argyll & Bute's Contribution

In assessing the acceptability of wind farm proposals, it is necessary to have regard to the macro-environmental aspects of renewable energy (reduction in reliance on fossil fuels and contribution to reduction in global warming) as well as to the micro-environmental consequences of the proposal (in terms of its impact on its receiving environment).

Installed onshore wind energy generation capacity in Scotland is currently 6.767 GW and is expected to continue to grow in response to the Scottish Government target of meeting 100% of demand from renewable sources by 2020. Onshore wind accounts for over 70% of installed capacity in terms of Scotland's renewable energy resources. Currently projects totalling almost 2,000MW of onshore wind generation are under construction, with a further 2,000MW consented but yet to be implemented. Operational and consented sites now mean that this target is now well within reach, albeit that it does not represent a ceiling. The government's latest policy pronouncement in its draft 'Onshore Wind Policy Statement' (January 2017) makes it clear that there is continued appetite for further onshore wind delivery in order to meet the latest and most ambitious targets which have been set for the delivery of renewable energy.

Z. Sustainable Development

The development will have an installed generation capacity of over 50MW (between 50.4MW and 58.8MW) of renewable electricity and will make a significant contribution towards reaching EU, and UK renewable energy targets, by harnessing wind as an alternative to the burning of fossil fuels. Climate change is now widely recognised as one of the most significant environmental challenges facing the world today. In response to this a range of international and national policy and legislation has been introduced to encourage the development of renewable energy, reduce greenhouse gas emissions and combat the effects of climate change. In 2008, the European Union

(EU) committed to a legally-binding 20% cut in greenhouse gas emissions by 2020 across all member states. This has been translated into UK legislation and is supported by a range of policies aimed at ensuring that an increasing proportion of the country's energy needs are met from renewable sources including wind power.

Conclusion

The Council is keen to ensure that Argyll and Bute continues to make a positive contribution to meeting the Scottish Government's targets for renewable energy generation, and considers the merits of onshore wind farms carefully, particularly given the value of the local wind resource to the country as a whole. These targets are important given the compelling need to reduce our carbon footprint and reduce our reliance on fossil fuels. The Council further recognises the important role which the renewable energy industry can play in developing our local economy, as encouraged by the Council's Renewable Energy Action Plan (REAP).

Argyll and Bute has a distinguished track record of pioneering and delivering renewable energy projects and we are well placed to continue to respond to the needs of the renewable energy industry and take advantage of the economic opportunities that are available to us. The Council seeks to support the further development of renewables where possible, by taking a sustainable approach by protecting and conserving our outstanding environment, including our landscape and protected species, our local communities and other sectors of our economy from unacceptable significant adverse effects as a result of proposed renewable energy developments.

The achievement of sustainable economic growth is one of the main themes of SPP and this is reflected in the Council's Local Development Plan. The main aims of Policy LDP 6 – Supporting Growth of Renewables and the associated Renewables SG, together with technical documents such as the 'Argyll and Bute Onshore Wind Energy Landscape Capacity Study', are to seek to deliver the growth of this important industry in a sustainable manner.

It is concluded in this case however, that the proposal would give rise to adverse effects on the receiving environment, both individually and cumulatively with previously approved developments. Whilst it could make an important contribution to national energy policy and produce some short-term direct and indirect benefits to the local economy, on balance, these benefits are not considered of sufficient material weight to outbalance the adverse impact of the proposal on the local environment. Accordingly, it is recommended that objection be raised to this inappropriately sited and scaled proposal, for the reasons set out in this report.

APPENDIX B

CONFIDENTIAL ANNEX: SNH ADVICE ON PROTECTED HABITATS AND SPECIES

SNH has provided advice on Freshwater Pearl Mussels in a Confidential Annex. They advise that although no freshwater pearl mussels (FWPM) were recorded within the study area during baseline surveys, FWPM are known to exist in the same catchment as the main site of the proposal (comprising the turbines envelope). As a result, there is connectivity between the main site and the downstream population of FWPM. FWPM are particularly sensitive to the sedimentation and eutrophication of watercourses which can occur during construction and felling activities. SNH are pleased to note that monitoring of the FWPM population (prior to and during construction) by a licensed ecologist would be undertaken.

The Council would expect the advice of SNH to be adhered to in regard to this important protected species.

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Location Plan relative to Planning Application
Ref No: 17/02484/S36

Scale 1:135,640

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Argyll and Bute Council**Economic Development & Strategic Transport, Development & Infrastructure Services**

This report is a recommended response to the Scottish Government's Energy Consents and Deployment Unit (ECDU) Section 36 consultation regarding the proposed Blarghour wind farm, on Land 7km North West Of Inveraray And 4.5km South Of Portsonachan, Inveraray, Argyll & Bute.

Reference No: 18/01216/S36

Applicant: The Scottish Government On Behalf Of Coriolis Energy

Proposal: Section 36 Consultation for proposed wind farm

Site Address: Blarghour Wind Farm, Land 7km North West of Inveraray and 4.5km South Of Portsonachan, Inveraray, Argyll & Bute

(A) Section 36 application made up of the following elements:

- 17 turbines of a maximum ground to tip height of 136.5m;
- A crane hardstanding area at each turbine base;
- External turbine transformers adjacent to each turbine;
- Up to three anemometer masts;
- A network of access tracks, turning areas and passing bays linking the turbines and the substation/control building;
- Substation and compound;
- Control building;
- Three temporary construction compounds;
- Underground electrical, telecommunication and control cabling linking the turbines with the substation;
- Up to three on site borrow pits;
- An access track linking the site with the A819; and
- Associated ancillary works and engineering operations.

(B) RECOMMENDATION:

It is recommended that the Council as Planning Authority objects to this proposal for the reasons detailed below and that the Scottish Government be notified accordingly.

(C) CONSULTATIONS:

ENERGY CONSENT UNIT RESPONSES:

Scottish Natural Heritage (3rd and 11th September 2018) - SNH's advice is that this is an unsuitable location for a wind farm of the scale proposed. This is the conclusion of their assessments of the proposal's impacts on priority peatland habitat underpinned by deep peat and also on the distinctive regional character of the Mid Argyll and Lorn landscape. SNH objects to this application for the following reason:

- **The proposed development will have significant adverse impacts on the nationally important carbon-rich soils, deep peat and priority peatland habitat which are present on the site. In our view the significant effects of the proposal on this area have not been substantially overcome through siting, design or other mitigation, as required by Scottish Planning Policy (see section 2.1 below for details).**

SNH has not been able to identify any mitigation which will address the impacts leading to this objection.

SNH has a holding objection in relation to ornithology and collision risk modelling

The proposal both on its own and cumulatively would be a large development in a prominent position and would significantly affect the experience of the landscape and the distinctive landscape character of Loch Awe, its settled shores and surrounding uplands.

The wider environs around Loch Awe are already playing a major role in contributing to renewable energy for Scotland with the potential National Policy Framework project at Cruachan dam being a good example, along with the existing wind farms at Beinn Ghlas, Carraig Gheal and An Suidhe.

Scottish Natural Heritage (13th September 2018) – Deep Peat & Peatland Assessments from SNH - Deep Peat Advice. This response included SNH's detailed assessment of deep peat & peatland, conclusions from site visits undertaken by them and analysis of the EIA Report and work undertaken by the applicant, which have informed their objection on these grounds. The summary of this advice is that all of the proposed development is situated on class 2 of the Carbon and Peatland 2016 map, Information provided in the EIAR and site visit confirm the presence of deep peat and priority habitats over the site. The adverse impacts and cumulative impact of the development is not sufficiently described in the EIA. As a consequence, SNH object to this application on National Interest grounds in relation to impacts on peat and peatland habitats.

Scottish Natural Heritage (18th April 2019) – Response from SNH on Additional Information (to be considered alongside SNH's original response).

Landscape – in SNH's original response to this application they made no request for additional landscape assessment works to be carried out. SNH have noted the contents of the additional works that have been submitted, however, this has not changed their landscape advice.

Ornithology (Golden Eagle) – the additional information submitted has enabled the impacts on golden eagles and associated designated sites, to now be fully assessed. SNH's subsequent advice, which updates their position given in their original response, is that the proposal will not have any significant impact on golden eagles or their associated designated sites in the area.

Blanket Bog – in SNH's original response to this application they made no request for additional works and assessments to be carried out on this topic. SNH have noted the contents of the additional works that have been submitted, however, this has not changed their position. SNH maintain their objection to this application due to the impacts on carbon-rich soils, deep peat and priority peatland habitat.

Transport Scotland (14th August 2018) – has no objection to the proposal subject to conditions relating to: site access; assessment of traffic impacts, such as abnormal loads, construction traffic and routes for heavy vehicles; noise impacts; abnormal load route assessment, decommissioning plan and development of a Construction Traffic Management Plan. These are considered key aspects of relevance to TS in the context of this application and the mitigation of any associated disruption to the operation of the trunk road network.

Transport Scotland (19th March 2019) – Response to Additional Information – Based on the supporting information provided, TS would offer no further comments at this time.

Marine Scotland (26th June 2018) - the developer has carried out site characterisation surveys of fish in the watercourses within Loch Awe, MSS recommend additional site characterisation surveys to be carried out of watercourses within the River Aray catchment. These site characterisation surveys can inform the design of the proposed monitoring programme such that any changes, should they occur, can be identified and rapidly remediated throughout the course of the wind farm development. The proposed integrated water quality and fish monitoring programme could be incorporated into a planning condition should consent be granted.

Marine Scotland (27th March 2019) – Response to Additional Information. MSS welcomes the clarification, provided by the developer, regarding the position of turbines outwith the proposed 50m buffer zone. MSS reiterates their previous advice that the developer carries out site characterisation surveys of watercourses within the River Aray catchment and that the proposed integrated water quality and fish monitoring programme, based on MSS guidelines, could be incorporated into a planning condition, should consent be granted.

Scottish Forestry (24th July 2018) – has considered the proposal in relation to the UK Forestry Standard and SG's Control of Woodland Policy. SF does not object to the proposal assuming that the necessary compensatory planting and Long Term Forest Plan/ amendment for the management of the remaining woodland in line with UKFS, are secured by condition.

Scottish Forestry (9th April 2019) – Response to Additional Information - have considered the proposal in relation to the UK Forestry Standard (UKFS) and SG's Control of Woodland Policy and advise that their previous advice still stands.

Scottish Water (4th June & 8th October 2018) – no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced.

SEPA (2nd July 2018) - object on the grounds of lack of information regarding the borrow pit restoration strategy, impacts on the water environment and private water supplies. SEPA request that a condition is attached to any permission granted, such that the site specific CDEMP is submitted for approval to the determining authority, in consultation with SEPA, If this will not be applied, then this would also constitute part of their objection.

SEPA (5th April 2019) - Response to Additional Information - SEPA acknowledge the position presented by SNH regarding impacts on carbon rich soils, deep peat and priority peatland habitat and recognise the importance of protecting these resources in

line with SPP. The focus of SEPA's engagement on this issue is to ensure firstly that an overall approach of minimisation of peatland disruption is adopted and where peat is disturbed that this is managed in line with good practice and their Regulatory Position Statement – Developments on Peat. Therefore, notwithstanding the position outlined by SNH, following SEPA's review of the Additional Information SEPA remove their objection to the proposal on the grounds of lack of information regarding the borrow pit restoration strategy subject to a condition being imposed requiring the developer to prepare and submit a detailed site specific Peat Management Plan (PMP) to any grant of consent. Additionally, SEPA remove their objections regarding impacts on the water environment and private water supplies. SEPA also ask that the condition to secure a site specific CDEMP detailed in their previous response is attached to any consent. If this will not be applied then SEPA's would maintain their objection.

Historic Environment Scotland (2nd July 2018) - HES position is that they have concluded that none of the predicted impacts on nationally important heritage assets would be of such a magnitude as to warrant an objection to the proposal. Therefore, they do not object to the application.

Visit Scotland (7th June 2018) – Given the importance of Scottish tourism to the economy, and of Scotland's landscape in attracting visitors to Scotland, VisitScotland would strongly recommend any potential detrimental impact of the proposal on tourism - whether visually, environmentally and economically - be identified and considered in full. This includes when taking decisions over turbine height and number. VisitScotland would also urge consideration of the specific concerns relating to the impact any perceived proliferation of developments may have on the local tourism industry, and therefore the local economy.

Visit Scotland (4th April 2019) – Response to Additional Information - Given the importance of Scottish tourism to the economy, and of Scotland's landscape in attracting visitors to Scotland, VisitScotland would strongly recommend any potential detrimental impact of the proposal on tourism - whether visually, environmentally and economically - be identified and considered in full. This includes when taking decisions over turbine height and number. VisitScotland strongly agrees with the advice of the Scottish Government – the importance of tourism impact statements should not be diminished, and that, for each site considered, an independent tourism impact assessment should be carried out. This assessment should be geographically sensitive and should consider the potential impact on any tourism offerings in the vicinity. VisitScotland would also urge consideration of the specific concerns relating to the impact any perceived proliferation of developments may have on the local tourism industry, and therefore the local economy.

Scotways (8th April 2019) – Response to Additional Information - the Society has no comments to make on the Additional Information for this application.

British Horse Society (30th August 2018) – advise that they do have people who enjoy riding horses in this area and consequently hope the developers will take the needs of equestrians into account. An information sheet is provided on equestrian access through wind farms in Scotland, which is requested to be highlighted to the developers of the wind farm by the Energy Consents Unit.

Ministry of Defence (MOD) (28th June 2018) – no objection subject to conditions to secure aviation safety lighting.

Ministry of Defence (20th March 2019) – Response to Additional Information - no further comment to make and previous response remains valid.

Highlands and Islands Airports Limited (6th July 2018) – no objections

Highlands & Islands Airports Limited (11th March 2019) – Response to Additional Information - no objections.

National Air Traffic Services Safeguarding (NATS) (4th June 2018) – no safeguarding objection.

National Air Traffic Services Safeguarding (NATS) (13th March 2019) – Response to Additional Information - no objection - as per previous response.

BT (31st May 2018) – have studied the wind farm with respect to EMC and related problems to BT point-to-point microwave radio links. The conclusion is that, the project indicated should not cause interference to BT's current and presently planned radio network.

BT (13th March 2019) – Response to Additional Information – comments same as previous response.

The Joint Radio Company Limited (11th July 2018) – no objection.

The Joint Radio Company Limited (20th March 2019) – Response to Additional Information - no objection.

Mountaineering Scotland (9th July 2018) – will not be submitting an objection to the proposal.

Argyll District Salmon Fishery Board (27th March 2019) – Response to Additional Information – comments limited solely to the matters directly acting on fish and fisheries in the Awe River catchment. ADSFB note that in section 5.6 of the main document on '*Additional ecological enhancement opportunities*' that opportunities for improving the water environment at the site include regeneration of broadleaf woodland in riparian habitats. It is ADSFB's view that increasing shading of river channels is a fundamental and essential action to protect Coldwater fish against projected climate warming. Therefore, ADSFB suggest that such opportunities for habitat improvement should be embedded in any permission granted for the construction and operation of the wind farm. ADSFB do not however think that the presence of hydro schemes should prevent or limit the regeneration of riparian woodland. If such a clause were to be accepted, the widespread presence of hydro schemes in the Awe and many other river catchments in Argyll would undermine potential to improve and protect river habitat over a very large area.

Royal Society for the Protection of Birds (10th August 2018) – have concerns that potential impacts of this proposal are underestimated in relation to golden eagle, red-throated diver and peatland habitat. RSPB therefore request that further information and mitigation is provided, to address these issues. In particular, RSPB provide advice on mitigation/habitat management that will minimise biodiversity impacts of the development. RSPB object to the application until this further information and detail of the mitigation is made available.

RSPB Scotland (30th April 2019) – Response to Additional Information - Whilst RSPB appreciate that further information has been supplied, this has not fully addressed the issues and concerns raised in their original objection as no changes to, or additional

mitigation for the impacts of, the proposal have been made. RSPB Scotland remains concerned that the potential impacts of this proposal are underestimated in relation to golden eagle, red-throated diver and peatland habitat. This response updates their previous response, although their request for further mitigation remains largely unaltered, as many of their concerns seem to remain unconsidered by the applicant. As before, RSPB Scotland advise that additional mitigation is provided and they ask that if Scottish Ministers are minded to approve this application, the conditions which they have recommended relating to: timing of works outwith bird breeding season; a Habitat Management Plan; Ecological Clerk of Works; and a programme of post-construction monitoring are secured as a condition of any consent.

AM Geomorphology (19th & 27th July 2018) - consider whether adequate and appropriate field survey, peat sampling and analytical methods have been employed to provide a sound basis for assessing peat stability and the risk from peat landslides within the development area. On the basis of the review, the PLHRA requires minor revisions to ensure the assessment is sufficiently robust. It is a combination of minor shortcomings, several of which relate largely to clarity of communication that prevents the current PLHRA being considered satisfactorily robust. Recommendations are made to address these shortcomings (preferably by revision of the PLHRA report). No conditions relating to peat stability are suggested, pending the revisions.

Loch Lomond and the Trossachs National Park (29th June 2018) – this wind farm will not result in any significant landscape or visual effects on the National Park. This is due to the distance from which it will be visible and how it will be viewed from different directions. This does not mean however that it will not be visible.

Strachur Community Council (29th June 2018) - have no specific comments to make on this proposal at this stage but wish to express an interest and to be kept informed at subsequent stages in the application process.

Avich & Kilchrenan Community Council (31st July 2018) (Part 1) – Part 1 of the Community Council's response is an independent appraisal of the applicant's Noise Impact Assessment (NIA) dated 30th July 2018. This report was commissioned by local residents to examine perceived inadequacies in the applicant's operational NIA. The overall conclusion is that the wind farm design and NIA are not compliant with ETSU or the IOAGPG.

Part 2 of Avich & Kilchrenan Community Council's response (3rd August 2018) – have submitted a statement of objection to the ECU. This short Statement of Objection is made on behalf of the Community Council whose area covers the northwest side of Loch Awe. In their own words it concerns Planning Policy, Landscape and Economic Impact issues, which are the important issues in this case for this Objector. A local resident, has submitted a Noise objection. Avich & Kilchrenan Community Council conclude that this is a poor application on an unsuitable site. The application ES recognises that there will be significant adverse effects. That there will also be significant adverse cumulative effects is undeniable, and they are not capable of being mitigated. Given that conclusion, the application is contrary to national and local planning policy and guidance. This application should therefore be refused.

ARGYLL & BUTE COUNCIL RESPONSES

Council's Environment Protection Officer (25th June 2018) - no objection subject to conditions relating to noise; private water supplies; and a Construction and Decommissioning Environmental Management Plan (CDEMP). The Environment

Protection Officer does not anticipate that light pollution will be a matter to control via planning condition.

Council's Environmental Protection Officer (4th October 2018) – Response to Additional Information - no observations to make.

Council's Local Biodiversity Officer (22nd October 2018) – welcomes the provision for a Construction and Decommissioning Environment Management Plan (CDEMP) and the associated action plans for ecological and conservation interests overseen by an Ecological Clerk of Works for the construction and de-commissioning process. Further information is requested on Golden Eagle and Red-throated diver activity, as the site is close to an SPA and a series of lochs within the proposed site, mitigation is to be included so as to avoid compromising these species. Three borrow pits will be used to provide material for the construction process, further information should be provided on their restoration; in the proposed CDEMP.

Council's Local Biodiversity Officer (18th April 2019) – Response to Additional Information – refers to previous advice. Advises that further outstanding issues “on the management and restoration of Soil and Peat and needs to be included in the Construction and Decommissioning Environment Management Plan (CDEMP). The LBO notes that there is an opportunity for native woodland expansion, and asks that draft plans are prepared for approval by FCS and the Planning Authority.

The West of Scotland Archaeology Service (29th June 2018) – no objection subject to a condition to secure a programme of archaeological works in accordance with a written scheme of investigation.

Council's Roads & Amenity Services (18th June 2018) – The applicant has stated that the route from Campbeltown to the site has been discounted due to the arch on the A819 at Inveraray. The applicant may be able to bypass this arch by using Inveraray Castle land. The applicant should contact Argyll Estates if they have not already done so. Conditions are recommended relating to: the dimensions of the connection of the wind farm access with the public road (160 x 2.40 x 1.05 metres); the access type being agreed with Roads & Amenity Services (as the haul route for abnormal loads may change); junction may be designed on swept paths; access to be culverted to the satisfaction of Roads & Amenity Services; headwalls will be required; and the access to be surfaced in a bound material for a distance of 15 metres. Furthermore, a S56 road opening permit will be required and no surface water is permitted to discharge onto the public road.

Council's Roads & Amenity Services (19th October 2018) – Response to Additional Information – as per previous response.

Council's Access Officer – no response at time of writing.

Development Policy Section – no response at time of writing

(D) REPRESENTATIONS:

As this is not a planning application the ECU's website provides the up-to-date listing of 3rd party representations and other submissions relating to this S36 application.

At time of writing, there have been a total of 105 letters of representation made to the Scottish Government's Energy Consents Unit (ECU). The number of representations

in support is 65 and the number of objections is 40. The ECU's policy is not to publish any personal details. These figures are taken from the ECU web site. The main issues raised may be summarised as follows:

Supporters:

- Positive Impacts of Farm Diversification
- Positive Economic Benefits
- Positive Ecological Impact (Habitat Management Plan)
- Positive Impact of Change
- No Adverse Impact on the Historic Environment
- Wind farms are the least obtrusive way of generating power.
- Positives of Community Benefit
- Positive Contribution to Scottish Government's Renewable Energy Targets.
- An Suidhe and Carraig Gheal have provided considerable economic benefits.
- Existing wind farms have not had any negative impact
- Opportunities to enhance existing habitats
- Frequent moderate winds
- No lasting traffic impact
- Do not believe there is any negative impact on personal health.
- Wind farms are recyclable unlike nuclear power stations
- Increasing demand for electricity
- Cheapest form of electricity with no long term effects like nuclear, gas or oil
- Majority now view wind farms as part of scenery and like what they see
- Benefits to communities build strength and keep people in the area
- Cleanest and best form of increasing electricity supplies available at present.
- The area of the proposed wind farm is not affecting anything and there are other wind farms in the area that do not affect tourism.
- The biggest impact on the beauty of Loch Awe was undoubtedly the blanket of commercial forestry that surrounds it
- There are existing wind farms in the Loch Awe area which do not detract from the beauty of Loch Awe and the Blarghour proposal, being well away from houses, would seem to be located in an area ideal for such developments.
- The land around the turbines is also still available for use for farming and by wildlife.
- Proposal would not have an adverse impact on tourism
- Benefit of the provision of "green" renewable energy.
- As a country we need be more energy self-sufficient.
- Wind farms are essential to the future of Scotland's energy supply.
- Fragile local communities need all the support they can get to survive.
- It shall produce no greenhouse gases once it has been installed.
- Visual impact has been minimised as far as possible.
- The wind farm is well away from houses/local residences/villages and would avoid impacts in terms of noise and shadow flicker.
- No local or national landscape designations on site and no ecology designations on site either.

- There are many features in the surrounding landscape that show human involvement such as the wind farm on the opposite side of the loch, Cruachan dam, electricity pylons, forest plantations, housing and the road network none of which detract from the area.
- The scale of the landscape is such that it can support this project.
- Renewable energy is the way forward.
- There will be little impact on recreational users of Loch Awe
- wind farms can make areas more accessible to walkers as new roads are made and existing networks improved.
- Production of renewable energy is important for present and future generations.

Objectors:

- Adverse Visual and Landscape Impact
- Contrary to Landscape Wind Energy Capacity Study
- Unacceptable Scale and Siting – Height of turbines
- Skylining
- Shadow Flicker
- Loch Awe is already a significant producer of renewable energy
- No known way of storing excess energy
- Out of Scale with existing turbines in this landscape
- Lack of Community Engagement
- Refusal of Ardchnonnel wind farm
- Siting and Scale of turbines
- Adverse Cumulative Impact with An Suidhe
- Proximity to settlements of Inverinan and Dalavich
- Adverse Tourism Impact including recreational fisherman
- Adverse Impact on Local Infrastructure
- Adverse Impact on Cultural Heritage – Ardchnonnel Castle
- Poor Community Benefit
- Contrary to Scottish Planning Policy, Scottish Energy Strategy, Onshore Wind Policy Statement; Local Development Plan and LWECS
- Petition to Scottish Parliament PE01655 – Loch Awe is worthy of NSA status – still ongoing
- CO2 reduction effectiveness – wind farms are not as environmentally effective as claimed
- No details on grid connection provided
- Adverse Impact on Aviation
- Adverse Ecological Impact
- Adverse Ornithological Impact – SPA, insufficient surveys undertaken
- Departure from Local Development Plan
- Detrimental to nature conservation on designated sites for birds in terms of EIA Regulations in that it destroys the very character of the locality.
- In breach of Habitats Regulations by damaging breeding sites or resting places of protected species
- Adverse Impact on Visual Amenity
- Adverse Noise Impact
- Adverse Health Impact
- Adverse Impact on Roads
- Section 36 procedure and Local Planning Authority
- Precedent set by Reporter's decision on Ardchnonnel Wind Farm

- Adverse Impact on Property Values
- Adverse Impact on fragile rural economy
- Misleading photographs supporting the proposal

Public Consultation Exercise - The applicant has engaged with community groups and individuals, including: Glenorchy and Innishail Community Council, Avich and Kilchrenan Community Council and Inveraray Community Council, South Loch Aw-side Community Company. In addition, all neighbouring Community Councils who share a boundary with Glenorchy & Innishail Community Council, the Community Council in which the site sits, were invited to view and make comments on the proposals at various Public Exhibitions held in March 2017. The Public Exhibitions, which were widely advertised and aimed to provide an opportunity for the community and stakeholders to view the proposals and provide feedback on the project.

Note: please note that the letters of representation above have been summarised and that the full letters of representations are available on the Energy Consents Units website.

(E) SUPPORTING INFORMATION

Has the application been the subject of:

i) **Environmental Impact Assessment:** Yes

An Environmental Statement (ES) dated May 2018 was submitted in support of this S36 application. The ES considers the following key issues: Introduction; Proposed Development; Design Evolution & Alternatives; Landscape & Visual Amenity; Ecology; Ornithology; Geology, Hydrogeology and Hydrology; Cultural Heritage; Socioeconomics, Tourism & Recreation; Traffic & Transport; Other Considerations; and a Summary of Impacts and Schedule of Mitigation.

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

iii) **A design or design/access statement:** Yes

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

Additional Information was requested by the Energy Consents Unit in relation to this application – this was submitted on the 28th February 2019. It included information to address the issues raised by SNH, SEPA and RSPB Scotland in their consultation responses and included: Ornithology Information, Peatland habitat, a Planning Advice letter in relation to SNH response; information on the restoration of the borrow pits, on protection of the water environment, and on private water supplies, as requested by SEPA; and information as requested by AM Geomorphology in respect of peat risk matters. In addition, a report is also provided addressing SNH's commentary on Landscape and Visual Matters.

(F) 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:

Members are asked to note in the context of the Local Development Plan and planning process that this application has been submitted to the Scottish Government under Section 36 (S36) of the Electricity Act 1989. As part of the S36 application process, the applicant is also seeking that the Scottish Ministers issue a Direction under Section 57 (2) of the Town and Country Planning (Scotland) Act 1997 that deemed planning permission be granted for the proposed development.

In such instances, the Development Plan is not the starting point for consideration of S36 applications, as Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 which establish the primacy of Local Development Plan policy in decision-making, are not engaged in the deemed consent process associated with Electricity Act applications. Nonetheless, the adopted Argyll & Bute Local Development Plan 2015 still remains an important material consideration informing the Council's response to the proposal.

Schedule 9 of the Electricity Act does require both the applicant and the decision-maker to have regard to the preservation of amenity. It requires that in the formulation of proposals the prospective developer shall have regard to:

(a) the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiological features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and

(b) shall do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.

Similarly, it obliges the Scottish Ministers in their capacity as decision maker to have regard to the desirability of the matters at a) and the extent to which the applicant has complied with the duty at b).

Consideration of the proposal against both the effect of Scottish Planning Policy 2014 (SPP) and the adopted Argyll & Bute Local Development Plan 2015 will ensure that proper consideration is given by the Council to the extent which the proposal satisfies these Schedule 9 duties.

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

Argyll & Bute Local Development Plan (2015)

LDP STRAT 1 – Sustainable Development

LDP DM1 – Development within the Development Management Zone

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

LDP 5 – Supporting the Sustainable Growth of Our Economy

LDP 6 - Supporting the Sustainable Growth of Renewables

LDP 9 – Development Setting, Layout and Design

LDP 10 – Maximising our Resources and Reducing our Consumption

LDP 11 – Improving our Connectivity and Infrastructure

Supplementary Guidance to the Argyll & Bute Local Development Plan 2015 & 2016

SG LDP ENV 1 – Development Impact on Habitats, Species and Our Biodiversity (i.e. biological diversity)
SG LDP ENV 2 – Development Impact on European Sites
SG LDP ENV 4 – Development Impact on Sites of Special Scientific Interest (SSSIs) and National Nature Reserves
SG LDP ENV 6 – Development Impact on Trees / Woodland
SG LDP ENV 7 – Water Quality and the Environment
SG LDP ENV 10 Geodiversity
SG LDP ENV 11 – Protection of Soil and Peat Resources
SG LDP ENV 14 –Landscape
SG LDP ENV 15 –Development Impact on Historic Gardens and Designed Landscapes
SG LDP ENV 16(a) – Development Impact on Listed Buildings
SG LDP ENV 19 –Development Impact on Scheduled Ancient Monuments
SG LDP ENV 20 – Development Impact on Sites of Archaeological Importance
SG LDP Sustainable - Sustainable Siting and Design Principles
SG LDP SERV 2 – Incorporation of Natural Features / Sustainable Systems (SUDS)
SG LDP SERV 3 – Drainage Impact Assessment (DIA)
SG LDP SERV 5(b) – Provision of Waste Storage and Collection Facilities within New Development
SG LDP SERV 6 – Private Water Supplies and Water Conservation
SG LDP SERV 7 – Flooding and Land Erosion – The Risk Framework for Development
SG LDP TRAN 1 – Access to the Outdoors
SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes
SG LDP TRAN 6 –Vehicle Parking Provision
SG LDP TRAN 7 –Safeguarding of Airports
Supplementary Guidance 2 (December 2016)
Supplementary Guidance 2 - Windfarm map 1
Supplementary Guidance 2 - Windfarm map 2

Note: The above supplementary guidance has been approved by the Scottish Government. It therefore constitutes adopted policy and the Full Policies are available to view on the Council's Web Site at www.argyll-bute.gov.uk

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

- National Planning Policy Framework 3 (NPF3), Scottish Government (2014)
- Scottish Planning Policy (SPP), Scottish Government (2014)
- Scottish Energy Strategy, Scottish Government (2017)
- Onshore wind policy statement, Scottish Government (2017)
- SNH Siting and Designing Wind Farms in the Landscape Guidance, (August 2017)
- Guidance for Landscape and Visual Impact Assessment, 3rd Edition, Landscape Institute and Institute of Environmental Management & Assessment, (2013);
- Online Renewables Planning Advice regarding Onshore Wind Turbines (May 2014).
- Planning Advice Note 1/2011: 'Planning and Noise'
- 'Argyll and Bute Landscape Wind Energy Capacity Study' SNH and A&BC (2017);
- The Scottish Government's Policy on 'Control of Woodland Removal' (Forestry Commission Scotland 2009)
- Historic Environment Scotland Policy
- Views of statutory and other consultees;
- Planning history of the site;
- Legitimate public concern or support expressed on relevant planning matters

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

(H) Is the proposal consistent with the Local Development Plan: No

Author of Report: Arlene Knox

Date: 8th August 2019

Reviewing Officer: Sandra Davies

Date: 8th August 2019

Fergus Murray

Head of Development and Economic Growth

RECOMMENDED REASONS FOR OBJECTION TO: 18/01216/S36

1. Peat

Argyll and Bute Council will not support development proposals which do not protect, conserve or where possible enhance soils and peat. Argyll and Bute Council will only support development where appropriate measures are taken to maintain soil resources and functions to an extent that is considered relevant and proportionate to the scale of the development. Development that would potentially have a significant adverse effect on soil resources and functions or peat structure and function in terms of disturbance, degradation or erosion will not be supported unless it is satisfactorily demonstrated that: such adverse effects are clearly outweighed by social, environmental or economic benefits of community wide importance arising from the development proposal; and a soil or peatland management plan is submitted which clearly demonstrates how unnecessary disturbance, degradation or erosion of peat and soils will be avoided and how any impacts will be mitigated as much as possible.

The proposed development will have significant adverse impacts on the nationally important carbon-rich soils, deep peat and priority peatland habitat which are present on the site. The significant effects of the proposal on this area have not been substantially overcome through siting, design or other mitigation, as required by Local Development Plan Policy and Scottish Planning Policy. The presence of high quality and extensive blanket bog on deep peat makes this an unsuitable site for a large scale wind farm. The proposal will damage nationally important carbon-rich soils, deep peat and priority peatland habitat.

Therefore Argyll & Bute Council objects to this application as it will damage nationally important carbon-rich soils, deep peat and priority peatland habitat.

The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected direct or indirect benefits which a development of this scale would make, including local economic benefits and the achievement of climate change related commitments.

Having due regard to the above it is concluded that the proposal will have damage nationally important carbon-rich soils, deep peat and priority peatland habitat and is therefore inconsistent with the provisions of SG LDP ENV 1 – Development Impact on Habitats, Species and Our Biodiversity (i.e. biological diversity); SG LDP ENV 11 – Protection of Soil and Peat Resources; SG 2 Renewable Energy; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan; SPP (2014); Onshore wind policy statement, (January 2017).

2. Landscape Impact

Argyll and Bute Council will assess with the aim of protecting conserving and where possible enhancing the built, human and natural environment. A development proposal will not be supported when it does not protect, conserve or where possible enhance the established character and local distinctiveness of the landscape in terms of its location, scale, form and design. Argyll and Bute Council will resist renewable energy developments where these are not consistent with the principles of sustainable development and it has not been adequately demonstrated that there would be no

unacceptable significant adverse landscape and visual impacts, whether individual or cumulative.

The Argyll & Bute Landscape Wind Energy Capacity Study (LWECS) identifies a number of strategic recommendations for Argyll and Bute which the development contradicts, in the case of recommendations for Loch Awe substantially and in the case of Loch Fyne to a smaller extent:

- 'To conserve the rich scenic character found at the northern and southern ends of Loch Awe by locating additional wind farm development so it is well set back from the outer edges of the surrounding uplands of the Craggy Upland(7)';
- To follow the established pattern of larger wind farm development associated with less sensitive landscapes and to minimise impacts on smaller scale settled landscapes by locating development well back into the interior and considering limitations on the height of development;
- Conserve the character and integrity of inner Loch Fyne by avoiding wind farm development on steep hill slopes and skylines

Recommendations for the Loch Awe area state that there is no scope for additional wind turbines over 130m and limited scope for turbines (80-130m high) to be accommodated either side of Loch Awe. The remaining undeveloped parts of these upland landscapes are often more constrained as they lie closer to more sensitive settled areas and valleys.

The turbines would be located in the 'Craggy Upland' Landscape Character Type (LCT7) on the higher ground to the east of Loch Awe. This ridge forms the immediate setting and landscape backdrop and skyline to the smaller scale 20 Rocky Mosaic LCT around Loch Awe and also the landscape backdrop of Loch Avich. The site is widely visible from around the Lochs and also from elevated views such as Ben Cruachan.

For the 'Craggy Upland LCT7' the Landscape Wind Energy Capacity Study (LWECS) identifies a high sensitivity to very large turbines (turbines over 130m) and a high to medium sensitivity to large turbines (100-130m). It finds that Large turbines would be likely to impact on the smaller scale settled fringes and the shores of Loch Awe (LCT20) and inner Loch Fyne. If located on the outer edges of these uplands they would have potential to significantly increase effects on more settled and complex coasts, loch shores and islands.

Blarghour wind farm would bring a new, very large scale of wind farm development into the LCT 20 Rocky Mosaic and the LCT7 Craggy Upland which make up the shores, the settlements and roads around the Loch Awe and Loch Avich area.

Due to the size of turbines, its horizontal extent and also the proximity to Loch Awe the wind farm would be out of scale with the more intimately scaled landscape of the narrow Loch Awe. It would diminish the scale of the immediate landscape backdrop. This would result in a significantly heightened prominence and presence of large scale wind farms within this distinctive smaller scale landscape of the Lochs, in particular Loch Awe.

The Argyll & Bute Landscape Wind Energy Capacity Study also highlights the sensitivity that the Craggy Upland 7 is the landscape foreground in views from Ben Cruachan. VP 16 shows that the wind farm would be prominently visible in the

foreground and rather than appearing set back, partly due to their size, the turbines would appear to encroach on the smaller scale landscape context of the Loch.

The proposal is not in keeping with the existing pattern of wind farm development around Loch Awe, which is set back from the immediate loch environs, and contradicts the strategic recommendation of the Argyll and Bute Landscape Wind Energy Capacity Study (A&B LWECS) to retain this pattern in order to conserve the rich and scenic character of Loch Awe.

The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected direct or indirect benefits which a development of this scale would make, including local economic benefits and the achievement of climate change related commitments.

Having due regard to the above it is concluded that the proposal will have significant adverse landscape impacts and is therefore inconsistent with the provisions of: SG LDP ENV 14 –Landscape; SG 2 Renewable Energy; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 6 – Supporting the Sustainable Growth of Renewables; LDP 9 – Development Setting, Layout and Design; of the Argyll & Bute Local Development Plan; SPP (2014); and the Onshore wind policy statement, (2017).

3. Visual Impact

Argyll and Bute Council will assess with the aim of protecting conserving and where possible enhancing the built, human and natural environment. A development proposal will not be supported when it does not protect, conserve or where possible enhance the established character and local distinctiveness of the landscape in terms of its location, scale, form and design. Argyll and Bute Council will resist renewable energy developments where these are not consistent with the principles of sustainable development and it has not been adequately demonstrated that there would be no unacceptable significant adverse landscape and visual impacts, whether individual or cumulative.

Blarghour would introduce prominent and large scale wind farm visibility extensively around Loch Awe affecting areas with currently limited wind farm visibility such as the north-western shores, most - if not all -open and framed views of the Loch from the National cycle route NCN78 and unnamed road along the north-western side of Loch Awe, large parts of the open water; and affecting areas with no wind farm visibility such as the B840 (viewpoint 14 - B840 east of Ford) and the south-eastern shores of Loch Awe and parts of the open water.

The wind farm would be obvious in most views from around the Lochs and although the area along the routes is largely wooded there are continuous glimpses, panoramic openings and framed views which are important highlights of the scenic landscape experience when traveling along these routes. In these views Blarghour would form a key feature on the horizon. It would often be in the focus of the view, in several views diminishing landscape scale or dominating the view. These views would also be extensive along the western and eastern shoreline and from the open water, impacting on any water-based recreational activities such as fishing and boating.

In many of these views Blarghour would be closer and more prominent than in the views represented in the ES by VP10 (Kilmaha) and VP14 (B840 East of Ford).

In views along the north-western edge the prominence of the wind farm would be exacerbated by the in combination cumulative visibility with An Suidhe (as shown in VP10 at Kilmaha). When entering the Loch from the south on the B840 Blarghour would be central in the panoramic opening before the Loch comes into view (VP14) and would form a key feature in this scenic southern approach to Loch Awe, which is currently free of wind farm visibility. To the north of this location at VP14 along the B840, Blarghour would be visible from a series of access points to the loch-shores, and also from the ruins of Finchairn Castle. In these views it would be significantly closer and more prominent than shown in VP14.

Blarghour wind farm would introduce conspicuous large scale turbine visibility into scenic views around Loch Avich from Loch Avich road, which are currently free of turbine visibility. Although An Suidhe is theoretically visible along a significant stretch of road along Loch Avich, its actual visibility is very limited, often negligible or screened. The larger Blarghour turbines in contrast would be clearly visible and Blarghour's visibility alone would extend further back into the Loch where according to the ES's ZTV it would likely be clearly visible on the horizon.

The Blarghour turbines would be prominent and dominant on the immediate skyline in views from the settlements Dalavich and Inverinan. The turbines both in their horizontal extent and overall turbine size would be a dominant component in views from the village, in panoramic views of the Loch from the jetty (VP2), views from the water and the southern approach to the village on the road, resulting in a major significant adverse impact on residents, visitors and people in pursuit of recreational activities on the Dalavich loch shore. The significant adverse visual impacts on the settlements would be exacerbated by the cumulative impacts of combined visibility with An Suidhe which, unlike as shown in VP1, would likely be unobstructed from most areas in the village.

Blarghour wind farm would be seen in views of Inveraray Town, Castle and Garden and Designed Landscape from east Loch Fyne, as represented by VP7 St Catherine's. From VP7, the scenic 180 degree view across Loch Fyne towards Inveraray would be affected by the visibility of sky lining blades over the high moorland backdrop behind the castle. This highly scenic view is sensitive and even though only a small proportion of the whole turbines would be seen, this would create a distracting focus and a disturbing image. Depending on the micro-siting which allows for 50m variation, the blades/rotors could become more visible. According to the ES, from VP7 visibility would be limited to the blades of turbines 11, 12 and 13.

Blarghour wind farm would be extensively visible around the Loch Awe and Loch Avich area introducing prominent visibility of large scale wind farm development into the central and southern part of Loch Awe and the northern side of Loch Avich, areas where wind farm visibility is currently limited or absent.

The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected direct or indirect benefits which a development of this scale would make, including local economic benefits and the achievement of climate change related commitments.

Having due regard to the above it is concluded that the proposal will have significant adverse visual impacts and is therefore inconsistent with the provisions of: SG LDP ENV 14 –Landscape; SG 2 Renewable Energy; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection,

Conservation and Enhancement of our Environment; Policy LDP 6 – Supporting the Sustainable Growth of Renewables; LDP 9 – Development Setting, Layout and Design; of the Argyll & Bute Local Development Plan; SPP (2014); and the Onshore wind policy statement, (2017).

4. Cumulative Impact

Argyll & Bute Council will support renewable energy developments where these are consistent with the principles of sustainable development and it can be adequately demonstrated that there would be no unacceptable significant adverse landscape and visual impacts, whether individual or cumulative.

The Argyll & Bute Landscape Wind Energy Capacity Study states that cumulative effects are a key constraint and the height of additional development needs careful consideration in relation to older existing wind farms and to reduce visual prominence from key views from roads/recreational routes and settlements.

The proposal both on its own and cumulatively would be a large development in a prominent position and would significantly affect the experience of the landscape and the distinctive landscape character of Loch Awe, its settled shores and surrounding uplands.

Blarghour would be located around 4.5km north of the existing An Suidhe wind farm which consists of 24 turbines of 83m height. The two wind farms would be seen next to each other over a wide area, in particular in views from the west along the minor road and the National Cycle route, the settlements of Dalavich and Inverinan, and part of the road to and along Loch Avich. They would be significantly different in turbine height and design. The Argyll Landscape Wind Energy Capacity Study anticipates significant cumulative effects due to contrast in turbine size and multiple developments seen on skyline ridges. This difference in scale and in some cases also the extent of skyline occupied by wind farms would result in significant adverse cumulative visual impacts around the Loch Awe area. In many views, such as along the north-western edge of Loch Awe the two wind farms would create a confusing image. In VP10 for example An Suidhe turbines which would be seen across the Loch at 5.7km distance would appear slightly smaller but roughly the same size as Blarghour in the far distance at 9.8km. Adverse impacts would also arise from the inverted relationship of larger turbines on the smaller landform and smaller turbines on the larger landform. This would be most obvious from the settlements affected as demonstrated by Fig.4.10.c. when using the wireline. The two wind farms with turbines of significantly different size and shape when seen on the same horizon would create an unbalanced and inharmonious image. These cumulative impacts would be significant in the settlements of Dalavich and Inverinan and the Loch Avich Road when approaching Loch Awe as seen in VP 3, Fig. 4.11.c with cumulative wireline, where the two wind farms would be seen at close proximity next to each other along the same skyline. From here the two wind farms combined would take up a significant extent of the skyline and landscape backdrop of the Loch and the two settlements.

The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected direct or indirect benefits which a development of this scale would make, including local economic benefits and the achievement of climate change related commitments.

Having due regard to the above it is concluded that the proposal will have significant adverse Cumulative Landscape and Visual impacts and is therefore

inconsistent with the provisions of: SG LDP ENV 14 –Landscape; SG 2 Renewable Energy; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 6 – Supporting the Sustainable Growth of Renewables; LDP 9 – Development Setting, Layout and Design; of the Argyll & Bute Local Development Plan; SPP (2014); and the Onshore wind policy statement, (2017).

5. Design

Argyll and Bute Council will support renewable energy developments where these are consistent with the principles of sustainable development and it can be adequately demonstrated that there would be no unacceptable significant adverse landscape and visual impacts, whether individual or cumulative. Argyll and Bute Council will resist development with poor quality or inappropriate layouts.

It is considered that the turbines selected are too large for the receiving landscape, resulting in significant landscape visual and cumulative effects that cannot be mitigated. In views from the south the layout is unbalanced with regularly spaced turbines to the eastern end and separate clusters to the western end. In several of the views from the nearby settlements to the west stacking, overlapping and clustering of turbines causes additional adverse impacts by an unbalanced overly complex formation with overlapping blades.

The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected direct or indirect benefits which a development of this scale would make, including local economic benefits and the achievement of climate change related commitments.

Having due regard to the above it is considered that the turbines selected are too large for the receiving landscape contrary to the provisions of: SG LDP ENV 14 –Landscape; SG 2 Renewable Energy; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 6 – Supporting the Sustainable Growth of Renewables; LDP 9 – Development Setting, Layout and Design; of the Argyll & Bute Local Development Plan; SPP (2014); and the Onshore wind policy statement, (2017).

APPENDIX A – PLANNING LAND USE AND POLICY ASSESSMENT

A. THE SECTION 36 CONSENTING REGIME

In Scotland, any application to construct or operate an onshore power generating station, in this case, a wind farm, with an installed capacity of over 50 megawatts (MW) requires the consent of Scottish Ministers under Section 36 of the Electricity Act 1989. Any ministerial authorisation given would include a 'deemed planning permission' and in these circumstances there is then no requirement for a planning application to be made to the Council as Planning Authority. The Council's role in this process is one of a consultee along with various other consultation bodies. It is open to the Council to either support or object to the proposal, and to recommend conditions it would wish to see imposed in the event that authorisation is given by the Scottish Government. In the event of an objection being raised by the Council, the Scottish Ministers are obliged to convene a Public Local Inquiry (PLI) if they are minded to approve the proposal. They can also choose to hold a PLI in other circumstances at their own discretion. Such an inquiry would be conducted by a Reporter(s) appointed by the Directorate

for Planning and Environmental Appeals. In the event that consent is given, either where there has been no objection from the Council, or where objections have been overruled following PLI, the Council as Planning Authority would become responsible for the agreement of matters pursuant to conditions, and for the ongoing monitoring and enforcement of such conditions.

This report reviews the policy considerations which are applicable to this proposal and the planning merits of the development, the views of bodies consulted by the Scottish Government along with other consultations undertaken by the Council, and 3rd party opinion expressed to the Scottish Government following publicity of the application by them. It recommends views to be conveyed to the Scottish Government on behalf of the Council before a final decision is taken in the matter.

The conclusion of this report is to recommend that the Council objects to this proposal.

B. SETTLEMENT STRATEGY

Policy LDP 6 of the Adopted Local Development Plan sets out the Council's Policy for renewable energy developments, in accordance with SPP 2014. In addition, there is also the Supplementary Planning Guidance. SPP 2 contains a Spatial Framework which has been prepared in accordance with SPP 2014.

The proposal is located within a mixture of: Rural Opportunity Area, Countryside and Very Sensitive Countryside as delineated by the LDP. The access from the public road is located within ROA; the internal access tracks are located in a combination of Countryside, Very Sensitive Countryside and Rural Opportunity Area; and the turbines, crane hardstandings, and all other ancillary development will be located in a combination of Countryside, Very Sensitive Countryside and Rural Opportunity Area where they are subject to the effect of LDP policy LDP DM 1.

LDP DM 1 requires proposals to be consistent with all other Development Plan Policies. In this case, it has not been demonstrated that the scale and location of the proposal, in combination with other existing and consented large scale turbines, will integrate sympathetically with the landscape, without giving rise to adverse consequences in terms of: impact on peat; landscape & visual impact (including cumulative); and design. For the reasons detailed below in this report, it is considered that this proposal does not satisfy Development Plan Policy and associated guidance in respect of wind farm development.

Having due regard to the above it is considered that the proposal is contrary to the provisions of LDP DM1 – Development within the Development Management Zones; SPP (2014); and National Planning Framework 3 in this regard.

C. SUPPORTING THE SUSTAINABLE GROWTH OF RENEWABLES

Argyll and Bute Council is keen to ensure that Argyll and Bute continues to make a positive contribution to meeting the Scottish Government's targets for renewable energy generation. These targets are important given the compelling need to reduce our carbon footprint and reduce our reliance on fossil fuels. The Council will support renewable energy developments where these are consistent with the principles of sustainable development and it can be adequately demonstrated that there would be no unacceptable significant adverse effects.

D. LOCATION, NATURE AND DESIGN OF PROPOSED DEVELOPMENT

The site is located within Mid Argyll, between Loch Awe and Loch Fyne and lies approximately 7km to the north west of Inveraray and approximately 4.5km to the south of Portsonachan.

The site is located on land within, Blarghour and Balliemeanoch farms, includes areas of plantation forestry at Three Bridges and Ardchnonell Forestry block and lies within four surface water catchments.

The proposal would comprise: 17 turbines of a maximum ground tip height of 136.5m; a crane hardstanding area at each turbine base; external turbine transformers adjacent to each turbine; up to three anemometer masts; a network of access tracks, turning areas and passing bays linking the turbines and the substation/control building; substation and compound; control building; three temporary construction compounds; underground electrical, telecommunication and control building cabling linking the turbines with the substation; up to three on site borrow pits; an access track linking the site with the A819; and associated ancillary works and engineering operations.

Infrastructure - Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposal can currently be serviced. According to Scottish Water's records, the proposal will impact on existing Scottish Water assets, and the applicant will be required to contact them directly. There are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposed activity. For reasons of sustainability and to protect customers from potential future sewer flooding, Scottish Water will not normally accept any surface water connections into our combined sewer system.

Borrow Pits - Suitable locations within the site for 3 borrow pits have been identified. They will provide a source of construction aggregate, which will minimise the amount of material required to be imported to the site. The Council would normally expect these to be the subject of separate mineral consent applications.

Grid Network & Cables - The grid connection does not form part of the section 36 consent application for the proposal. Any required consent for the grid connection would typically be sought by the relevant owner of the local distribution or transmission network. The Network Operator would be responsible for the consenting, construction and operation and maintenance of the grid connection.

E. SPATIAL FRAMEWORK FOR WIND FARMS

In terms of the Council's Spatial Framework for wind farms, the proposal is predominantly within a Group 2: Area of Significant Protection, designated as such due to the presence of Class 2 carbon rich soils, deep peat and priority peatland habitat. As set out in Table 1 of Scottish Planning Policy (reflected in the Council's Spatial Framework), further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.

F. NET ECONOMIC IMPACT, INCLUDING LOCAL AND COMMUNITY SOCIO-ECONOMIC BENEFITS SUCH AS EMPLOYMENT, ASSOCIATED BUSINESS AND SUPPLY CHAIN OPPORTUNITIES

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewables and SPP require applications for wind turbine developments to be assessed against net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.

Up to 10% of the overall value of contracts could be realised in Argyll and Bute (up to £5.78 million), and 35% of the value could be realised in Scotland (up to £20.195 million). The

construction phase would directly support 143.9 jobs (based on 2.49 jobs per MW) and a £9.2 million gross value added (GVA) to the UK economy. Expressed in job years (as the jobs would be short term, for the duration of the construction phase), the project would support approximately 219 jobs years.

The construction of the proposed development would therefore generate an uplift in employment for the local area and region, as a whole. This is assessed to be a short term beneficial effect, which is significant at the local level. In terms of the operational impacts, the site would employ one full time operations manager. The total employment provided directly at the site would be 2 full time equivalent jobs for the 30 year operational life of the wind farm (or 60 job years). Overall, this is assessed to be a long term beneficial effect, which is significant at the local level.

Community Benefit is not considered to be a 'material planning consideration' in the determination of planning applications. In the event that permission were to be granted, the negotiation of any community benefit, either directly with the local community or under the auspices of the Council, would take place outside the application process.

Having due regard to the above the proposals net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities has been assessed and it is concluded that the proposal is consistent with the provisions of Supplementary Guidance 2 (December 2016); LDP DM1 – Development within the Development Management Zones; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; LDP 6 - Supporting the Sustainable Growth of Renewables; SPP (June 2014) and the Onshore wind Policy Statement (January 2017) in this regard.

G. THE SCALE OF CONTRIBUTION TO RENEWABLE ENERGY GENERATION TARGETS

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and SPP require applications for wind turbine developments to be assessed against the scale of contribution to renewable energy generation targets.

The Scottish Government is committed to increasing the supply of renewable energy within Scotland and in 2018 their Energy Strategy sought to include a new 2030 'whole system' target for the equivalent of 50% of Scotland's heat, transport and electricity consumption to be supplied by renewable sources. Blarghour could generate up to 57.8MW of renewable electrical energy, which would be a large contribution to renewable energy generation targets.

Having due regard to the above the proposals scale of contribution to renewable energy generation targets has been assessed and it is concluded that the proposal is consistent with the provisions of SG 2; Supplementary LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; LDP 6 - Supporting the Sustainable Growth of Renewables; SPP (2014); and the Onshore wind Policy Statement (2017) in this regard.

H. EFFECT ON GREENHOUSE GAS EMISSIONS

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and SPP require applications for wind turbine developments to be assessed against their effect on greenhouse gas emissions. In respect of Scottish Government policy, The Scottish Government (2018) Climate Change Plan outlines a new interim target of reducing greenhouse gas emissions by 66% by 2032 against the baseline.

The proposed development would generate renewable electricity and would therefore displace carbon dioxide (CO₂) emissions associated with electricity generation, which would otherwise be supplied via other forms of power generation requiring the combustion of fossil fuels. The Scottish Government Carbon Calculator for Wind Farm on Peatlands has been used to calculate a payback period for the proposed development based on the full development lifecycle. The results indicate that the proposed development would have an expected payback period of 2.3 years compared to grid mix of electricity generation. The proposed development would save approximately 67,898 tonnes of carbon dioxide per year (compared to a typical grid mix of electricity supply). This equates to supplying 49,905 homes with renewable electricity.

Having due regard to the above the proposals effect on greenhouse gas emissions has been assessed and it is concluded that the proposal is consistent with the provisions of SG 2 Renewable Energy; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; LDP 6 - Supporting the Sustainable Growth of Renewables; SPP (2014) and the Onshore wind Policy Statement (January 2017) in this regard.

I. IMPACTS ON COMMUNITIES AND INDIVIDUAL DWELLINGS, INCLUDING VISUAL IMPACT, RESIDENTIAL AMENITY, NOISE AND SHADOW FLICKER (INCLUDING CUMULATIVE IMPACTS).

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and SPP require applications for wind turbine developments to be assessed against impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker.

The Environment Protection Officer has no objection to the proposal and recommends that conditions are attached to any grant of planning permission to ensure: control of noise immissions; a report to demonstrate compliance with noise limits; assessment by independent consultant following complaint; logging of wind speed, wind direction and power generation data; and a condition to secure a full appraisal to demonstrate the wholesomeness and sufficiency of the private water supply to serve the development. The appraisal shall also demonstrate that the wholesomeness and sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, shall not be compromised by the proposed development.

Air Quality - there are no matters considered to pose a threat to ambient air quality objectives. The main potential risk to air quality nuisance is during the construction phase, including dust from vehicles travelling along access tracks. The applicant has stated that a CDMP will be prepared to include control of dust etc. and a condition to require compliance with this could be considered.

Lighting - the proposal is unlikely to require significant lighting and given that there are no known sensitive receptors within a reasonable distance of the construction activities, it is not anticipated that light pollution will be a matter to control via planning condition.

Shadow Flicker – There are no properties within the potential zone of shadow flicker effects, therefore no further assessment is required and no significant effects are anticipated. The Environmental Protection Officer has not raised any concerns in regard to Shadow Flicker.

The Council's Environmental Protection Officer has confirmed that they have no observations to make on the Additional Information.

Avich & Kilchrenan Community Council - The Council's Environmental Protection Officer has been consulted on the independent analysis of the applicant's Noise Impact Assessment. At time of writing a response is outstanding.

SEPA originally objected on the grounds of lack of information regarding private water supplies. Additional information was provided by the applicant to address SEPA's objection on the grounds of private water supplies and SEPA have removed their objection on these grounds. They do however require conditions to secure a site specific CDEMP and a Peat Management Plan if these conditions are not applied to any consent granted SEPA would maintain their objection.

Having due regard to the above it is concluded that subject to the recommended conditions the proposal will not have any adverse impacts on communities and individual dwellings, including, residential amenity, noise and shadow flicker and subject to the recommended conditions is consistent with the provisions of SG 2 Renewable Energy; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; LDP 6 - Supporting the Sustainable Growth of Renewables; LDP 9 – Development Setting, Layout and Design; SPP (2014); and the Onshore Wind Policy Statement (2017) in this regard.

J. LANDSCAPE AND VISUAL IMPACTS, INCLUDING EFFECTS ON WILD LAND (INCLUDING CUMULATIVE IMPACTS)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and SPP require applications for wind turbine developments to be assessed against any landscape and visual impacts including wild land.

Scottish Natural Heritage's advice is that this is an unsuitable location for a wind farm of the scale proposed. This is the conclusion of their assessments of the proposal's impacts on the distinctive regional character of the Mid Argyll and Lorn landscape.

The wider environs around Loch Awe are already playing a major role in contributing to renewable energy for Scotland with the potential National Policy Framework project at Cruachan dam being a good example, along with the existing wind farms at Beinn Ghlas, Carraig Gheal and An Suidhe.

Background - SNH works in support of the government's vision for an energy sector that delivers secure, affordable and clean energy for Scotland. SNH provide advice in the spirit of the government's Onshore Wind Energy Strategy that says 'developments can and must strike the right balance between utilising Scotland's significant renewable energy resources whilst protecting our finest scenic landscapes and natural heritage'. From the first meeting with the developer for Blarghour wind farm, in their scoping response, subsequent meetings and their Scottish Government gate check 1 response, SNH have advised that this is not a suitable location for this type and scale of development due to the landscape and visual impacts.

Landscape and visual impacts

- The proposal both on its own and cumulatively would be a large development in a prominent position and would significantly affect the experience of the landscape and the distinctive landscape character of Loch Awe, its settled shores and surrounding uplands.

- The proposal is not in keeping with the existing pattern of wind farm development around Loch Awe, which is set back from the immediate loch environs, and contradicts the strategic recommendation of the Argyll and Bute Landscape Wind Energy Capacity Study (A&B LWECS) to retain this pattern in order to conserve the rich and scenic character of Loch Awe.
- Blarghour wind farm would be extensively visible around the Loch Awe and Loch Avich area introducing prominent visibility of large scale wind farm development into the central and southern part of Loch Awe and the northern side of Loch Avich, areas where wind farm visibility is currently limited or absent.
- The proposal, cumulatively with Upper Sonachan (to be determined), would result in turbines becoming a prominent feature with significant landscape and visual impacts. In addition to being seen together in combined and successive views the wind farms would also be seen in sequence as people move around the landscape resulting in very large prominent wind farms in a significant proportion of views: at the scenic head and the settled shores of Loch Awe; from transport routes and recreational areas.
- Some of the significant adverse impacts above could be reduced by a substantial reduction in turbine size. However, we are not qualified to say whether such a development would be viable

Scottish Natural Heritage's comments on the Argyll and Bute Landscape Wind Energy Capacity Study 2017 (LWECS) Strategic recommendations - LWECS identifies a number of strategic recommendations for Argyll and Bute which the development contradicts, in the case of recommendations for Loch Awe substantially and in the case of Loch Fyne to a smaller extent:

- 'To conserve the rich scenic character found at the northern and southern ends of Loch Awe by locating additional wind farm development so it is well set back from the outer edges of the surrounding uplands of the Craggy Upland(7)';
- To follow the established pattern of larger wind farm development associated with less sensitive landscapes and to minimise impacts on smaller scale settled landscapes by locating development well back into the interior and considering limitations on the height of development;
- Conserve the character and integrity of inner Loch Fyne by avoiding wind farm development on steep hill slopes and skylines

Recommendations for the Loch Awe area state that there is no scope for additional wind turbines over 130m and limited scope for turbines (80-130m high) to be accommodated either side of Loch Awe. The remaining undeveloped parts of these upland landscapes are often more constrained as they lie closer to more sensitive settled areas and valleys.

LWECS also states that cumulative effects are a key constraint and the height of additional development needs careful consideration in relation to older existing wind farms and to reduce visual prominence from key views from roads/recreational routes and settlements.

Scottish Natural Heritage comments on Landscape Impacts - The turbines would be located in the 'Craggy Upland' Landscape Character Type (LCT7) on the higher ground to the east of Loch Awe. This ridge forms the immediate setting and landscape backdrop and skyline to the smaller scale 20 Rocky Mosaic LCT around Loch Awe and also the landscape backdrop of

Loch Avich. The site is widely visible from around the Lochs and also from elevated views such as Ben Cruachan.

For the 'Craggy Upland LCT7' the Landscape Wind Energy Capacity Study (LWECS) identifies a high sensitivity to very large turbines (turbines over 130m) and a high to medium sensitivity to large turbines (100-130m). It finds that Large turbines would be likely to impact on the smaller scale settled fringes and the shores of Loch Awe (LCT20) and inner Loch Fyne. If located on the outer edges of these uplands they would have potential to significantly increase effects on more settled and complex coasts, loch shores and islands.

Blarghour wind farm would bring a new, very large scale of wind farm development into the LCT 20 Rocky Mosaic and the LCT7 Craggy Upland which make up the shores, the settlements and roads around the Loch Awe and Loch Avich area.

Due to the size of turbines, its horizontal extent and also the proximity to Loch Awe the wind farm would be out of scale with the more intimately scaled landscape of the narrow Loch Awe. It would diminish the scale of the immediate landscape backdrop. This would result in a significantly heightened prominence and presence of large scale wind farms within this distinctive smaller scale landscape of the Lochs, in particular Loch Awe.

The capacity study also highlights the sensitivity that the Craggy Upland 7 is the landscape foreground in views from Ben Cruachan. VP 16 shows that the wind farm would be prominently visible in the foreground and rather than appearing set back, partly due to their size, the turbines would appear to encroach on the smaller scale landscape context of the Loch. A reduction in turbine size could significantly reduce these impacts.

Scottish Natural Heritage's comments on Visual impacts on visitors to the Loch Awe area and recreational activities along roads, the National Cycle route, around the Loch shores and on the water - Blarghour would introduce prominent and large scale wind farm visibility extensively around Loch Awe affecting areas with currently limited wind farm visibility such as the north-western shores, most - if not all - open and framed views of the Loch from the National cycle route NCN78 and unnamed road along the north-western side of Loch Awe, large parts of the open water; and affecting areas with no wind farm visibility such as the B840 (viewpoint 14 - B840 east of Ford) and the south-eastern shores of Loch Awe and parts of the open water.

The wind farm would be obvious in most views from around the Lochs and although the area along the routes is largely wooded there are continuous glimpses, panoramic openings and framed views which are important highlights of the scenic landscape experience when traveling along these routes. In these views Blarghour would form a key feature on the horizon. It would often be in the focus of the view, in several views diminishing landscape scale or dominating the view. These views would also be extensive along the western and eastern shoreline and from the open water, impacting on any water-based recreational activities such as fishing and boating.

In many of these views Blarghour would be closer and more prominent than in the views represented in the ES by VP10 (Kilmaha) and VP14 (B840 East of Ford).

In views along the north-western edge the prominence of the wind farm would be exacerbated by the in combination cumulative visibility with An Suidhe (as shown in VP10 at Kilmaha). When entering the Loch from the south on the B840 Blarghour would be central in the panoramic opening before the Loch comes into view (VP14) and would form a key feature in this scenic southern approach to Loch Awe, which is currently free of wind farm visibility. To the north of this location at VP14 along the B840, Blarghour would be visible from a series of access points to the loch-shores, and also from the ruins of Finchairn Castle. In these views it

would be significantly closer and more prominent than shown in VP14.

Scottish Natural Heritage comments on Loch Avich - Blarghour wind farm would introduce conspicuous large scale turbine visibility into scenic views around Loch Avich from Loch Avich road, which are currently free of turbine visibility. Although An Suidhe is theoretically visible along a significant stretch of road along Loch Avich, its actual visibility is very limited, often negligible or screened. The larger Blarghour turbines in contrast would be clearly visible and Blarghour's visibility alone would extend further back into the Loch where according to the ES's ZTV it would likely be clearly visible on the horizon.

Scottish Natural Heritage comments on Visual Impacts on the settlements of Dalavich and Inverinan - The Blarghour turbines would be prominent and dominant on the immediate skyline in views from the settlements Dalavich and Inverinan. The turbines both in their horizontal extent and overall turbine size would be a dominant component in views from the village, in panoramic views of the Loch from the jetty (VP2), views from the water and the southern approach to the village on the road, resulting in a major significant adverse impact on residents, visitors and people in pursuit of recreational activities on the Dalavich loch shore. The significant adverse visual impacts on the settlements would be exacerbated by the cumulative impacts of combined visibility with An Suidhe which, unlike as shown in VP1, would likely be unobstructed from most areas in the village.

Loch Fyne and Inveraray - Blarghour wind farm would be seen in views of Inveraray Town, Castle and Garden and Designed Landscape from east Loch Fyne, as represented by VP7 St Catherine's. From VP7, the scenic 180 degree view across Loch Fyne towards Inveraray would be affected by the visibility of sky lining blades over the high moorland backdrop behind the castle. This highly scenic view is sensitive and even though only a small proportion of the whole turbines would be seen, this would create a distracting focus and a disturbing image. Depending on the micro-siting which allows for 50m variation, the blades/rotors could become more visible. According to the ES, from VP7 visibility would be limited to the blades of turbines 11, 12 and 13. This could possibly be mitigated by design amendments to avoid visibility of blades or part blades from Loch Fyne area above Inveraray.

Scottish Natural Heritage comments on Cumulative impacts

Scottish Natural Heritage comments on An Suidhe - Blarghour would be located around 4.5km north of the existing An Suidhe wind farm which consists of 24 turbines of 83m height. The 2 wind farms would be seen next to each other over a wide area, in particular in views from the west along the minor road and the National Cycle route, the settlements of Dalavich and Inverinan, and part of the road to and along Loch Avich. They would be significantly different in turbine height and design. LWECS anticipates significant cumulative effects due to contrast in turbine size and multiple developments seen on skyline ridges. This difference in scale and in some cases also the extent of skyline occupied by wind farms would result in significant adverse cumulative visual impacts around the Loch Awe area. In many views, such as along the north-western edge of Loch Awe the 2 wind farms would create a confusing image. In VP10 for example An Suidhe turbines which would be seen across the Loch at 5.7km distance would appear slightly smaller but roughly the same size as Blarghour in the far distance at 9.8km. Adverse impacts would also arise from the inverted relationship of larger turbines on the smaller landform and smaller turbines on the larger landform. This would be most obvious from the settlements affected as one can see on Fig.4.10.c. when using the wireline. The 2 wind farms with turbines of significantly different size and shape when seen on the same horizon would create an unbalanced and inharmonious image. These cumulative impacts would be significant in the settlements of Dalavich and Inverinan and the Loch Avich Road when approaching Loch Awe as seen in VP 3, Fig. 4.11.c with cumulative wireline, where the two wind farms would be seen at close proximity next to each other along the same skyline. From here the 2 wind farms combined would take up a significant extent of the skyline and

landscape backdrop of the Loch and the 2 settlements.

Scottish Natural Heritage comments on Upper Sonachan Wind farm – in their response to this application SNH provided comments on the relationship of the proposal with Upper Sonachan wind farm in Landscape and Visual Impact terms. This part of their response is omitted from this PPSL report, as the appeal for Upper Sonachan has been dismissed. Consequently, an assessment of Blarghour and Upper Sonachan is no longer necessary.

Scottish Natural Heritage - Design comments - SNH consider the turbines selected to be too large for the receiving landscape, resulting in significant landscape visual and cumulative effects that cannot be mitigated. In views from the south the layout is unbalanced with regularly spaced turbines to the eastern end and separate clusters to the western end. In several of the views from the nearby settlements to the west (Dalavich, etc.) stacking, overlapping and clustering of turbines causes additional adverse impacts by an unbalanced overly complex formation with overlapping blades.

Scottish Natural Heritage - Comments on the ES - In several cases the ES does not include sufficient landscape context in its photomontages to accurately show the most significant cumulative relationships with neighbouring An Suidhe wind farm, especially in visualisations where An Suidhe and Blarghour are seen next to each other on the horizon such as VP 1, 2 and 3. SNH have carried out a site visit and used the wirelines to form a view on the impacts. The visualisation for VP1 understates the cumulative impact by micro-siting in a way which is not representative for the otherwise unobstructed cumulative visibility with An Suidhe from the village. VP10 and VP14 are not representative of impacts along the north-western and south-eastern edge of Loch Awe as they represent neither the worst case nor the average scenario. In SNH's view the ES underplays and omits significant impacts occurring on the south-eastern side of Loch Awe and it does not include visualisations that are representative of the likely significant adverse effects that would be experienced from the south-eastern shores of Loch Awe, where a series of scenic lochside-locations with facilities such as access, parking and bins and the Finchairn Castle ruins are obvious receptors that should have been represented in the ES. There appear to be some significant mistakes in the table for the Viewpoint-Assessment the view from St Catherine's as it mentions visibility of wind farms which are not visible and therefore indicates some confusion between Loch Fyne and Loch Awe. The wireline provided for the visualisation of VP4 at Inverinan does not match the turbines shown in the picture. It appears to be the wrong wireline as all other wirelines are consistent for this VP. Visibility and/or graphic production in many of the photographs is not clear so that most of the existing wind farms are not visible in the photomontages for example in visualisations for views from Ben Dearg (VP8) towards Clachan Flats or views from Ben Cruachan (VP16) towards other existing wind farms.

Additional Information – the applicant submitted a report in response to SNH's Landscape & Visual advice. This report concludes that whilst SNH raise concerns about the effect of the proposed development they do not object to it, and except for a small number of locations, do not dispute the findings of the LVIA in the ES. It is also the case that they do not request any further information. Consequently, it is concluded that they are broadly content with the information and assessment provided in the ES. The few criticisms made by SNH of the LVIA are considered unwarranted and incorrect. The LVIA is therefore considered to provide a robust and rigorous assessment suitable for reliance upon in determination of the application. In contrast, a number of SNH's assertions regarding landscape and visual effects, are, at best, overstatements and in some cases, factually incorrect. It is therefore respectfully suggested that preference be given to the findings and analysis detailed in the LVIA.

Whilst SNH raise a number of concerns regarding the suitability of the proposed developments location and its design, they provide little substantiation and their analysis is often flawed. They also place undue reliance upon the ABLWECS whilst entirely omitting any consideration

of guidance such as the Spatial Framework. ABLWECS is a strategic level document and which is accepted to be a starting point only, the consideration of individual proposals requiring a site specific detailed LVIA. The proposed development was sited in an area with no significant landscape constraints, which is reflected in the generally locally significant nature of effects on an area subject to no national or regional designations or classifications and no nationally or regionally significant transportation routes. The majority of on-shore wind energy developments will result in some significant effects, and the proposed development is not considered unusual in this regard.

With regard to the criticism of the size of the proposed turbines, SNH's narrative is considered to be overly simplistic, to ignore the developing approach throughout the wind energy sector in Scotland, and to overstate the effect of the difference in turbines size between the proposed development and the An Suidhe development. Additionally, the necessity and the efficacy of their suggested mitigation by reducing the turbine size is considered to be unsubstantiated and should be given limited weight.

Scottish Natural Heritage have considered the Additional Information in regard to Landscape. In their original response they made no request for additional landscape assessment works to be carried out. SNH have noted the contents of the additional works that have been submitted, however, this has not changed their landscape advice.

Loch Lomond and the Trossachs National Park advise that it is felt that this wind farm will not result in any significant landscape or visual effects on the National Park. This is due to the distance from which it will be visible and how it will be viewed from different directions. This does not mean however that it will not be visible. Please note that this is an officer response and any amendment to the above proposal may alter our response.

Having due regard to the above it is concluded that the proposal will have adverse landscape and visual impacts (including cumulative) and is therefore inconsistent with the provisions of: SG LDP ENV 14 –Landscape; SG 2 Renewable Energy; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 6 – Supporting the Sustainable Growth of Renewables; LDP 9 – Development Setting, Layout and Design; of the Argyll & Bute Local Development Plan; SPP (2014); and the Onshore wind policy statement, (2017).

K. EFFECTS ON NATURAL HERITAGE INCLUDING BIRDS (INCLUDING CUMULATIVE IMPACTS)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and SPP require applications for wind turbine developments to be assessed against any impact they may have on natural heritage including birds.

Birds

Scottish Natural Heritage initially had a holding objection in relation to ornithology and collision risk modelling. They advised that the collision risk modelling carried out raised concerns about the approach and the presentation. As presented SNH could not fully assess the impacts of this proposal at the level of NHZ14 to assess regional impacts. Therefore SNH required additional information to be submitted to include: re-calculation of the collisions risks for all species taking into account SNH's comments on the submitted calculations.

SNH's comments on other impacts are as follows:

Golden eagle - With the dropping of Bailliemanoch from the 3 projects affecting the eagle range adjacent to the Glen Etive and Glen Fyne SPA, the potential for ranges 'shifting' has been greatly reduced and unlikely to happen. Therefore SNH do not consider there is potential for any 'knock-on' impacts on the adjacent SPA range. SNH are content that the HMA will provide additional habitat for foraging eagles and will largely offset the potential range loss for LAE1. Therefore the potential displacement risks have been sufficiently reduced.

Red-throated diver - SNH note that two of the nests sites recorded during the survey period are within 500m of turbine locations and/or associated wind farm infrastructure (one well within being 120m from a track and 210m from T11 track). Risks of disturbance are correctly identified for the construction phase and suitable mitigation is proposed. However it seems no account has been taken of the ongoing risks of disturbance during the operational phase from maintenance etc.. Mitigation to address the risk of disturbance and a reckless offence under the Wildlife & Countryside Act 1981 needs to be provided.

White-tailed eagle - Notwithstanding the concerns over the collision risk modelling, the predictions for this proposal are the highest seen to date in Argyll. SNH would take this opportunity to highlight that whilst the figures are not yet of significant concern cumulative risks to this species are growing.

Additional Information – further ornithology information is presented in the document 'Blarghour Collision Risk Assessment – Clarification document (January 2019) (Appendix 1 of Additional Information). This document was produced following SNH requesting clarification/further information on a number of issues relating to the Collision Risk Assessment work undertaken for the proposal. Species considered include: red-throated diver, golden eagle, white-tailed eagle, hen harrier, peregrine, osprey, merlin, curlew, and golden plover.

Scottish Natural Heritage have considered the Additional Information in regard to Ornithology (Golden Eagle) and have confirmed that it has enabled the impacts on golden eagles and associated designated sites, to now be fully assessed. SNH's subsequent advice, which updates their position given in their original response, is that the proposal will not have any significant impact on golden eagles or their associated designated sites in the area.

RSPB Scotland have concerns that potential impacts of this proposal are underestimated in relation to golden eagle, red-throated diver and peatland habitat. RSPB Scotland therefore request that further information and mitigation is provided which address these issues. In particular, RSPB Scotland provide advice on mitigation/habitat management that will minimise biodiversity impacts of the development. RSPB wish to object to the application until this further information and detail of the mitigation is made available. Although RSPB Scotland are objecting until the further information / mitigation is provided as set out they ask that if Scottish Ministers are minded to approve this application, the conditions are secured as a condition of any consent are applied as a minimum. In summary, although the impacts within the EIA Report are assessed as being acceptable at an Argyll (Natural Heritage Zone) scale, RSPB Scotland consider that impacts may be greater than predicted and that further mitigation is required in order to reduce the biodiversity impacts of the development. RSPB Scotland request the following information is supplied/ mitigation applied: **Further information is provided on how the CRM for golden eagle has been produced with standard figures provided as per SNH guidance; Consideration of the potential impacts of collision mortality at the proposed windfarm on recruitment into the SPA as part of the HRA.; Further mitigation should be considered for red-throated diver e.g. re-siting turbines and raft provision and other management /monitoring that could minimise impacts. This should include due consideration of operational access requirements to turbines within the breeding season; Further consideration is given to avoiding areas of deep peat (i.e. the site is redesigned / turbines re-sited) and larger-scale opportunities for restoration are developed. Re-siting within the commercial forestry should be**

considered; the conflict of interest between the compensatory planting proposals and mitigation works for eagles in the proposed HMP is addressed; and Native forestry work should be undertaken within the western edge of the plantation and on the southern side of the valley to the planned OHMP area.

RSPB Scotland - whilst RSPB Scotland appreciate that further information has been supplied, this has not fully addressed the issues and concerns raised in their original objection as no changes to, or additional mitigation for the impacts of, the proposal have been made. RSPB Scotland remains concerned that the potential impacts of this proposal are underestimated in relation to golden eagle, red-throated diver and peatland habitat. This response updates their previous response, although their request for further mitigation remains largely unaltered, as many of their concerns seem to remain unconsidered by the applicant. In summary, although the impacts within the EIA Report are assessed as being acceptable at an Argyll (Natural Heritage Zone) scale, RSPB consider that impacts may be greater than predicted and that further mitigation is required in order to reduce the biodiversity impacts of the development. RSPB request that the following information is supplied/ mitigation applied: further mitigation should be considered for red-throated diver e.g. re-siting turbines and raft provision and other management /monitoring that could minimise impacts. This should include due consideration of operational access requirements to turbines within the breeding season; further consideration is given to avoiding areas of deep peat (i.e. the site is redesigned / turbines re-sited) and larger-scale opportunities for restoration are developed. Re-siting within the commercial forestry should be considered; the conflict of interest between the compensatory planting proposals and mitigation works for eagles in the proposed HMP must be addressed; and Native forestry / peatland restoration work should be undertaken within the western edge of the plantation and native forestry on the southern side of the valley to the planned OHMP area. Although RSPB are objecting until further information is made available. They ask that if Scottish Ministers are minded to approve this application, conditions to secure the following attached to any consent: no works during bird breeding season, unless bird disturbance management plan agreed; Habitat Management Plan; employment of an appropriately qualified and experienced Ecological Clerk of Works to oversee construction; and a programme of post-construction bird monitoring;

Forestry

Scottish Forestry have considered the proposal and the Additional Information in relation to the UK Forestry Standard (UKFS) and Scottish Governments Control of Woodland Policy. Scottish Forestry does not object to the proposal assuming that the necessary woodland planting scheme/compensatory planting and Long Term Forest Plan/amendment for the management of the remaining woodland in line with UKFS, are secured by condition. Having reviewed the additional information. This would seem to confirm that there will be areas, currently proposed for compensatory planting, which may be more suited to open ground habitat. Indeed, some of the open ground habitat within the proposed native broadleaf area, may be particularly valuable to the bird species which are given prominence in the ES. However, Scottish Forestry consider that these details can be discussed further as due diligence proceeds and agreed in relation to the discharge of the recommended conditions.

Fish

Marine Scotland note that the developer has carried out site characterisation surveys of fish in the watercourses within Loch Awe, MSS recommend additional site characterisation surveys to be carried out of watercourses within the River Aray catchment. These site characterisation surveys can inform the design of the proposed monitoring programme such that any changes, should they occur, can be identified and rapidly remediated throughout the course of the wind farm development. The proposed integrated water quality and fish monitoring programme could be incorporated into a planning condition should consent be

granted. In response to the Additional Information MSS welcomes the clarification, provided, regarding the position of turbines out-with the proposed 50m buffer zone. MSS reiterates the advice previously provided that the developer carries out site characterisation surveys of watercourses within the River Aray catchment and that the proposed integrated water quality and fish monitoring programme, based on MSS guidelines, could be incorporated into a planning condition, should consent be granted.

Argyll District Salmon Fishery Board limits its comment on the Additional Information solely to the matters directly acting on fish and fisheries in the Awe River catchment. ADSFB note that in section 5.6 of the main document on 'Additional ecological enhancement opportunities' that opportunities for improving the water environment at the site include regeneration of broadleaf woodland in riparian habitats. It is their view that increasing shading of river channels is a fundamental and essential action to protect Coldwater fish against projected climate warming. Therefore, ADSFB suggest that such opportunities for habitat improvement should be embedded in any permission granted for the construction and operation of the wind Farm. ADSFB do not however think that the presence of hydro schemes should prevent or limit the regeneration of riparian woodland. If such a clause were to be accepted, the widespread presence of hydro schemes in the Awe and many other river catchments in Argyll would undermine potential to improve and protect river habitat over a very large area.

The Council's Local Biodiversity Officer welcomes the provision for a Construction and Decommissioning Environment Management Plan (CDEMP) and the associated action plans for ecological and conservation interests overseen by an Ecological Clerk of Works for the construction and de-commissioning process. It is recommended that further information is provided on Golden Eagle and Red-throated diver activity, as the site is close to an SPA and a series of lochs within the proposed site, mitigation is to be included so as to avoid compromising these species. Three borrow pits will be used to provide material for the construction process, further information should be provided on their restoration; in the proposed CDEMP. In response to the Additional Information the LBO refers to previous advice and advises that further outstanding issues "on the management and restoration of Soil and Peat and needs to be included in the Construction and Decommissioning Environment Management Plan (CDEMP). The LBO notes that there is an opportunity for native woodland expansion, and asks that draft plans are prepared for approval by FCS and the Planning Authority.

Having due regard to the above it is concluded that the proposal will not have any adverse impacts on the natural heritage including birds and is therefore consistent with the provisions of SG LDP ENV 1 – Development Impact on Habitats, Species and Our Biodiversity (i.e. biological diversity); SG LDP ENV 6 – Development Impact on Trees / Woodland; SG LDP ENV 7 – Water Quality and the Environment; SG LDP ENV 11 – Protection of Soil and Peat Resources; SG 2 Renewable Energy; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan; SPP; Onshore wind policy statement, Scottish Government (January 2017); The Scottish Government's Policy on 'Control of Woodland Removal' (Forestry Commission Scotland 2009);

L. IMPACTS ON CARBON RICH SOILS, USING THE CARBON CALCULATOR (INCLUDING CUMULATIVE IMPACTS)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, Supplementary Guidance 2 and SPP require applications for wind turbine developments to be assessed against any impact they may have on carbon rich soils, using the carbon calculator.

Spatial Framework (SPP & SG2) - In terms of the Council's Spatial Framework for wind farms, the proposal is predominantly within a Group 2: Area of Significant Protection, designated as such due to the presence of Class 2 carbon rich soils, deep peat and priority peatland habitat. As set out in Table 1 of Scottish Planning Policy (reflected in the Council's Spatial Framework), further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.

Carbon-rich soils, deep peat and priority peatland habitat.

Scottish Natural Heritage Advice advise that this is an unsuitable location for a wind farm of the scale proposed. This is the conclusion of their assessments of the proposal's impacts on priority peatland habitat underpinned by deep peat. SNH objects to this application for the following reason:

- The proposed development will have significant adverse impacts on the nationally important carbon-rich soils, deep peat and priority peatland habitat which are present on the site. In our view the significant effects of the proposal on this area have not been substantially overcome through siting, design or other mitigation, as required by Scottish Planning Policy.

SNH has not been able to identify any mitigation which will address the impacts leading to this objection.

Background - SNH works in support of the government's vision for an energy sector that delivers secure, affordable and clean energy for Scotland. SNH provide advice in the spirit of the government's Onshore Wind Energy Strategy that says 'developments can and must strike the right balance between utilising Scotland's significant renewable energy resources whilst protecting our finest scenic landscapes and natural heritage'. Following consideration of the EIA Report and having undertaken further site visits, we recognise that the presence of high quality and extensive blanket bog on deep peat also makes this an unsuitable site for a large scale wind farm.

SNH Advice on Blanket Bog - Table 1 of SPP identifies nationally important carbon-rich soils, deep peat and priority peatland habitat as an '*Area of significant protection*'. This resource is mapped at broad scale on the Carbon & Peatland Map 2016. The siting of a wind farm within the '*Area of significant protection*' does not, in itself, mean that the proposal is unacceptable, nor that carbon rich soils, deep peat and priority peatland habitat will be adversely affected. The quality of peatland is often highly variable across a site and a detailed assessment is therefore required to identify the actual effects of the proposal. SPP requires that significant effects on the qualities of these areas be 'substantially overcome by siting, design or other mitigation'.

- The Carbon & Peatland Map 2016 shows that the application site includes large areas of '*Class 2 nationally important carbon-rich soils, deep peat and priority peatland habitat*'. These areas form part of the nationally important resource referred to as '*areas of significant protection*'.
- Site visits and survey work undertaken by SNH have confirmed that the site is dominated by blanket bog underpinned by deep peat. Indeed, all the turbine locations visited satisfied the criteria for nationally important carbon-rich soils, deep peat and priority peatland habitat. The same applies to the areas of blanket bog walked over in getting from one turbine location to the next.

- From this, it is evident that the wind farm cannot be constructed as currently designed without significant loss and damage to a nationally important feature.
- The habitat information provided in the ES, together with the very limited overview of the remainder of the site obtained during the site visits, suggest that it is unlikely the layout can be redesigned to mitigate these impacts.

Therefore SNH objects to this application as it will damage nationally important carbon-rich soils, deep peat and priority peatland habitat.

Additional Information – in response to SNH’s objection on the basis of impacts on carbon rich soils, deep peat and priority peatland (peatland habitats) the applicant sought Planning Advice from Wright, Johnston & Mackenzie LLP. The advice considers the relevant policy in SPP and the merits of SNH’s objection in relation to impacts on peatland habitats. The response concludes that, in summary, the peatland habitat on the site is patchy, and of variable quality. It is not uniformly of national importance as suggested by SNH. Whilst the development will have an impact on peatland habitat, considerable care has been taken in the design of the scheme to minimise those impacts. The ES predicts effects on peatland habitat (bog) as minor and not significant at local scale and negligible and not significant regional and national scale. Even if it were accepted that the peatland habitat was of national importance, the methodology adopted in the ES would not lead to a finding of significant effect in this case. Therefore there are no significant effects which require to be substantially overcome by siting, design or other mitigation. An assessment of the impacts on carbon rich soils using the carbon calculator tool is also provided. It demonstrates that the payback period for the wind farm, taking full account of the peat disturbance required during the construction, is expected to be 2.3 year (ranging from minimum 1.2 to maximum 5.4 years). SNH has ignored the fundamental point that the wind farm will give to a net reduction in CO2 emissions, which is a significant benefit. The proposed development therefore accords with the relevant policies in SPP.

Additional Information was also provided in the form of a report by Botanaeco providing further assessment of peat & peatland related aspects of the Environmental Statement and SNH’s consultation response. This report concludes that: the different resolutions of the peat depth data within the ES demonstrates the efficacy of the fine-scale sampling within the development footprint. The patchy and variable peat & peatland distribution & qualities described in the ES are confirmed by independent studies (i.e. the habitat and peat depth surveys); independent reports (i.e. the two peat depth surveys and the three habitat/vegetation surveys); and fieldwork by Botanaeco. Site visits and survey work undertaken by SNH have not confirmed that the site is “dominated by blanket bog underpinned by deep peat”. SNH also contrarily refer to “a site which is mostly not bog”. SNH relies heavily on its own limited fieldwork and does not refer consistently or appropriately to the peat depth and habitat data in the ES. This results in the provision of contradictory & inappropriate advice. SNH does not consistently apply national guidance or policy and in so doing, it apparently establishes a blanket ban on development on peatland, including ecological restoration.

Scottish Natural Heritage – Response from SNH on Additional Information. Blanket Bog – in SNH’s original response they made no request for additional works and assessments to be carried out on this topic. SNH have noted the contents of the additional works that have been submitted, however, this has not changed their position. SNH maintain their objection to this application due to the impacts on carbon-rich soils, deep peat and priority peatland habitat.

Peat Stability Risk Assessment

AM Geomorphology have considered whether adequate and appropriate field survey, peat sampling and analytical methods have been employed to provide a sound basis for assessing peat stability and the risk from peat landslides within the development area. On the basis of

the review, they advise the Energy Consents Unit that the PLHRA requires minor revisions to ensure the assessment is sufficiently robust. Recommendations are made to address these shortcomings (preferably by revision of the PLHRA report). No conditions relating to peat stability are suggested, pending the revisions.

Additional Information – the applicant understands that AM Geomorphology has been appointed to review the Peat Landslide Hazard Risk Assessment (PLHRA) and to provide advice to Scottish Ministers on peat stability. In summary, it is noted that AM Geomorphology suggest that, the PLHRA requires minor revisions in order to ensure the assessment is sufficiently robust. At this stage SLR Consulting Ltd (on behalf of the applicant) do not feel it is necessary to complete a revision of the PLHRA as this is deemed as a preliminary assessment (appropriate to support the application for consent), additional works will be required on a scheme of this magnitude in the post-consent/pre-construction phase to address major engineering/construction issues. SLR Consulting Ltd, consider the recommendations outlined by AM Geomorphology and provide comments on how they have or will address the issues as the project progresses.

SEPA originally objected on the grounds of lack of information regarding the borrow pit restoration strategy. Additional information was provided by the applicant to address SEPA's objection on the grounds of lack of information regarding re-use of excavated peat in borrow pit restoration. In response to the Additional Information - SEPA acknowledge the position presented by SNH regarding impacts on carbon rich soils, deep peat and priority peatland habitat and recognise the importance of protecting these resources in line with SPP. The focus of SEPA's engagement on this issue is to ensure firstly that an overall approach of minimisation of peatland disruption is adopted and where peat is disturbed that this is managed in line with good practice and their Regulatory Position Statement – Developments on Peat. Therefore, notwithstanding the position outlined by SNH, following SEPA's review of the Additional Information SEPA remove their objection to the proposal on the grounds of lack of information regarding the borrow pit restoration strategy subject to a condition being imposed requiring the developer to prepare and submit a detailed site specific Peat Management Plan (PMP) to any grant of consent. SEPA also ask that the condition to secure a site specific CDMP is attached to any consent. If this will not be applied then SEPA's would maintain their objection.

Having due regard to the above it is concluded that the proposal will have adverse impacts on carbon rich soils, using the carbon calculator and is therefore inconsistent with the provisions of SG LDP ENV 1 – Development Impact on Habitats, Species and Our Biodiversity (i.e. biological diversity); SG LDP ENV 11 – Protection of Soil and Peat Resources; SG 2 Renewable Energy; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan; SPP (2014); Onshore wind policy statement, (January 2017).

M. PUBLIC ACCESS, INCLUDING IMPACT ON LONG DISTANCE WALKING AND CYCLING ROUTES AND THOSE SCENIC ROUTES IDENTIFIED IN THE NPF (INCLUDING CUMULATIVE IMPACTS)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and SPP require applications for wind turbine developments to be assessed against any impact they may have on public access, including impact on long distance walking and cycling routes and those scenic routes identified in the NPF.

Scotways has advised that they have no comments to make on the Additional Information. Mountaineering Scotland have confirmed that they will not be submitting an objection to the

proposal.

Having due regard to the above it is concluded that the proposal will not have any adverse physical impacts on public access, including impact on long distance walking and cycling routes and those scenic routes identified in the NPF and is therefore consistent with the provisions of SG 2 Renewable Energy, SG LDP TRAN 1 – Access to the Outdoors; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan; SPP (2014); Onshore wind policy statement, (January 2017).

N. IMPACTS ON THE CULTURAL HERITAGE, INCLUDING SCHEDULED MONUMENTS, LISTED BUILDINGS AND THEIR SETTINGS (INCLUDING CUMULATIVE IMPACTS)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and SPP require applications for wind turbine developments to be assessed against any impact they may have on the historic environment, including scheduled monuments, listed buildings and their settings.

Historic Environment Scotland - at pre-application stage HES recommended that the assessment of impacts for their interests should focus on certain nationally important heritage assets which lie in the vicinity of the proposal. These assets included Inveraray Castle and its associated Inventory designed landscape and Ardchnonnell Castle & Island of Innis Chonnell, Loch Awe. HES have concluded that none of the predicted impacts on nationally important heritage assets would be of such a magnitude as to warrant an objection to the proposal.

The West of Scotland Archaeology Service (WOSAS) agree with the conclusions and proposed mitigation set out for cultural heritage within the body of the ES. This will require various bits of mitigation before and during construction and WOSAS advise that a condition to secure the implementation of a programme of archaeological works in accordance with a written scheme of investigation should be attached to any consent.

Having due regard to the above subject to the condition recommended by the West of Scotland Archaeology Service it is concluded that the proposal will not have any adverse impacts on the historic environment, including scheduled monuments, listed buildings and their settings and is therefore consistent with the provisions of SG LDP ENV 15 – Development Impact on Historic Gardens and Designed Landscapes; SG LDP ENV 16(a) – Development Impact on Listed Buildings; SG LDP ENV 19 –Development Impact on Scheduled Ancient Monuments; SG LDP ENV 20 – Development Impact on Sites of Archaeological Importance; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 6 – Supporting the Sustainable Growth of Renewables; and SG 2 Renewable Energy of the Argyll & Bute Local Development Plan; SPP (2014); the Onshore Wind Policy Statement and Historic Environment Scotland Policy (2016) in this respect.

O. IMPACTS ON TOURISM AND RECREATION (INCLUDING CUMULATIVE IMPACTS)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and SPP require applications for wind turbine developments to be assessed against any impact they may have on tourism and recreation.

Visit Scotland's advice concludes that, given the importance of Scottish tourism to the economy, and of Scotland's landscape in attracting visitors to Scotland, VisitScotland would

strongly recommend any potential detrimental impact of the proposal on tourism - whether visually, environmentally and economically - be identified and considered in full. This includes when taking decisions over turbine height and number. VisitScotland strongly agrees with the advice of the Scottish Government –the importance of tourism impact statements should not be diminished, and that, for each site considered, an independent tourism impact assessment should be carried out. This assessment should be geographically sensitive and should consider the potential impact on any tourism offerings in the vicinity. VisitScotland would also urge consideration of specific concerns relating to the impact any perceived proliferation of developments may have on the local tourism industry, and therefore the local economy. There was no change to VisitScotland’s advice following consideration of the Additional Information.

The British Horse Society (BHS) has advised that they do have people who enjoy riding horses in this area and they hope the developers will take the needs of equestrians into account. The BHS has requested that the ECU pass on information and their concerns to the developers in the form of an ‘Information Sheet’ on ‘Equestrian Access through Wind Farms in Scotland’. This is to ensure that equestrian access is taken into account in the determination of the proposal. The main concerns about turbines from an equestrian perspective, which will be required to be taken into consideration by the ECU include: key issues for horses e.g. blade movement; site assessment; design e.g. separation distances; surfacing; access controls; and other facilities.

The Council also regards landscape as being a particularly valued asset both in terms of its intrinsic qualities and in terms of its value to the tourism economy. For all types of development the maintenance of landscape character is an important facet of decision-making in the countryside in Argyll and Bute, regardless of the scale of development proposed. The Council’s LDP Policy LDP 6 identifies impacts on tourism and recreation as a material consideration in the assessment of wind turbine developments on the basis that inappropriate developments with significant adverse effects which contribute to the degradation of landscape character are unlikely to be in the interests of the Argyll tourism economy.

Having due regard to the above, in terms of the impacts on tourism and recreation it is considered to be consistent with the provisions of: SG LDP TRAN 1 – Access to the Outdoors; LDP STRAT 1 – Sustainable Development; LDP DM1 – Development within the Development Management Zone; LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP 6 – Supporting the Sustainable Growth of Renewables; SG LDP ENV 14 –Landscape; and SG 2 Renewable Energy of the Argyll & Bute Local Development Plan, SPP (2014) and the Onshore Wind Policy Statement in this respect.

P. AVIATION, DEFENCE AND SEISMOLOGICAL RECORDING (INCLUDING CUMULATIVE IMPACTS)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and SPP require applications for wind turbine developments to be assessed against any impact they may have on Aviation, Defence and Seismological Recording.

The Ministry of Defence (MOD) has no objection to the proposal, providing that, in the interests of air safety the MOD the development should be fitted with MOD accredited aviation safety lighting. Highlands and Islands Airports Limited (HIAL) have advised that their calculations show that, at the given position and height, the proposal would not infringe the safeguarding surfaces for Campbeltown Airport. Therefore, Highlands and Islands Airports Limited have no objections to the proposal. National Air Traffic Services (NATS) have advised that the proposal has been examined from a technical safeguarding aspect and does not conflict with their safeguarding criteria. Accordingly, NATS has no safeguarding objection to the proposal. The

MOD, HIAL and NATS have all considered the Additional Information and have advised that it does not alter their original advice. The MOD, HIAL, and NATS have been consulted and have no objection subject to conditions. Providing these conditions are attached in the event that the proposal obtains planning permission it is recommended that the Council should not object to the proposal on the grounds of impacts on aviation, defence and seismological recording (including cumulative impacts).

Having due regard to the above it is concluded that the proposal will not have any adverse impacts on aviation and defence interests and seismological recording and is therefore consistent with the provisions of SG 2 Renewable Energy, Policy LDP 6 – Supporting the Sustainable Growth of Renewables and SG LDP TRAN 7 –Safeguarding of Airports of the Argyll & Bute Local Development Plan, SPP (2014) and the Onshore Wind Policy Statement in this respect.

Q. IMPACTS ON TELECOMMUNICATIONS, BROADCASTING INSTALLATIONS AND TRANSMISSION LINKS (INCLUDING CUMULATIVE IMPACTS)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and SPP require applications for wind turbine developments to be assessed against any impact they may have on telecommunications, broadcasting installations and transmission links. BT have studied the proposal (including the Additional Information) with respect to EMC and related problems to BT point-to-point microwave radio links. The conclusion is that, the proposal should not cause interference to BT's current and presently planned radio network. The Joint Radio Company Limited (JRC) have confirmed that the proposal is cleared with respect to radio link infrastructure operated by: The Local Electricity Utility and Scotia Gas Networks. Both BT and the JRC have been consulted on the proposal and have no objection. It is recommended that the Council should not object to the proposal on the grounds of impacts on telecommunications, broadcasting installations and transmission links (including cumulative impacts).

Having due regard to the above it is concluded that the proposal will not have any adverse impacts on telecommunications, broadcasting installations and transmission links (including cumulative impacts) and is therefore consistent with the provisions of SG 2, Renewable Energy, Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan, SPP (2014) and the Onshore Wind Policy Statement in this respect.

R. IMPACTS ON ROAD TRAFFIC AND ADJACENT TRUNK ROADS (INCLUDING CUMULATIVE IMPACTS)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, SG 2 Renewable Energy and SPP require applications for wind turbine developments to be assessed against any impact they may have on road traffic and adjacent trunk roads.

Transport Scotland have no objection to the proposal and advise that various traffic and transport elements associated with the proposal should be secured by condition including: site access; assessment of traffic impacts, such as abnormal loads, abnormal loads route assessment, construction traffic and routes for heavy vehicles; noise impacts; and development of a Construction Traffic Management Plan (including finalised construction traffic routes, traffic distribution, finalised envisaged trunk road network impacts, identified network constraints, proposed mitigation measures and operating hours during the construction phase of the development), and a decommissioning plan are considered key aspects of relevance to Transport Scotland as well as the mitigation of any associated disruption to the operation of the trunk road network. In response to the Additional Information

Transport Scotland has advised that their previous responses should be referred to and that, based on the supporting information provided Transport Scotland have no further comments.

Access to the proposed development will be taken from the local road network on the B819 north of Inveraray. The adequacy of the proposed development access and the impact of the proposed development on the B819 are matters for consideration by the Council.

Council's Roads & Amenity Services (18th June 2018 and 19th October 2018) – The applicant has stated that the route from Campbeltown to the site has been discounted due to the arch on the A819 at Inveraray. The applicant may be able to bypass this arch by using Inveraray Castle land. The applicant should contact Argyll Estates if they have not already done so. Conditions are recommended to ensure: connection to the public road 160 x 2.40 x 1.05 metres; Access type to be agreed with Roads & Amenity Services as the haul route for abnormal loads may change. Junction may be designed on swept paths; access to be culverted to the satisfaction of Roads & Amenity Services. Headwalls will be required; and access to be surfaced in a bound material for a distance of 15 metres. S56 road opening permit and no surface water discharge required.

Both Transport Scotland and the Council's Area Roads Engineer have been consulted and have no objection to the proposal subject to conditions. Providing these conditions are attached in the event that the proposal obtains planning permission it is recommended that the Council should not object to the proposal on the grounds of impacts on road traffic and adjacent trunk roads (including cumulative impacts).

Having due regard to the above it is concluded that the proposal will not have any adverse impacts on road traffic and adjacent trunk roads and is therefore consistent with the provisions of SG2 Renewable Energy, Policy LDP 6 – Supporting the Sustainable Growth of Renewables; SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes of the Argyll & Bute Local Development Plan, SPP and the Onshore Wind Policy Statement in this respect.

S. EFFECTS ON HYDROLOGY, THE WATER ENVIRONMENT AND FLOOD RISK (INCLUDING CUMULATIVE IMPACTS)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, Supplementary Guidance 2: Renewable Energy and SPP require applications for wind turbine developments to be assessed against effects on hydrology, the water environment and flood risk.

Surveys of soils and peat and all surface water features have been undertaken to assess the potential effects of the proposed development on water quality within burns and rivers, water abstractions (drinking water) and habitats dependent on the groundwater at the site. The proposed development maintains at least a 50 m set back distance from all watercourses. In addition the proposed development has been designed to incorporate good practice design for watercourse crossings, and all surface water drainage will be designed to ensure that there are no adverse effects on water quality, or the rate and volume of surface runoff. Where the proposed infrastructure crosses habitat areas of groundwater dependency, the track design will ensure that the groundwater flows are unaffected. Based on the proposed design and the standard good practice construction stage mitigation, no significant adverse effects are predicted for the water environment.

SEPA originally objected on the grounds of impacts on the water environment. Additional information was provided by the applicant to address SEPA's objection on the grounds of impacts on the water environment and SEPA have removed their objection in this regard. This is subject to conditions to secure a CDMP and a Peat Management Plan in the event that

the proposal received consent. If these conditions are not attached then SEPA would maintain their objection to the proposal.

Having due regard to the above it is concluded that effects on hydrology, the water environment and flood risk have been considered and the proposal is therefore consistent with the provisions of SG 2 Renewable Energy, Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan, SPP (2014) and the Onshore Wind Policy Statement in this respect.

T. THE NEED FOR CONDITIONS RELATING TO THE DECOMMISSIONING OF DEVELOPMENTS, INCLUDING ANCILLARY INFRASTRUCTURE, AND SITE RESTORATION (INCLUDING CUMULATIVE IMPACTS)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, Supplementary Guidance 2: Renewable Energy and SPP require applications for wind turbine developments to be assessed against the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration.

At the end of the project's operational life (approximately 30 years), a decision would be made as to whether to refurbish, remove, or replace the turbines. If refurbishment or replacement were to be chosen, relevant planning applications would be made. If a decision were to be taken to decommission the proposed development, this would entail the removal of all the turbine components, transformers, the substation and associated buildings. Access tracks and underground cables would be left in place and foundations removed to a depth of 0.5 m below ground level to avoid environmental impacts from removal. A Decommissioning Plan would set out environmental protection measures and restoration principles which would be implemented. This Plan would be agreed with Argyll & Bute Council. It is recommended that a Decommissioning Plan is secured by condition.

Having due regard to the above it is concluded that the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration has been considered and the proposal is therefore consistent with the provisions of SG 2 Renewable Energy, Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan, SPP (2014) and the Onshore Wind Policy Statement in this respect.

U. OPPORTUNITIES FOR ENERGY STORAGE (INCLUDING CUMULATIVE IMPACTS)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, Supplementary Guidance 2: Renewable Energy and SPP require applications for wind turbine developments to be assessed against any opportunities for energy storage which exist.

This proposal does not include any energy storage infrastructure. A battery storage facility would have several benefits: when the local grid network is not able to absorb the additional wind power created by a quick wind speed increase the battery storage facility would catch this extra generation and then store it in the batteries and release back onto the grid when possible; it provides predictable and consistent power to the local grid network. The battery storage facility would have the ability to smooth out any short-term wind peaks and troughs; and Frequency Regulation - this allows the wind farm to store energy in the battery storage facility in order to immediately and precisely respond to changes in load, further improving turbine generation flexibility.

It is recommended that the Council should not object to the proposal on the grounds of opportunities for energy storage (including cumulative impacts). However, in light of

the requirements of both National and Local Policy on wind farm development proposals it is considered by the Council that this matter should be explored further by the Energy Consents Unit prior to the application being determined.

Having due regard to the above it is considered that providing opportunities for energy storage are considered and the proposal is consistent with the provisions of SG 2 Renewable Energy, Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan, SPP (2014) and the Onshore Wind Policy Statement in this respect.

V. THE NEED FOR A ROBUST PLANNING OBLIGATION TO ENSURE THAT OPERATORS ACHIEVE SITE RESTORATION (INCLUDING CUMULATIVE IMPACTS)

Policy LDP 6 – Supporting the Sustainable Growth of Renewables, Supplementary Guidance 2: Renewable Energy and SPP require applications for wind turbine developments to be assessed against the need for a robust planning obligation to ensure that operators achieve site restoration.

The decommissioning of the project is detailed in the EIA Report, which notes that the reinstatement of the site at the end of its lifespan would be included in a condition for a Decommissioning Plan as part of any decision notice. It is recommended that this matter is covered by planning conditions or a legal agreement consistent with other projects across Argyll & Bute in the event that the proposed development obtains consent from the Energy Consents Unit.

Having due regard to the above it is concluded that opportunities for a robust planning obligation to ensure that operators achieve site restoration have been considered and the proposal is therefore consistent with the provisions of SG 2 Renewable Energy, Policy LDP 6 – Supporting the Sustainable Growth of Renewables of the Argyll & Bute Local Development Plan, SPP (2014) and the Onshore Wind Policy Statement in this respect.

W. Scottish Planning Policy, the Scottish Energy Strategy & Onshore Wind Policy Statement 2017

Scottish Planning Policy - Scottish Planning Policy states:

Paragraph 170 - Areas identified for wind farms should be suitable for use in perpetuity. Consents may be time limited but wind farms should nevertheless be sited and designed to ensure impacts are minimised and to protect an acceptable level of amenity for adjacent communities.

The Scottish Energy Strategy (SES) 2017 - The SES was published in December 2017 and sets out the Scottish Government's (SG's) strategy through to 2050, marking a '*major transition*' over the next 3 decades in terms of energy management, demand reduction and generation. The SES sets 2 new targets for the Scottish energy system by 2030: The equivalent of 50% of the energy for Scotland's heat, transport and electricity consumption to be supplied from renewable sources; and, an increase by 30% in the productivity of energy use across the Scottish economy. The SES recognises that reaching the 50% target by 2030 '*will be challenging*' but the target demonstrates '*the SG's commitment to a low carbon energy system and to the continued growth of the renewable energy sector in Scotland*'. These energy and climate change goals mean that onshore wind must continue to play a vital role in Scotland's future – helping to decarbonise our electricity, heat and transport systems, boosting our economy, and meeting local and national demand. The Statement goes on to state that:

'This means that Scotland will continue to need more onshore wind development and capacity, in locations across our landscapes "where it can be accommodated"'.

'Onshore Wind Policy Statement' (December 2017) – The onshore wind policy statement sets out the Scottish Government's position on onshore wind and supports the aims of the Scottish Energy Strategy.

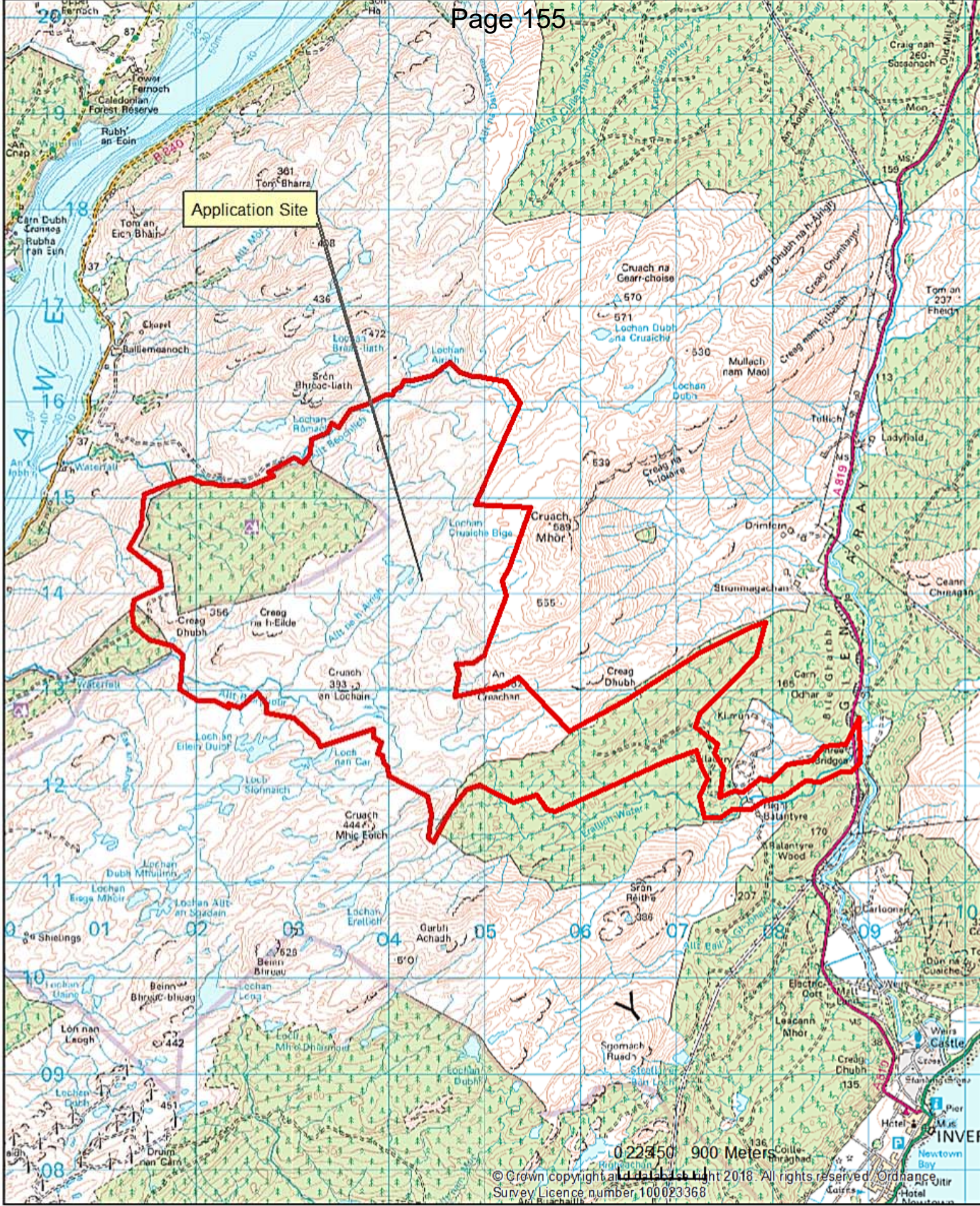
Having due regard to the above it is considered that the proposal is contrary to provisions of the Scottish Energy Strategy 2017 and Onshore Wind Policy Statement 2017, which represent the Scottish Governments most up to date position on this type of development.

X. CONCLUSION

Policy LDP 6 supports renewable energy developments (such as a wind farm) provided such proposals can adequately demonstrate that there would be no unacceptable significant adverse effects. This approach is consistent with the overall planning objectives of the development plan, which is to promote appropriate development without harming the environment of Argyll & Bute. Policy LDP 6 also refers to a spatial framework to be prepared in line with Scottish Planning Policy.

The determining issues in relation to the criteria in Policy LDP 6 in this case refer to: landscape and visual impact (including cumulative) and carbon rich soils. It is accepted that the proposal would make an important contribution to the Scottish Government's renewable energy targets and reduce greenhouse gas emissions. These matters are important benefits which have been carefully considered. Overall it is considered that the impact on peat, landscape and visual impacts (including cumulative) and size of the turbines would produce unacceptable significant adverse effects. It is considered that these impacts are sufficient to outweigh the benefits of the proposal. It is therefore considered that the proposal is contrary to Policy LDP 6. Overall, it is concluded that the proposal is contrary to the objectives and provisions of the Local Development Plan. It is considered that all other matters set out in Policy LDP 6 have been appropriately considered in the design of the project and either will have no or negligible impacts or, subject to conditions, acceptable impacts.

Officers therefore conclude, for the reasons set out above, that the proposed development does not accord overall with the relevant provisions of the local development plan and that there are no material considerations which would justify anything other than the Council objecting to this proposal for the reasons detailed in this report.



Location Plan Relative to planning application: 18/01216/S36



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**Argyll and Bute Council
Development and Infrastructure**

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

Reference No: 18/01526/PP

Planning Hierarchy: Local Development

Applicant: Glaisters Farms Ltd

Proposal: Erection of 3 Dwellinghouses

Site Address: Land North West of Arizona, Toberonochy, Isle of Luing

SUPPLEMENTARY REPORT NO. 2

(A) INTRODUCTION

This application was first presented to the Planning, Protective Services and Licensing Committee on 17 April 2019 where Members agreed to its continuation to allow the applicant to provide additional information.

The additional information required to address the concerns of the Planning Authority has now been received and is discussed in Section B below.

Since the original report was put before Members a late representation to the application on behalf of Luing Community Council has been received which is discussed in Section C below.

(B) FURTHER INFORMATION SUBMITTED

Site and Finished Floor Levels

An amended drawing set has been submitted in support of the application which show the 300mm freeboard above ground level as required by the Councils Flood Advisor.

The drawings provide site sections showing existing and proposed ground levels and show that the rear of the proposed development will be dug into the existing slope on site with the front elevation sitting at the current ground level. The submitted details confirm that the increase to accommodate the 300mm freeboard is not so significant to raise concerns with the relationship of the development with the adjacent listed buildings or its setting of the wider Conservation Area.

The agent has confirmed that the site access will not alter the alignment or outfall of the existing field drain which runs under the proposed access route to the site and has now been annotated on the updated site plan.

Trees

A Tree Protection and Management Plan (TPMP) and Potential Roost Assessment (PRA) for bats was carried by Rowan Ecology on behalf of the developer.

The TPMP identified 18 individual trees which were assessed as part of the survey comprising a mixture of broadleaved trees of various ages, with some large mature specimens with no veteran trees of significant size or stature on the site.

The TPMP identified the following works to be undertaken:

- One tree on the site requires deadwood removal.
- 8 trees are recommended for removal.
- 4 trees require bat surveys to be carried out before they can be felled or pruned.
- Light pruning of 4 trees is required to avoid overhanging of properties but no potential bat roosts will be affected on those trees.
- Details of Root Protection Areas (RPA) are to be observed.

Whilst the TPMP recommends that 8 trees are removed, the agent has clarified that Rowan Ecology advise they should come down in the next 10 years or so as they are coming to the end of their natural life but there is no immediate need for them to be removed to accommodate the development proposed and therefore the developer does not intend to remove them as part of the development.

The TPMP provides appropriate advice on the protection of the trees during works on site which will be adhered to through a suitably worded condition attached to the grant of planning permission.

As the trees are situated within the Conservation Area, they are afforded protection through relevant legislation and will require the submission of a formal notification to the Planning Authority for tree works if this is required at some point in the future. At such time, the Planning Authority would be able to secure appropriate replacement planting where felling is proposed, along with highlighting the requirement to undertake appropriate bat surveys of trees within the development site which are identified in the TPMP as potential bat roosts.

The Council's Biodiversity Officer has reviewed the TPMP and confirmed that she is satisfied with the proposal.

Surface Water

Since the previous report was presented to Members a number of videos were submitted to the Planning Authority by a third party showing surface water run-off from the development details of which were passed to JBA Consulting for comment. JBA Consulting advised that any water coming off of the site pre-development will be picked up by the land drainage system proposed for the development. Full details of the land drainage system is outlined in the original Report of Handling before Members.

Summary

It is considered that the additional information provided satisfies the concerns previously raised by the Planning Authority and the proposed development can be supported by the Planning Authority.

(C) FURTHER REPRESENTATION

One late representation has been received from Luing Community Council (LCC) (e-mail dated 08/04/19)

LCC seek clarification that the Roads Authority have responded to the Traffic Management Plan (TMP) and that comments have been received regarding the measures required by the Council's Biodiversity Officer.

A response was issued to LCC advising that the Council's Roads Engineer examined the submitted TMP and have confirmed their acceptance to it subject to road improvements which will be delivered through the use of planning conditions should planning permission be issued. The LCC were also advised that the Council's Biodiversity Officer removed her initial comments regarding the need for a bat survey and that measures to protect trees will be delivered through the use of a planning condition should the application be approved.

However, since the comments from LCC were received, the Planning Authority sought further information with regards to the trees on site by way of a Tree Survey details of which are fully discussed in Section B above.

(D) RECOMMENDATION

That Members note the additional information submitted in support of the application and endorse the recommendation of the Planning Authority that planning permission be granted subject to the conditions and reasons appended to this Supplementary Report which have been updated from those in the original Report of Handling to reflect the content of the TPMP.

Author of Report: Fiona Scott **Date:** 16/07/19

Reviewing Officer: Peter Bain **Date:** 2/8/19

Fergus Murray
Head of Development and Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REFERENCE 18/01526/PP

GENERAL

1. The development shall be implemented in accordance with the details specified on the application form dated 05/07/18 and the approved drawing reference numbers Plan 1 of 27 to Plan 27 of 27 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 response from Scottish Water. You are advised to contact Scottish Water direct to discuss the issues raised.

VEHICULAR ACCESS

2. Notwithstanding the provisions of Condition 1, the proposed access shall be formed in accordance with the Council's Roads Standard Detail Drawing SD 08/002a at 90° to the public road with visibility splays of 2.4 metres to point X by 53 metres to point Y from the centre line of the proposed access. The access shall be surfaced with a bound material in accordance with the stated Standard Detail Drawing. Prior to work starting on site the access hereby approved shall be formed to at least base course standard and the visibility splays shall be cleared of all obstructions 1.05 metres above the access. The final wearing surface on the access shall be completed prior to the development first being brought into use and the visibility splays shall be maintained clear of all obstructions thereafter.

Reason: In the interests of road safety.

Note to Applicant:

- A Road Opening Permit under the Roads (Scotland) Act 1984 must be obtained from the Council's Roads Engineers prior to the

formation/alteration of a junction with the public road.

- The access shall be constructed and drained to ensure that no surface water is discharged onto the public road.
- No walls, fences, hedges etc. will be permitted within 2 metres from the channel line of the public road.

PARKING AND TURNING

3. The parking and turning area shall be laid out and surfaced in accordance with the details shown on the approved plans prior to the development first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

Reason: In the interest of road safety.

BIN STORE

4. Notwithstanding the provisions of Condition 1 – full details in plan form of a proposed bin store and enclosure at the junction with the public road shall be submitted and approved in writing by the Planning Authority in consultation with the Roads Authority.

Reason: In the interests of road safety.

SURFACE WATER DRAINAGE

5. Notwithstanding the provisions of Condition 1, no development shall commence on site until updated details of the proposed surface water drainage system have been submitted and approved in writing by the Planning Service in consultation with JBA Consulting. Such details shall show the surface water drainage system designed in accordance with CIRIA C753 and Sewers for Scotland 4th Edition and include site investigation details; a method statement for surface water containment during construction; and maintenance details for the proposed system.

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

FINISHED FLOOR LEVEL

6. No development shall commence until details of the proposed finished ground floor level of the development relative to an identifiable fixed datum located outwith the application site have been submitted to and approved in writing by the Planning Authority. Such a level shall be at least 0.3 metres above finished ground levels. The development shall be implemented in accordance with the approved details.

Reason: In order to secure an acceptable relationship between the development

and its surroundings and prevent surface water flooding.

DESIGN AND FINISHES

7. Notwithstanding the provisions of Condition 1, the windows to the front elevation of the proposed dwellinghouses shall be timber sliding sash and case units, full details of which shall be submitted in plan form and approved in writing by the Planning Authority prior to work starting on construction of the proposed dwellinghouses.

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

8. Notwithstanding the provisions of Condition 1, the proposed gates and fencing shall be no higher than 1.8 metres in height, full details of which shall be submitted in plan form and approved in writing by the Planning Authority prior to work starting on construction of the proposed dwellinghouses.

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

TREES

9. Notwithstanding the provisions of Condition 1, the development shall be undertaken in accordance with the provisions of the Tree Protection and Management Plan (TPMP) dated June 2019 except for proposals that relate to tree felling.

For the avoidance of doubt, this permission does not permit the felling of trees identified as T3, T4, T6, T10, T11, T13, T14 or T15. Whilst these trees are identified for removal in the TPMP as having a limited natural lifespan subsequent clarification provided on behalf of the developer has confirmed (by e-mail dated 15.07.19) an intent to retain these trees until such time a deterioration in their condition necessitates felling.

The tree protection measures identified in the TPMP shall be implemented for the full duration of construction works, and shall be applied to all trees within the development site, and not be solely limited the trees identified for retention in the TPMP.

Reason: In order to retain trees as part of the development in the interests of amenity and nature conservation.

Note to Applicant:

The development site is located within the Toberonochy Conservation Area and accordingly the trees located within the development site are subject to protection having regard to the provisions of S.172 of the Town and Country Planning (Scotland) Act 1997 as amended.

It is noted that the submitted Tree Protection and Management Plan identifies that eight trees within the development site are in poor condition and likely to require removal within an estimated period of 10 years regardless of whether or not the development is implemented. For the avoidance of doubt, this planning permission does not permit the felling of the identified trees.

Accordingly, it is advised that any future proposals for tree works within the development site will require to be subject of notification to the Council under S.172

of the Act. It is advised that the developer highlight this requirement in the conveyance of the property to future owners along with the duty placed upon them under S.174 of the Act for provision of replacement tree planting – it is noted that the provisions of 3.4.1 of the TPMP set out appropriate recommendations in respect of this latter requirement.

Furthermore, it is highlighted that the TPMP identifies that trees T4, T13, T14 and T15 have 'Moderate Potential' for roosting bats; again it is advised that the developer highlights the potential presence of bats in the conveyance of the property to future owners along with the recommendations contained in the TPMP requiring appropriate bat surveys of the identified trees in advance of tree works commencing.

LANDSCAPING & BOUNDARY WALL

10. No development shall commence 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) Retention and details of any rebuilding of the stone boundary wall;
- iv) Location design and materials of proposed walls, fences and gates;
- v) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted including details of new tree planting along the boundaries of the site;
- vi) 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.

TELEPHONE BOX AND POST BOX

11. Notwithstanding the provisions of Condition 1, the telephone box and post box shall be retained within the site to the satisfaction of the Planning Service.

Reason: In the interests of public amenity.

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

Reference No: 18/01526/PP

Planning Hierarchy: Local Development

Applicant: Glaisters Farms Ltd

Proposal: Erection of 3 Dwellinghouses

Site Address: Land North West of Arizona, Toberonochy, Isle of Luing

SUPPLEMENTARY REPORT NO. 1

(A) INTRODUCTION

This application is due to be presented to the Planning, Protective Services and Licensing Committee on 17 April 2019.

Since the original Report of Handling (ROH) was prepared, the Planning Service has, for the first time, obtained full unrestricted access into the development site and has identified a deficiency in the information submitted with the application to allow a competent decision to be made.

It is advised that at the time of the initial case officer site inspection, the application site was entirely enclosed by a stone boundary wall which precluded ready access. Views into the site from surrounding land were partially obscured by trees cover and brambles which cover the majority of the site. The applicant has however subsequently undertaken recent works to obtain access into the site for the purpose of undertaking a drainage assessment; this has required the provision of an opening within the stone wall and clearance of some undergrowth. Whilst securing up to date site photos for presentation of the item to PPSL, the enhanced access to the site has not only allowed a better understanding of the elevated nature of site levels in relation to existing development within the adjacent Toberonochy Conservation Area but has also provided confirmation that the position of existing trees have not been accurately represented within the submitted plans.

One late objection to the application has also been received.

(B) FURTHER INFORMATION REQUIRED

Trees / Bats

Subsequent to the Head of Planning, Housing & Regulatory Service's report dated 1st April 2019 it has been established that the representation of tree cover on the submitted plans is not an accurate representation of existing tree cover and consequently gives rise to concern that the applicant's previous assertions that the development can be accommodated without felling or lopping of existing trees is unsubstantiated and

accordingly further information is required to undertake a proper assessment of the potential impact of the proposed development upon:

- i) Bats as a European Protected Species having regard to the provisions of policy LDP 3 and SG LDP ENV 1;
- ii) Impact upon trees as required by policy LDP 3 and SG LDP ENV 6; and,
- iii) Impact upon the settings of category B listed buildings and the Toberonochy Conservation Area as respectively required by policy LDP 3, SG LDP ENV 16(a), and SG LDP ENV 17.

In light of the identified discrepancy officers have issued the applicant with a request on under Regulation 24 of the Development Management Regulations requiring the submission of a tree survey which accurately plots the location of each tree, and its canopy in relation to the proposed development, and provides an assessment of its condition and value to nature conservation and amenity. In the event that the tree survey identifies that any existing tree within or overhanging the site would require to be felled or lopped, or would be put at significant risk of loss as a result of the development being implemented then further instruction has been provided for submission of a Bat Survey by an appropriately qualified person to establish whether or not Bats are present in any of the affected trees.

Site and Finished Floor Levels

The formation of an opening in the stone boundary wall has confirmed the extent to which the application site is elevated above the level of the existing public road and finished floor level of existing neighbouring development. Whilst the submitted details show the development is intended to be cut into existing site levels this aspect is potentially in conflict with the recommendations of the Council's Flood Risk Manager who has stipulated that the finished floor level of the development requires to incorporate a 0.3m freeboard above ground levels to mitigate risk of surface water flooding. In the absence of accurate information about the location and impact upon trees it is unclear whether the requirement for 0.3m freeboard can be achieved without raising the development up above existing ground levels – in the event that this is required then accurate detail on finished levels and their relationship to surrounding properties is required to complete a competent assessment of the proposal having regard to:

- i) the impact of the development upon the settings of category B listed buildings and the Toberonochy Conservation Area; and,
- ii) the acceptability of the siting and design of the development having regard to policy LDP 9 and SG LDP Sustainable Siting and Design Principles.

The agent has agreed to engage with the Planning Service and provide these further details.

(C) FURTHER REPRESENTATION

One late objection has been received.

Tina Avery, 4 Toberonochy, Isle of Luing, PA34 4UE (11/04/1)

The main thrust of the objection relates to surface water run-off from the site once it is developed; the Drainage Impact Assessment submitted in support of the application; and the consultation response from the Council's Flood Risk Advisor, JBA Consulting, full details of which are fully addressed in the main ROH before Members.

Concerns were also raised regarding the removal of a small part of the wall and the need for permission for such works. However, Conservation Area Consent would only be required for the total or substantial demolition of a structure within a Conservation Area.

One further submission has also been received from Gemma Wells, Seabank, Toberonochy, PA34 4UE on 15th April 2019 in the form of three video clips which are intended to provide evidence of local surface water drainage issues as an addendum to her earlier letters of objection dated 26/10/18 and 27/11/18. It is contended by Ms Wells that the videos establish that run-off water from the plot flows across the public road and through the garden ground of neighbouring property.

Comment: Whilst it is obvious from the video evidence submitted that there is an issue with surface water run-off affecting neighbouring property it is unclear whether the source of the water is directly from the application site, an overgrown roadside ditch or adjacent field drain culvert. The late nature of this submission has precluded further discussion with the Council's Flood Risk Advisor in advance of the PPSL meeting on 17th April 2019; in the event of a continuation it would be officer's intention to forward this further information for such comment.

(D) RECOMMENDATION

That Members continue the application to allow the agent to submit the further information required by the Planning Service to complete a competent assessment of the impact of the proposed development upon the receiving environment.

Author of Report: Fiona Scott **Date:** 15/04/19

Reviewing Officer: Peter Bain **Date:** 16/04/19

Angus Gilmour
Head of Planning, Housing and Regulatory Services

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

Reference No: 18/01526/PP

Planning Hierarchy: Local Development

Applicant: Glaisters Farms Ltd

Proposal: Erection of 3 Dwellinghouses

Site Address: Land North West of Arizona, Toberonochy, Isle of Luing

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of 3 dwellinghouses
- Formation of vehicular access

(ii) Other specified operations

- Connection to public water main
 - Connection to public drainage system
-

(B) RECOMMENDATION:

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

(C) HISTORY:

No relevant history.

(D) CONSULTATIONS:

Area Roads Authority

Initial report dated 02/10/19 deferring decision until such time as a Traffic Management Plan (TMP) was submitted. A TMP was subsequently submitted with the Roads Authority confirming their acceptance in an e-mail dated 27/02/19.

Scottish Water

Letter dated 25/09/18 stating no objection to the proposed development advising that there is currently sufficient capacity in the Tullich Water Treatment Works and Toberonochy Waste Water Treatment Works but that further investigations may be required once a formal application for connection is submitted.

Flood Risk Manager (FRM)

Initial response dated 26/10/18 deferring decision until a topographic survey to determine whether a Flood Risk Assessment (FRA) is required together with further information on drainage design was submitted. Ongoing discussions took place with the FRM and the Agent resulting in an amended response dated 14/02/19 in light of additional information in the form of site levels and a Drainage Assessment being submitted. The additional information allowed the FRM to amend his response to one of no objection subject to conditions being imposed on the grant of permission regarding the finished floor level of the dwellinghouse and the surface water drainage being designed in accordance with CIRIA C753 and Sewers for Scotland 4th Edition with details to include site investigation, a method statement for surface water containment during construction and maintenance information.

Biodiversity Officer

Initial letter dated 14/11/18 advising no objection to the proposed development but advising that a tree protection plan be submitted and a bat survey be undertaken for the drystone dyke. However, as a result of works to the wall on site to facilitate the vehicular access, the Biodiversity Officer advised that this negated the need for a bat survey. A condition will be imposed on the grant of planning permission requiring the submission of a tree protection plan.

Luing Community Council (LCC)

Letter dated 19/10/19 advising that whilst LCC are generally supportive of appropriate housing developments on the island, they have concerns with regard to the management of surface water drainage of this particular proposal. LCC advise that the site is on higher ground than neighbouring properties and the road and if the surface water drainage on the site is inadequate any excess water would potentially run off onto the road and other properties. The proposal for SUDS in the Design and Access Statement is vague.

Comment: The surface water drainage system for the proposed development is fully discussed at Section F below.

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

(E) PUBLICITY:

The proposal has been advertised in terms of Conservation Area, Site Notice and Neighbour Notification procedures, overall closing date 25/10/19.

(F) REPRESENTATIONS:

14 objections from 9 households and 2 expressions of support from 1 household have been received regarding the proposed development.

Objection

Gemma Wells, Seabank, Toberonochy, Isle of Luing, PA34 4UE (26/10/18, 27/11/18)
Mr Paul Thomas, 34 Toberonochy, Isle of Luing, PA34 4UE (26/10/18)
Mrs Eugenie Thomas, 34 Toberonochy, Isle of Luing, PA34 4UE (26/10/18)
Cathie MacKenzie, 37 Toberonochy, Isle of Luing, PA34 4UE (24/10/18)
David Baudains, 42 Toberonochy, Isle of Luing, PA34 4UE (15/10/18)
Geraldine Baudains (by e-mail 13/10/18)
Mr Peter Roberts, 16 Toberonochy, Isle of Luing, PA34 4UE (13/11/18)
Mr Brian Heaton, 18 Toberonochy, Isle of Luing, PA34 4UE (26/10/18)
Mrs H. R Graham, 41 Toberonochy, Isle of Luing, PA34 4UE (21/10/18)
June Graham, 41 Toberonochy, Isle of Luing, PA34 4UE (03/03/19)
June Graham, 30a Upper Bridge Street, Stirling, FK8 1ES (21/10/18 x 2)
Malcolm Dunmore, 30a Upper Bridge Street, Stirling, FK8 1ES (21/10/18)
Mr Gavin McCutcheon, 40 Toberonochy, Isle of Luing, PA34 4UE (25/10/18)
Mrs Alison Ewart, 39 Toberonochy, Isle of Luing, PA34 4UE (23/10/18)

Summary of issues raised

Surface Water Drainage

- Concerns over the lack of detailed information relating to the treatment of surface water drainage for the proposed development. There is a substantial amount of surface water currently runs onto, through and off the proposed site and there are concerns that, if appropriate measures are not taken, the risk of flooding could increase which would be a disastrous consequence for the homes which are located downhill from the proposed entrance to the site.
- The developers should meet and liaise with the occupants of the village to discuss and show proposed robust plans for drainage and also to inform regarding the type of hard surface proposed for use on the site.
- A condition of any planning permission should require the developers to instigate suitable mitigation measures in conjunction and under consultation with the local residents of 1 and 39-42 Toberonochy.
- The proposed soakaway should not be on the site, this facility should be connected to the main system recently installed in the village.
- Whilst the flood risk response recommends planning conditions regarding detailed investigation and SUDS maintenance, should flooding occur to existing dwellings what redress will occupants have through enforcement of the planning condition after the fact.

Comment: During the processing of the application ongoing discussions took place with the Council's Flood Risk Manager, JBA Consulting resulting in the submission of site level details and a Drainage Assessment prepared by CRA (Edinburgh). JBA reviewed the information submitted relating to site levels and determined that a site specific FRA is not required for the site but recommended that the finished floor levels (FFL) of the proposed dwellinghouses be set at least 0.3 metres above ground level as a precaution against possible surface water flooding. The proposed drainage system comprises a land drain, permeable paving with attenuation via a cellular storage system and a hydrobrake, with ultimate discharge to land via a soakaway to which JBA advised the principle of which is acceptable. However JBA advise that no site investigation has been undertaken to establish soil permeability with the British Geological Survey mapped information used instead and therefore it is recommended that site investigations be undertaken at detailed

design stage and the soakaway design be updated as appropriate. JBA further advise that surface water containment during construction and maintenance of the proposed system have also not been provided but both these issues could be addressed by a planning condition.

JBA further advised that, provided that the SUDS scheme is designed and maintained properly, as per suggested conditions, then the runoff from the site should be no greater than the pre-development amounts and the development should have a neutral effect upon flood risk.

In light of the above, it is not considered necessary for a meeting on site to discuss the surface water drainage arrangements.

Roads and Access Issues

- The proposed access is sited near to a bend causing road safety issues. The access should be moved to a straight road before the village.
- How will congestion and risk of accidents arising from construction vehicles be addressed.
- Construction vehicles waiting at North Cuan for the half hourly ferry crossing add to existing congestion, including obstruction of access to car-parking bays and the turning area for the local bus service.
- What consideration will be given to the increased wear and tear on the Council owned and operated Cuan Ferry. The ferry has been in service for several decades and increased volumes of heavy traffic for construction projects on the island have taken their toll resulting in more frequent breakdowns.
- There is insufficient information on how access and unloading of construction vehicles will be accommodated on the site. Vehicles should not be allowed to park in front of existing properties which has been common practice in the past.

Comment: The Councils Roads Authority was consulted on the proposal and initially deferred their decision until such time as a Traffic Management Plan (TMP) was submitted providing information on plant, labour and materials required to construct the development and the route to be taken by material and plant deliveries. The TMP was submitted outlining the information required and the Roads Authority confirmed their acceptance of the TMP advising that they were content that works involved in the proposed development will not have an adverse effect on the roads on the island. Accordingly, with conditions to secure the requirements of the Roads Authority, namely construction of the access to the standard roads specification, clearance of visibility splays and provision of a bin store at the junction with the public road the proposal is considered acceptable from a road safety perspective.

Trees, Wildlife and Boundary Wall

- Whilst the plans clearly state that the trees are not to be removed as part of the development, there are concerns that, due to the size and boggy nature of the site, the proposed works would cause disturbance to the trees resulting in damage to their root structure and their ultimate removal due to safety reasons. The removal of the trees would have a detrimental impact to the visual effects when entering the village and also on the wildlife which regularly frequents them.
- Should the trees become unstable, and fall, there is potential for them to cause damage to properties and electricity infrastructure.
- The boundary wall enclosing the site should be rebuilt if and where necessary to continue providing the scenic entrance to the historic village. The removal of the wall would allow for the visual impact to become urban ruining the entrance to the beautiful conservation area the site is within.

- The loss of natural habitat will have a detrimental impact on local biodiversity including the loss of nesting and feeding ground for birds and bats. Owls are frequently observed perched in the tree at the telephone box and bats are visible at dusk.

Comment: The Councils Biodiversity Officer was consulted on the proposal and in her initial response advised no objection to the proposed development subject to a tree protection plan being submitted and a bat survey being undertaken for the drystone dyke. However, as a result of works to the wall on site to facilitate the vehicular access, the Biodiversity Officer advised that this negated the need for a bat survey.

The Planning Service will impose suitably worded conditions to secure details of tree protection measures during the construction period and also to retain and make good the existing stone boundary wall.

Siting, Design and Finishing Materials

- The development should be limited to a maximum of 2 dwellinghouses.
- The development will create a manmade visual obstruction ruining the villages open east-west aspect from sea to farmland and disrupting the planned layout of the conservation area.
- The scale and design of the proposed dwellinghouses, especially the larger dwelling on the corner, are not in keeping with existing properties within the conservation area, specifically the former quarries cottages.
- The proposed dwellings would loom over lower-lying properties, creating an overbearing, effectively 30 foot vertical barrier bringing a pervading sense of enclosure to the village dominating the skyline resulting in a suburban landscape.
- The proposed dwellinghouses will have an adverse impact on the privacy and amenity of 'Seabank' with 16 windows/rooflights facing the property which is unacceptable.
- The larger end dwellinghouse will directly overlook a small area of land with a shed (former outside privy) which is currently secluded and provides a peaceful recreational space.
- The fencing reaches the roof line at the front of the dwellinghouses, surely this is too high to be classed as in keeping.
- No details of the proposed windows have been shown, these should be timber sliding sash and case to maintain the character of the village.

Comment: The proposed site is considered to represent a suitable opportunity for development with three dwellinghouses within the minor settlement as defined in the adopted 'Argyll and Bute Local Development Plan' 2015. Whilst it is accepted that the proposed dwellinghouses are larger in scale to the adjacent historic slate workers cottages they give regard to the existing cottages by maintaining a traditional frontage facing the public road with a natural slate roof, white rendered walls and vertically emphasised windows. The rear elevation, which is not visible from within the main village centre, incorporates a number of more contemporary design features including flat roof dormer windows and slate cladding to the external walls which are considered to be acceptable. The proposed development will round off the extent of built development within this part of the village with the sympathetic design ensuring that the proposed dwellinghouses do not appear as overbearing structures within the site or wider village.

The Planning Service has been in discussion with the agent regarding the proposed windows to secure traditional timber sliding sash and case units to the front elevation of the proposed dwellinghouses where the design is more traditional in character and which will help integrate the development within the site and wider streetscene. The rear elevations of the proposed dwellinghouses are contemporary and benefit from contemporary but high quality fenestration which is considered to be acceptable.

The Planning Service has been in discussion with the agent to secure a reduction in height of the proposed gates and fencing to ensure they are no higher than 1.8 metres in height.

The dwellinghouses are a sufficient distance from neighbouring properties and ground to ensure no privacy or amenity conflict consistent with the guidance set out in SG 2.

General

- It is important that constraints on the developers imposed by the Council are rigorously enforced and not allowed to go unchecked.

Comment: Any conditions imposed on the grant of planning permission will be monitored and enforced as necessary by the Planning Service.

- What measures will be in place to limit noise and disturbance during construction.

Comment: Noise and disturbance during the construction period of developments is not a material planning consideration. Should noise become an issue, contact should be made with the Council's Environmental Health Unit.

- The area designated within the site for storage of rubbish bins should be mandatory.

Comment: Notwithstanding the plans submitted with the application, the Roads Authority has requested that a condition be imposed requiring full details of the proposed bin store to be submitted and approved by them.

- The pictures used in the submission are over a decade old and do not show a true likeness to how properties now look. It is shameful that it is acceptable to use images that work in the planners favour while jeopardising other human beings rights to privacy.

Comment: This comment is noted, however there have been no major developments within the village which have substantially changed to context of the site. Furthermore site visits are undertaken by the Planning Service prior to the determination of planning applications which gives an accurate account of the site and its surroundings.

- The application does not indicate whether the proposed dwellings will be for rent or sale. This is a material consideration as nearly half of the houses within the conservation area are already second homes.

Comment: Whether the proposed dwellinghouses are for rent or sale is not a material consideration in the determination of this planning application.

- Concerns over the delay with Neighbour Notification being received.

Comment: Neighbour Notification was sent in the post to the relevant properties by the Planning Service on 21 September 2018. The delay in the notification being received by the relevant properties is not a matter for the Planning Service but a matter for Royal Mail.

- The plans show that there will be a septic tank located on the site for the foul waste which raises serious concerns as local knowledge can demonstrate that the location for the proposed septic tank is where the majority of the surface water runs down the site. If the septic tank overflows due to the volume of water it would result in surface water being contaminated with foul waste.

Comment: The application does not propose the installation of a septic tank, connection to Scottish Water's public drainage network is proposed. The soakaway shown on the plans relates to surface water drainage.

Support

Mr Jurgen Wolf, Arizona Villa, Toberonochy, Isle of Luing, PA34 4UG (10/10/18)

Mrs Linda Houston, Arizona Villa, Toberonochy, Isle of Luing, PA34 4UG (10/10/18)

Summary of issues raised

- The local initiative to enable the sensitive development of the adjacent gap site for the provision of three potential new quality homes within the village is welcomed.
- Provided the design principles included in the application are adhered to, privacy, rights of light and amenity will not be negatively affected by the development.
- It is assumed that the post box and telephone box will remain or be relocated elsewhere within the village in agreement with the service providers as these are important amenities for the village as a whole.
- Pleased that the shared access location has been agreed with the Roads Authority.
- Supporting the retention/build of a traditional wall along the site/road edge.
- The mature trees on the site should be maintained for their amenity and environmental value.
- The proposed materials are in keeping with the Conservation Area.

Comment: These comments are noted by the Planning Service.

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

(G) SUPPORTING INFORMATION

Has the application been the subject of:

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

A Design and Access Statement (DAS) has been submitted in support of the application for planning permission providing a background to how the design solution for the site was reached. The DAS sets out that the site is suitable for three homes following the loose grain and low density of the surrounding settlement continuing the building lines formed by the existing terraces taking advantage of the existing green spaces and trees on site which will act as a buffer between the development and the street. The DAS asserts that the architectural quality of the dwellinghouses are sensitive to the context of the conservation area and adjacent listed cottages with the form, proportions, materials and fenestration inspired by the character of the listed cottages and the scale of the dwellinghouses matching the existing one and a half storey structures within the wider conservation area.

The above represents an extract of the DAS. A full copy of the DAS is available on the Council's Public Access System by clicking on the following link <http://www.argyll-bute.gov.uk/content/planning/publicaccess>.

A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc: **No**

(H) PLANNING OBLIGATIONS

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

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

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

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

Argyll and Bute Local Development Plan, 2015

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

Supplementary Guidance

- SG 2 – Sustainable Siting and Design Principles
- SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality (APQs) (*Knapdale and Melfort APQ*)
- SG LDP ENV 14 – Landscape
- SG LDP ENV 16(a) – Development Impact on Listed Buildings
- SG LDP ENV 17 – Development in Conservation Areas & Special Built Environment Areas (*Toberonochy Conservation Area*)
- SG LDP HOU 1 – General Housing Development including Affordable Housing
- SG LDP SERV 2 – Incorporation of Natural Features/Sustainable Drainage Systems (SuDS)
- SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes
- SG LDP TRAN 6 – Vehicle Parking Provision

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

Scottish Planning Policy (SPP), 2014
 Consultee Responses
 Third Party Representations
 Historic Environment Scotland Policy (2016)
 Managing Change in the Historic Environment: Setting (2016)

(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

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

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

14 objections from 9 households and 2 expressions of support from 1 household have been received regarding the proposed development.

The main thrust of the objections relate to technical issues regarding the treatment of the surface water drainage arising from the proposed development the details of which have been fully assessed and accepted by the Council's flood advisor.

Accordingly, the representations received, together with officer assessment of the relevant planning issues contained within this report, provide all the information required to enable Members to make an informed decision based on all of the material planning considerations in this case, not least the fully adopted 'Argyll and Bute Local Development Plan' 2015 and the direct relevance of key planning policies contained within it.

Accordingly, in this instance, it is not considered that the objections raise any complex or technical issues that have not been addressed in the current report of handling and it is not considered that a discretionary local hearing would add value to the planning process.

Accordingly it is recommended that the Committee does not hold a hearing prior to the application being determined.

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

Planning permission is sought for the erection of three detached dwellinghouses on an area of ground to the northwest of Arizona, Toberonochy, Isle of Luing.

In terms of the adopted 'Argyll and Bute Local Development Plan' (LDP) 2015, the site is within the minor settlement of Toberonochy where Policy LDP DM 1 gives encouragement to small-scale development on appropriate sites subject to compliance with other relevant policies and supplementary guidance (SG). The appropriate Local Development Plan framework for the proposed development is discussed in Appendix A below.

The site is situated within the Toberonochy Conservation Area and wider Knapdale and Melfort Area of Panoramic Quality and in proximity to a number of Listed Buildings.

The site is contained by an overgrown natural stone wall which has collapsed at certain points and contains a number of mature trees along its boundaries. There is a telephone box and postbox within the site positioned between the boundary wall and public road, however the application does not propose to remove these structures.

The application proposes three detached contemporary designed one and a half storey dwellinghouses finished in white painted render with natural slate roofs.

A new vehicular access is proposed to serve the development with water and drainage via connection to the public systems.

The determining factors in the assessment of this application are whether or not the scale and design of the development is acceptable for its site and surroundings, including its impact upon the character and amenity of the area. It is also necessary to address access, infrastructure and servicing concerns.

The proposal has elicited 14 objections from 9 households and 2 expressions of support from 1 household.

The proposed development will have no materially adverse impact upon the historic environment including (but not necessarily limited to) the historic/architectural/cultural value and/or setting or other specified qualities of any listed building, any scheduled ancient monument, any garden and designed landscape, any conservation area or any special built environment area. Neither will the proposed development result in any material harm to the natural environment including (but not necessarily limited to) the special environmental/habitat/geological or other specified qualities of any site of special scientific interest, any special protection area, any 'Ramsar' site, any national or local nature reserve, any designated area of wild land, any marine consultation area, any area of semi-natural ancient woodland, any carbon and peatland area or any tree preservation order.

The development has been assessed against all of the above potential constraints and designations and has been determined to raise no issues or concerns except for any specifically referred to within this summary assessment.

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

(R) Reasons why planning permission should be granted

The site is considered to represent a suitable opportunity for development with three dwellinghouses within the minor settlement of Toberonochy as defined in the adopted 'Argyll and Bute Local Development Plan' 2015.

The siting, design and finishing materials of the proposed dwellinghouses are considered to be acceptable and will not detract from the site or its setting within the wider Conservation Area or Area of Panoramic Quality nor will they detract from the setting of nearby Listed Buildings.

The proposal accords with Policies LDP STRAT 1, LDP DM 1, LDP 3, LDP 8, LDP 9, LDP 10, LDP 11 and Supplementary Guidance SG2, SG LDP ENV 1, SG LDP ENV 13, SG LDP ENV 14, SG LDP ENV 16(a), SG LDP ENV 17, SG LDP HOU 1, SG LDP SERV 2, SG LDP TRAN 4 and SG LDP TRAN 6 of the adopted 'Argyll and Bute Local Development Plan' 2015 and there are no other material considerations, including issues raised by third parties, which would warrant anything other than the application being determined in accordance with the provisions of the development plan.

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

N/A

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

Author of Report: Fiona Scott Date: 19/03/19

Reviewing Officer: Tim Williams Date: 01/04/19

**Angus Gilmour
Head of Planning**

CONDITIONS AND REASONS RELATIVE TO APPLICATION REFERENCE 18/01526/PP

GENERAL

1. The development shall be implemented in accordance with the details specified on the application form dated 05/07/18 and the approved drawing reference numbers Plan 1 of 25 to Plan 25 of 25 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 response from Scottish Water. You are advised to contact Scottish Water direct to discuss the issues raised.

VEHICULAR ACCESS

2. Notwithstanding the provisions of Condition 1, the proposed access shall be formed in accordance with the Council's Roads Standard Detail Drawing SD 08/002a at 90° to the public road with visibility splays of 2.4 metres to point X by 53 metres to point Y from the centre line of the proposed access. The access shall be surfaced with a bound material in accordance with the stated Standard Detail Drawing. Prior to work starting on site the access hereby approved shall be formed to at least base course standard and the visibility splays shall be cleared of all obstructions 1.05 metres above the access. The final wearing surface on the access shall be completed prior to the development first being brought into use and the visibility splays shall be maintained clear of all obstructions thereafter.

Reason: In the interests of road safety.

Note to Applicant:

- A Road Opening Permit under the Roads (Scotland) Act 1984 must be obtained from the Council's Roads Engineers prior to the

formation/alteration of a junction with the public road.

- The access shall be constructed and drained to ensure that no surface water is discharged onto the public road.
- No walls, fences, hedges etc. will be permitted within 2 metres from the channel line of the public road.

PARKING AND TURNING

3. The parking and turning area shall be laid out and surfaced in accordance with the details shown on the approved plans prior to the development first being occupied and shall thereafter be maintained clear of obstruction for the parking and manoeuvring of vehicles.

Reason: In the interest of road safety.

BIN STORE

4. Notwithstanding the provisions of Condition 1 – full details in plan form of a proposed bin store and enclosure at the junction with the public road shall be submitted and approved in writing by the Planning Authority in consultation with the Roads Authority.

Reason: In the interests of road safety.

SURFACE WATER DRAINAGE

5. Notwithstanding the provisions of Condition 1, no development shall commence on site until updated details of the proposed surface water drainage system have been submitted and approved in writing by the Planning Service in consultation with JBA Consulting. Such details shall show the surface water drainage system designed in accordance with CIRIA C753 and Sewers for Scotland 4th Edition and include site investigation details; a method statement for surface water containment during construction; and maintenance details for the proposed system.

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

FINISHED FLOOR LEVEL

6. No development shall commence until details of the proposed finished ground floor level of the development relative to an identifiable fixed datum located outwith the application site have been submitted to and approved in writing by the Planning Authority. Such a level shall be at least 0.3 metres above finished ground levels. The development shall be implemented in accordance with the approved details.

Reason: In order to secure an acceptable relationship between the development

and its surroundings and prevent surface water flooding.

DESIGN AND FINISHES

7. Notwithstanding the provisions of Condition 1, the windows to the front elevation of the proposed dwellinghouses shall be timber sliding sash and case units, full details of which shall be submitted in plan form and approved in writing by the Planning Authority prior to work starting on construction of the proposed dwellinghouses.

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

8. Notwithstanding the provisions of Condition 1, the proposed gates and fencing shall be no higher than 1.8 metres in height, full details of which shall be submitted in plan form and approved in writing by the Planning Authority prior to work starting on construction of the proposed dwellinghouses.

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

TREES

9. Pursuant to Condition 1 – no development shall commence until a scheme for the retention and safeguarding of trees during construction has been submitted to and approved by the Planning Authority. The scheme shall comprise:

- i) A survey of trees on and overhanging the site indicating the location, species, height, canopy spread and condition of each tree;
- ii) An assessment of the amenity and nature conservation value of tree groups and individual trees which shall inform the layout of the development proposed;
- iii) Details of all trees to be removed and the location and canopy spread of trees to be retained as part of the development;
- iv) A programme of measures for the protection of trees during construction works which shall include fencing at least one metre beyond the canopy spread of each tree in accordance with BS 5837:2005 "Trees in Relation to Construction".

Tree protection measures shall be implemented for the full duration of construction works in accordance with the duly approved scheme. No trees shall be lopped, topped or felled other than in accordance with the details of the approved scheme unless otherwise approved in writing by the Planning Authority.

Reason: In order to retain trees as part of the development in the interests of amenity and nature conservation.

LANDSCAPING & BOUNDARY WALL

10. No development shall commence 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) Retention and details of any rebuilding of the stone boundary wall;
- iv) Location design and materials of proposed walls, fences and gates;
- v) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted including details of new tree planting along the boundaries of the site;
- vi) 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.

TELEPHONE BOX AND POST BOX

11. Notwithstanding the provisions of Condition 1, the telephone box and post box shall be retained within the site to the satisfaction of the Planning Service.

Reason: In the interests of public amenity.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 18/01526/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

In terms of the adopted 'Argyll and Bute Local Development Plan' (LDP) 2015, the application site is within the minor settlement of Toberonochy where Policy LDP DM 1 gives encouragement to small-scale development on appropriate sites subject to compliance with other relevant policies and supplementary guidance (SG).

Policy LDP 3 assesses applications for their impact on the natural, human and built environment. The site is within the Toberonochy Conservation Area (CA) and the Knapdale and Melfort Area of Panoramic Quality (APQ) and in close proximity to a number of Listed Buildings (LB) where, collectively, SG LDP 17, SG LDP ENV 13 and SG LDP 16(a) seek to preserve and enhance the character and appearance of CAs and APQs and protect the setting of LBs from unsympathetic development seeking to secure a high standard of appropriate siting, design and finishing materials.

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

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

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

The proposal has elicited 14 objections from 9 households and 2 expressions of support from 1 household.

B. Location, Nature and Design of Proposed Development

The application site is situated within the minor settlement of Toberonochy comprising a rough semi-circular shaped area of land elevated slightly above the level of the adjacent public road

To the southeast of the site is a row of traditional single storey slate workers cottages with more modern one and a half storey dwellinghouses situated to the northeast. To the west there are open fields with the foreshore and Shuna Sound to the northeast.

The site is contained by an overgrown natural stone wall which has collapsed at certain points and contains a number of mature trees along its boundaries. There is a telephone box and postbox within the site positioned between the boundary wall and public road.

The current application seeks planning permission for three detached dwellinghouses. The proposed dwellinghouses are contemporary designed one and a half storey structures, two of which take a 'L' shaped footprint with the most northerly unit taking an elongated 'L' shaped footprint following the curve in the adjacent public road. The proposed dwellinghouses pay regard to the adjacent historic slate workers cottage by maintaining a traditional frontage facing the public road with a natural slate roof, white rendered walls and vertically emphasised windows. The rear elevation, which is not visible from within the main village centre, incorporate a number of more contemporary design features including flat roof dormer windows and slate cladding to the external walls.

The parking area to serve the dwellinghouses is positioned to the rear of the dwellinghouses concealed from the public road maintaining an uninterrupted frontage presenting the public road.

The proposal is considered to comply with the terms Policy LDP 9 and SG 2 which seek to ensure developments are of a suitable scale, design and finish and do not have an adverse impact on the privacy and amenity of neighbouring properties.

C. Natural and Built Environment

The site is situated within the Toberonochy Conservation Area (CA) and within close proximity to a number of Listed Buildings (LBs). Accordingly the provisions of SG LDP ENV 17 and SG LDP ENV 16(a) require to be considered in any proposal which collectively seek to protect CAs, and LBs from unsympathetic development seeking to secure a high standard of appropriate siting, design and finishing materials.

The row of traditional single storey slate workers cottages situated to the southeast of the site together with the more modern one and a half storey dwellinghouses to the south and northeast are all LBs.

Whilst it is accepted that the site is in close proximity to a number of LBs, it is considered that the proposed dwellinghouses have been sympathetically designed with a traditional façade facing into the village taking regard to the design of the nearby listed slate workers cottages which will help integrate them within the site and wider village. It is not considered that the proposed development, which is proposed within an area of defined settlement and which is adjacent to existing built development, would be materially harmful to the current setting of the surrounding LBs or the wider CA.

In addition the site is within the Knapdale and Melfort APQ where SG LDP ENV 13 seeks to resist development where its scale, location or design will have a significant adverse impact on the character of an APQ.

In light of comments from third parties regarding the potential impact of the development on trees and wildlife, the Council's Biodiversity Officer was consulted on the proposal. In her initial response she advised that, as the existing trees are to be retained, a Tree Protection Plan should be submitted for approval prior to construction commencing on site. The Biodiversity Officer further advised that the drystone dyke be assessed for biodiversity interest including bats. However, as a result of works to the wall on site to facilitate the proposed site entrance, there is no requirement for a bat survey to be undertaken.

It is considered that the proposed dwellinghouses respects the established settlement pattern of the surrounding area and are of a scale and design which will ensure they do not have any significant adverse impact on the character of the site, its setting within the streetscene, the CA or the wider APQ consistent with the terms of Policy LDP 3, SG LDP ENV 13, SG LDP ENV 14, SG LDP ENV 16(a) and SG LDP

ENV 17 and with Conditions satisfies SG LDP ENV 1 which seeks to protect habitats and species.

D. Road Network, Parking and Associated Transport Matters.

The application proposes to form a new vehicular access into the site spurring from the C35 Toberonochy Road. Due to the roads on Luing being narrow, poorly aligned and built on sub-grade material, the Roads Authority deferred their decision until such time as a Traffic Management Plan (TMP) was submitted detailing all plant, labour and materials required to construct the proposed development together with the route to be taken by material and plant deliveries. The TMP submitted by the agent outlined the information required and the Roads Authority confirmed their acceptance of the TMP advising that they were content that works involved in the proposed development will not have an adverse effect on the roads on the island. Accordingly, with conditions to secure the requirements of the Roads Authority, namely construction of the access to the standard roads specification, clearance of visibility splays and provision of a bin store at the junction with the public road the proposal is considered acceptable from a road safety perspective. The application shows the requisite parking requirement within the site and therefore there is no need for this aspect of the proposal to be conditioned.

The proposal complies with the terms of Policy LDP DM 11 and SG LDP TRAN 4 and SG LDP TRAN 6 which seek to ensure that developments are served by an appropriate means of vehicular access and have a sufficient parking and turning area within the site.

E. Infrastructure

The application shows water and drainage via connection to the public systems. Scottish Water was consulted on the proposed development and raised no objection but provided advisory comments for the applicant regarding connection to their infrastructure. Accordingly, should planning permission be granted, an informative should be added to the grant of planning permission advising the applicant to contact Scottish Water to discuss connection to their infrastructure.

The proposal is considered acceptable in terms of Policy LDP DM 11 which seeks to ensure the availability of suitable infrastructure to serve proposed developments.

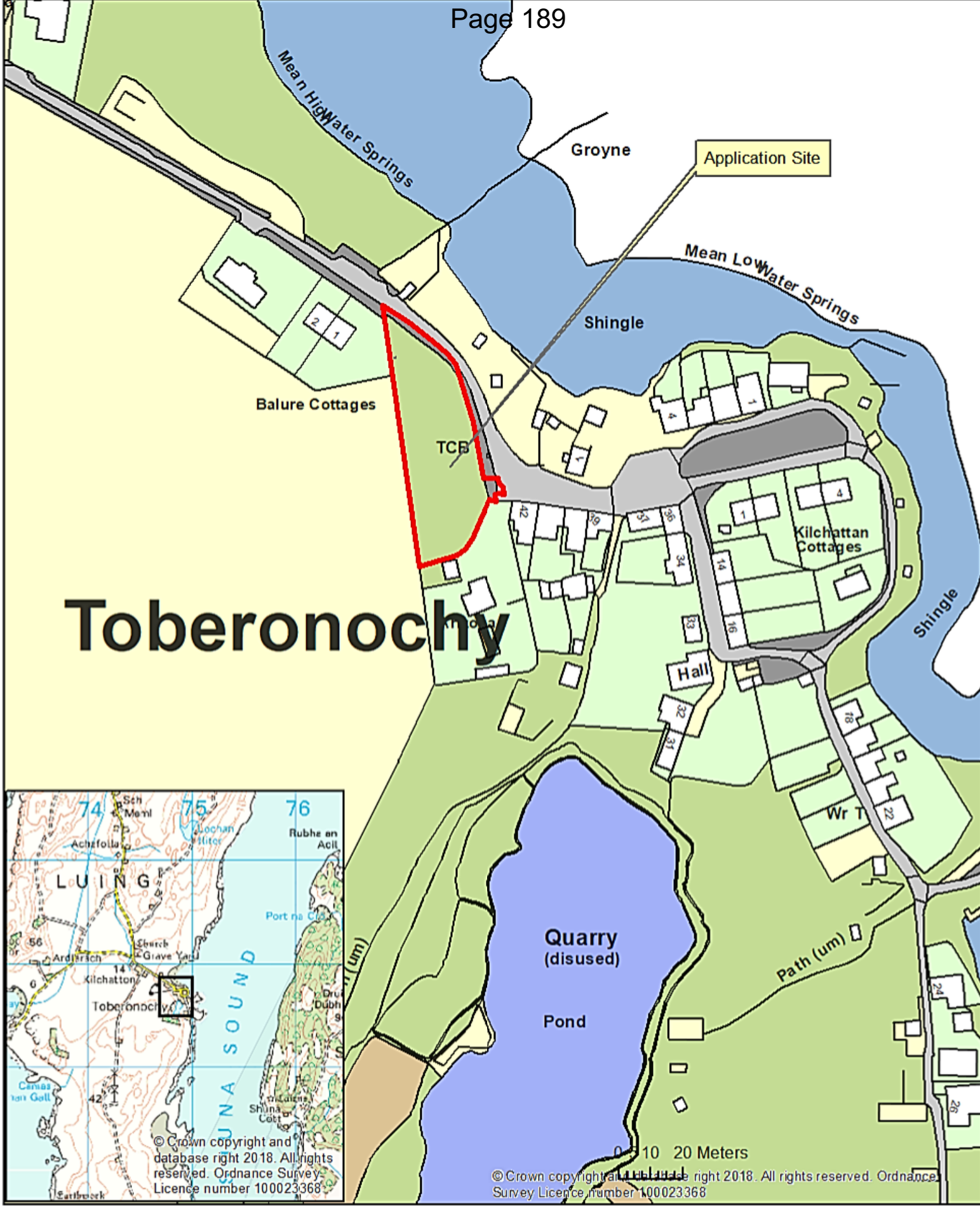
F. Surface Water Drainage

Due to concerns raised by third parties regarding the impact of surface water from the proposed development, comments were sought from the Council's Flood Risk Manager, JBA Consulting. In their initial response JBA requested that a topographic survey be submitted to determine if a Flood Risk Assessment (FRA) was required together with further information on the drainage design to serve the proposed development. Ongoing discussions took place between the agent and JBA resulting in the agent submitting details of site levels and a Drainage Assessment prepared by CRA (Edinburgh). JBA reviewed the information submitted relating to site levels and determined that a site specific FRA is not required but recommended that the finished floor levels (FFL) of the proposed dwellinghouses be set at least 0.3 metres above ground level as a precaution against possible surface water flooding. The proposed drainage system comprises a land drain, permeable paving with attenuation via a cellular storage system and a hydrobrake, with ultimate discharge to land via a soakaway to which JBA advised the principle of which is acceptable. However JBA advise that no site investigation has been undertaken to establish soil permeability with the British Geological Survey mapped information used instead and therefore it is recommended that site investigations be undertaken at detailed design stage and the soakaway design be updated as appropriate. JBA further advise

that surface water containment during construction and maintenance of the proposed system have also not been provided but this could be addressed by a planning condition.

With conditions to achieve the requirements of the Councils Flood Risk Manager, the proposal is considered acceptable in terms of Policy LDP DM 10 and SG LDP SERV 2 which seek to ensure that developments incorporate a suitable surface water drainage system to reduce the risk of flooding which can occur.

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Toberonochy



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Location Plan Relative to planning application: 18/01526/PP



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

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: 19/00879/PP
Planning Hierarchy: Local
Applicant: MacLeod Construction Ltd
Proposal: Variation of condition 8 (noise levels) relative to planning permission 18/02399/MIN - Periodic Review of Mineral Planning Permission (Determination of conditions to which Mineral Permission is to be subject - ROMP First Review) for Sand and Gravel Extraction Works - Previous References:- AG/86/DM4 and AG/89/1256
Site Address: Kilmartin Quarry, Upper Largie, Kilmartin

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Variation of condition 8 (noise levels) relative to planning permission 18/02399/MIN (approved under ROMP)

(ii) Other specified operations

- None
-

(B) RECOMMENDATION:

It is recommended that the application is approved subject to the variation of condition 8 wording attached below.

(C) CONSULTATIONS:

ABC Environmental Health, 5/6/19 – No objection subject to the re-worded condition requiring a maximum noise limit of 45dB.

(D) HISTORY:

89/01256/MIN001 – Extraction of sand and gravel at Upper Largie, Kilmartin – Approved

AG/86/DM4 – Extraction of sand and gravel over an area of 3.9ha – Approved

AG/89/1256 – Extraction of sand and gravel over an area of 5.8ha – Approved

18/02399/MIN - Periodic Review of Mineral Planning Permission (Determination of conditions to which Mineral Permission is to be subject - ROMP First Review) for Sand and Gravel Extraction Works - Previous References:- AG/86/DM4 and AG/89/1256. - Approved

Adjacent site:

15/02114/MIN - Extension to existing quarry site – Approved

(E) PUBLICITY:

Regulation 20 advert expiry 7/6/19
Neighbour notification expiry 27/5/19

(F) REPRESENTATIONS:

(i) Representations received from:

There have been 21 objections received to this application but three have not provided postal addresses. The details of these can be found in Appendix B whilst the issues raised are summarised and responded to below.

(ii) Summary of issues raised:

- The noise level is already too high and is louder than the passing traffic noise and this is not in keeping with the character of Kilmartin Glen. The applicant should install baffling on the machinery to reduce current levels.
Comment: The quarry will not be inaudible and it is not realistic to expect it to be so. Noise monitoring by the council has provided a background noise level of 34dB and the quarry is currently operating within the 3dB noise limit.
- An increase in noise levels could discourage visitors to the area and from exploring the wider Kilmartin area.
Comment: The quarry won't be any louder than it currently is. The request would allow for the occasional noisier activity such as crushing of pebbles regularly found in sand deposits without there being a breach of planning control.
- There is no record of independent regular sound monitoring.
Comment: The council's Environmental Health officers have undertaken noise recording at the site.
- Residents have previously voice concerns regarding noise.
Comment: The planning authority do not have any record of noise complaints emanating from the quarry.

- Although the area might be classed as rural the quarry is very close to Kilmartin village.
Comment: The quarry has been worked since the 1980s and deposits can only be worked where they are found. The area is classified as rural even with the presence of the village as per the definition in the planning advice note.
- The quarry is now noisier than it has been for the past seven years.
Comment: The quarry is still operating within the noise limits imposed since the previous permission was granted. It is likely that any additional noise is emanating from the extension site which is not subject of this application.
- The quarry employs a single full time operative whilst the tourism industry employs about twelve. The proposal would have a negative impact on tourism in the area.
Comment: The council is bound by Scottish Planning Policy (SPP) to provide a 10 year supply of building aggregate and Kilmartin Quarry forms part of this requirement. Kilmartin is a very important historic area but equally rural employment opportunities should not be constrained without justification.
- The council should seek to reduce the noise levels from the quarry and promote the area as a UNESCO world heritage site.
Comment: The council is seeking to control levels to an acceptable volume. It is not realistic to expect the quarry to be inaudible and it has been worked since the 1980s.
- Given the level of concern amongst residents there should be a public hearing to determine the application.
Comment: Given the relatively simple application and the singular issue to hand it is not considered necessary to hold a public hearing. The question of the quarry is not up for debate but rather whether or not there should be an acceptable increase in permissible noise levels. This is a technical assessment undertaken by council officers and it is not considered that a hearing would add value to the determination process.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

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

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: No

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

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

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

Argyll and Bute Local Development Plan (March 2015)

LDP STRAT 1 – Sustainable Development

LDP DM 1 – Development within the Development Management Zones

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

LDP 5 – Supporting the Sustainable Growth of our Economy

LDP 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 BAD 1 - Bad Neighbour Development

SG LDP BUS 2 - Business and Industry Proposals in the Countryside Development

SG LDP CC 1 - Climate Change and Sustainable Development

SG LDP ENV 1 - Development Impact on Habitats, Species and our Biodiversity (i.e. biological diversity)

SG LDP ENV 7 - Water Quality and the Environment

SG LDP ENV 11 - Protection of Soil and Peat Resources

SG LDP ENV 14 - Landscape

SG LDP ENV 20 - Development Impact on Sites of Archaeological Importance

SG LDP MIN 2 - Mineral Extraction

SG LDP TRAN 1 - Access to the Outdoors

SG LDP TRAN 4 - New And Existing, Public Roads And Private Access Regimes

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

Scottish Planning Policy (2014)

Planning Advice Note 50 – Controlling the Effects of Surface Mineral Workings (October 1996)

Planning Advice Note 51 – Planning, Environmental Protection and

Regulation (October 2006)
Planning Advice Note 1/2013 Environmental Impact Assessment (2013)
Circular 1/2017 – Town and Country Planning (Environmental Impact
Assessment) Regulation 2017

(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

Given the relatively simple nature of the application and the singular issue to hand it is not considered necessary to hold a discretionary hearing. The question of the quarry is not up for debate but rather whether or not there should be an acceptable increase in permissible noise levels. This is a technical assessment undertaken by council officers and it is not considered that a hearing would add value to the determination process.

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

The site is the existing Kilmartin Quarry which has been worked for a significant period of time with permissions extending back to 1986. The portion of the site to which this permission relates has been worked with the processing equipment still in situ. Permission has been granted for an extension to the west. Access is taken via the A846 main road off a single track to a point just north of the centre of Kilmartin village.

The submission is a follow up to a previous approval under schedule 10 of the Town and Country Planning (Scotland) Act 1997 (as amended) commonly referred to as Review of Old Minerals Permission (ROMP). The purpose of the ROMP was not to review the status of the permission but rather to review the conditions to ensure they are up to date and fit for purpose in respect of the continuing working of the quarry. This is a process that is undertaken every fifteen years regardless of the length of the permission. Following the approval of the updated ROMP conditions the applicant has requested that condition 8 (noise levels) is varied by means of an application under S.42 of the Town and Country Planning (Scotland) Act 1997 to allow for a higher noise limit than that already approved. This is not to say that the quarry will be inherently louder at all times it is just to allow the developer some additional 'head room' for operations such as crushing large pebbles rather than moving them off site. This is an infrequent operation occurring once or twice annually under special dispensation to prevent double handling of material.

The current level allows for a 3dB above background noise limits whereas the applicant is seeking 10dB above background. This would be consistent with the advice contained in PAN 50.

Officers recommend that, when considering PAN 50 and the advice from Environmental Health officers, that the application is approved and the condition amended to reflect a higher noise limit but below that requested by the applicant.

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

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

PAN 50 indicates that a minimum fixed limit of 45dB(A) due to quarry operations is appropriate in quiet rural areas. Given the restrictions on the existing permission would not allow for minor variations on the site such as a change in wind direction or the temporary use of mobile plant it is considered appropriate to agree to an increase in acceptable limits. However, the applicant has requested a change of 10dB Noise Rating Level at any third party property whereas PAN 50 sets a maximum of 45dB in exceptional quiet areas. In this instance it is considered appropriate to allow a variation of condition to that advised in the Scottish Government's PAN 50. This would be consistent with the requirements of policy SG LDP MIN 2.

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

N/A

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

Author of Report: David Love **Date:** 26/7/19

Reviewing Officer: Peter Bain **Date:** 2/8/19

Fergus Murray
Head of Development and Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 19/00879/PP

Life Span / Length of Consent

1. Reinstatement works shall be completed within 9 months after the completed extraction of material or should the quarry remain unworked for a continuous period of 18 months whichever is sooner.

Reason: To ensure the site is worked as per the approved and to ensure that the restoration works are carried out as per the approved details.

Extraction Programme

2. The extraction of minerals from the application site shall be limited to the excavation shown on the plans hereby approved. The site operator shall maintain a record of outgoings from the site for inspection on request by the planning authority.

Reason: For the avoidance of doubt and to ensure an appropriate monitoring mechanism for volume of extraction.

Hours of Operation

3. With the exception of the servicing, maintenance and testing of plant, water management and other environmental controls, no extraction or processing of minerals or other operations shall take place within the site other than between the hours of 8am to 6pm Monday to Saturday with no works unless for operational and / or maintenance reasons occurring on Sundays and Public Holidays unless the Planning Authority has agreed in writing in advance to a temporary variation of any of these normally permitted hours of operation, pursuant to the requirements of these conditions.

Reason: In order to safeguard the amenity of the locale.

4. In instances where there is a requirement to work outside the hours of operation specified in this permission, other than in emergency situations necessary to safeguard health and safety, the operator shall confirm in advance in writing to the Planning Authority the type of operation proposed to take place, the hours proposed to be worked, and the duration of the proposed deviation from the permitted hours of operation. Requests for deviation from normally permitted hours shall be assessed by the Planning Authority in terms of the likely consequences for the surrounding environment, and shall not be unreasonably withheld. In the event that the operator has not received a response from the Mineral Planning Authority within ten working days of notification of their request having been received, it shall be taken that the request has deemed approval from that date.

Reason: In order to provide for flexibility in the event of unforeseen circumstances.

Vehicle Sheeting

5. No loaded lorries shall leave the site un-sheeted except those only carrying stone in excess of 20mm diameter.

Reason: In the interests of road safety and amenity.

Control of Dust From Extraction And Processing

6. The operator shall employ best practicable means to minimise the arising and propagation of air-borne dust from extraction, crushing and screening equipment. Drilling rigs and processing plant shall not be operated without efficient dust control enclosures or other appropriate controls being in place.

Reason: To minimise dust emission in the interests of amenity.

7. The operator shall employ best practicable means to minimise the arising and propagation of air-borne dust and during periods of dry weather a water bowser be maintained on the site with spraying taking place as necessary to minimise dust emissions from haul roads and stockpiles.

Reason: To minimise dust emissions in the interest of amenity.

Noise

8. The Noise Rating Level attributable to the operation of the approved development shall not exceed 45dB(A) at any residential property measured and assessed in accordance with BS4142:2014.

Reason: In order to protect the amenities of the area from noise nuisance

Pollution Control

9. Any oil, fuel or other potential pollutant shall be handled on site in such a manner as to prevent spillage or pollution. In the case of oil and fuel, this shall include storage in either double skinned tanks, or properly constructed containment consisting of an impervious base and impervious bund walls. The size of the bund compound shall be equivalent to 110% of the capacity of the stored liquids with all fill and draw pipes contained by the bunded area.

Reason: In order to avoid contamination of water or soils.

Soil Management

10. Any stripping, transport and deposition of topsoil and subsoil shall be undertaken only when ground and weather conditions enable the operator to secure best practice to cause least damage to the soil structure. The position and design of any soil storage mounds shall be agreed in writing in advance with the Planning Authority and no soil shall be removed from the site or shall be stored on the site other than in the duly approved locations.

Reason: In the interests of soil management and site restoration.

Archaeology

11. No ground breaking works shall commence within each phase of extraction until a method statement for an archaeological watching brief has been submitted to and approved in writing by the Planning Authority in consultation with West of Scotland Archaeology Service (WoSAS). The method statement shall be prepared by a suitably qualified person and shall provide for the recording, recovery and reporting of items of interest or finds within the application site. Thereafter the development shall be

implemented in accordance with the duly approved details with the suitably qualified person being afforded access at all reasonable times during ground disturbance works.

Reason: In the interests of archaeological recording and compliance with SPP.

12. On the completion of the archaeological work for each phase of the quarry development, the applicant shall seek clarification in writing from the Planning Authority before each phase shall be released for quarrying operations.

Reason: In the interests of archaeological recording, to ensure suitable control over the development to protect archaeological finds and ensure suitable recording has been carried out.

Importation of Material

13. The operator shall not be entitled to import materials onto the site other than those required in connection with the operation of the roadstone coating plant. No waste materials or any other material for use in the restoration of the quarry void or any other restoration works shall be imported into the permitted site without the prior written approval of the Planning Authority.

Reason: For the avoidance of doubt.

Invasive Non-Native Species Control

14. Within 1 month of the date of this permission the site operator shall submit a detailed eradication plan for the control, treatment and removal of Japanese Knotweed from the site. This plan should also update the restoration method statement. This shall be submitted to the planning authority for its approval in consultation with their Biodiversity Officer.

Reason: In the interests of biodiversity enhancement and protection and to prevent the spread of Japanese Knotweed.

Access

15. The existing footpaths which crosses the site, path references C297 and C314(a), shall be retained on its present alignment and retained free from obstruction unless alternative provision has been implemented with the prior written approval of the Planning Authority in consultation with the Council's Access Officer.

Reason: To ensure the continued access arrangements put in place by the core paths networks.

Final Removal of Buildings and Plant

16. All plant and buildings shall be removed from the permitted site within 1 month of the permanent cessation of quarrying activities.

Reason: To ensure that redundant structures are removed in the interests of amenity.

Restoration Bond

17. Within 1 month from the date of this consent the developer shall provide the Planning Authority with details of the bond or other financial provision which it proposes to put

in place to cover all decommissioning and site restoration costs on the expiry of this permission. No further work shall commence on the site until the developer has provided documentary evidence that the proposed bond or other financial provision is in place and written confirmation has been given by the Planning Authority that the proposed bond or other financial provision is satisfactory. The developer shall ensure that the approved bond or other financial provision is maintained throughout the duration of this permission.

Reason: To guarantee the restoration of the site following cessation of the development.

Restoration and Aftercare

18. The entire site shall be reinstated in full should the quarry remain unworked for a continuous period of 18 months or upon completion of the extraction as per the approved plans.

Reason: To ensure timeous implementation of the restoration scheme as per drawing reference 'Restorations Proposals – Figure 1, Oct 2018'.

19. The level of the quarry floor on reinstatement shall not be lower than 32.75m AOD and the remainder of the detailed reinstatement as shown on the plans hereby approved.

Reason: For the avoidance of doubt and to ensure protection of the ground water environment.

20. Topsoil for reinstatement purposes shall be stored in mounds no higher than 2.0m and shall be kept weed free throughout storage period. Topsoil is to be stored within the confines of the quarry floor.

Reason: In the interests of restoration.

21. No plant or machinery shall be relocated without prior written approved of the planning authority.

Reason: In the interests of restoration of the site.

22. All stonedyke walls in the vicinity of the quarry shall be retained intact and maintained.

Reason: To ensure a suitable level of restoration and in the interests of visual amenity of the area.

23. No signage associated with the quarry (with the single exception of safety signage) to be erected without the prior written approval of the planning authority.

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

24. Any planting undertaken in accordance with the requirements of these conditions shall be maintained in accordance with good horticultural practice in order to ensure successful establishment, including control of weeds, exotics and bracken, and grazing by animals. Any plants which within the first 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species unless otherwise agreed in writing in advance by the Planning Authority.

Reason: To ensure that the permitted site is adequately restored in accordance with the permitted scheme.

25. No machinery / plant associated with the quarry shall protrude above the height of the embankment or be visible from the A816.

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

26. No topsoil / spoil material shall be stockpiled above the height of the plateau or outwith the site boundary.

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

NOTE TO APPLICANT

- 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.
- For avoidance of doubt this Section 42 permission relates to the terms of planning permission AG/89/1256 as amended by ROMP reference 18/02399/MIN. All plans and details should be read in conjunction planning permission 18/02399/MIN - Periodic Review of Mineral Planning Permission (Determination of conditions to which Mineral Permission is to be subject - ROMP First Review) for Sand and Gravel Extraction Works
- Previous References:- AG/86/DM4 and AG/89/1256

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 19/00879/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The site is allocated as a minerals allocation in the adopted Local Development Plan (LDP) 2015 under reference MIN AL 12-2. It forms part of the required minerals land bank as per the demands of Scottish Planning Policy (SPP). The operation extracts sands and gravels and provides for the wider area given the nearest such resources are located at Benderloch and Langa. It also forms a resource used by MacLeod Construction Ltd. The site originally received consent in in 1986 and has been worked ever since.

Under schedule 10 of Town and Country Planning (Scotland) Act 1997 (as amended) the conditions controlling minerals sites are required to be reviewed every 15 years. This is because the lifespan of such consents are likely to be considerably longer and it is necessary to review conditions to ensure they remain fit for purpose given the ever changing face of legislation. This review process is commonly referred to as a Review of Old Mineral Permissions, or ROMP.

In this instance a Review of Minerals Permission (ROMP) request was submitted on 8/11/18 and, after consultation and assessment, approved on 27/2/19. However, despite sending a copy of the proposed conditions to the agent for review the issue of the noise limit was never commented upon. Upon post approval assessment the applicant has however requested that, despite being consistent with the current noise limits, they would wish to allow for additional leeway from 3dB above background to 10dB above background.

When considering ROMP the principle of the permission is not under question or for review. It is simply a case of whether the conditions remain fit for purpose.

B. Location, Nature and Design of Proposed Development

The site is an existing sand and gravel quarry located to the north of Kilmartin. There is a history of permissions dating from 1986 and there is little evidence of upheld complaints from SEPA or the planning authority. Permission exists for an extension to the site further north whilst there are unworked deposits to the east.

The site is screened from view by a large well grassed bund to the south. Access is taken from a minor road in the middle of village adjacent the commercial vehicular garage. This access also forms part of the core path network.

C. Built Environment

In order to provide a detailed assessment of the proposals Environmental Health officers undertook a number of measurements and observations around the site to gain a picture of the overall noise environment. As the residential property Cherbin is closest to the site that is where the majority of measurements were conducted. The property is approximately 375m from the screening plant, i.e. equipment that sorts and washes the sand and gravels from raw material into product.

Fortunately the screening plant was not in operation when the first readings were taken and there was no discernible noise from the site. Background noise was dominated by intermittent traffic on the A816 with some birdsong and the odd overflying aircraft.

Subsequent readings were taken with the plant operating which allowed the specific sound level of the site operations to be calculated. Observation confirmed that the screening plant was the dominant site noise although a front loader and backhoe were both in operation within the old quarry void. During periods when there was no traffic on the road, the noise from the screening plant was clearly audible and with virtually no variation in level. It is evident that the noise from the screening plant and mobile plant in the quarry is attenuated by the topography acting as a barrier.

The measurements taken were assessed using the broad principles of the BS4142 methodology. The calculated Noise Level Rating close to the nearest sensitive receptor is 36dB which is less than the 3dB above background sound level included in the existing limit. Noise Rating Levels measured at more distance properties would invariably be lower due to the greater distance attenuation whilst background noise would be higher close to the road due to the influence of road traffic. Compliance with the existing condition at the monitoring site was thus established by this exercise but with little headroom despite the Noise Rating Level being very low.

PAN 50 indicates that a minimum fixed limit of 45dB(A) due to quarry operations is appropriate in quiet rural areas. The applicant suggests that a condition is attached requiring that the Noise Rating Level does not exceed the background noise by 10dB at any residential property. However, the noise survey reveals that the background is dominated by road traffic on the A816 and that if a Noise Rating Level of 10d above background was adopted as a limit then potentially the allowable noise limit could exceed 45db(A) by some margin at properties close to the road. It should be noted that compliance with the proposed condition does not guarantee inaudibility particularly when existing background noise levels may be significantly lower due to an absence of road traffic. However, the condition is in accordance with the guidance offered in PAN 50 in situation considered to be 'exceptionally quiet rural areas'.

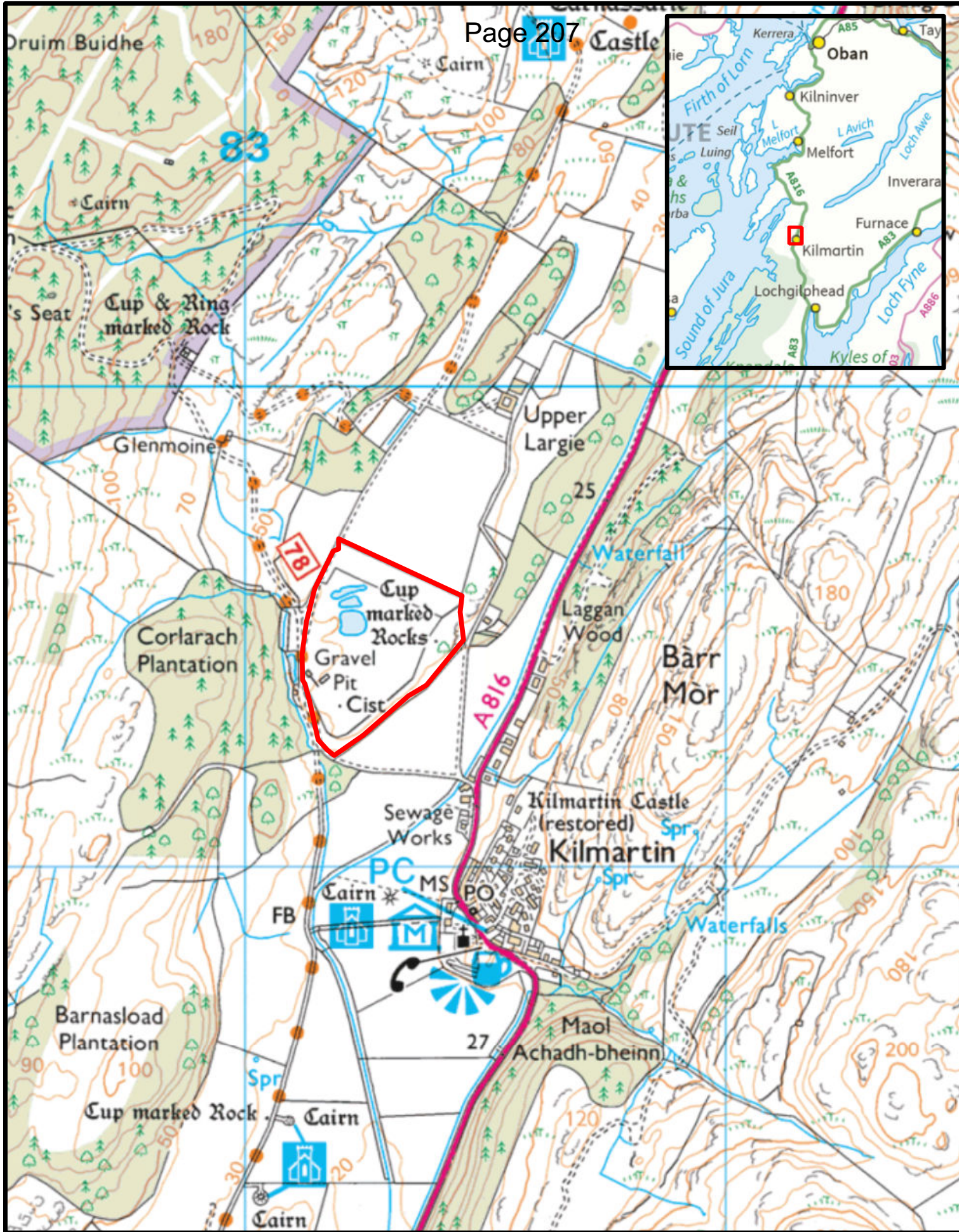
Appendix B – List of contributors

1. Stephen Carter, Tormod, Kilmartin, PA31 8RQ (14/5/19)
2. Robert Sweetman, Taigh Mohir, Laggan Wood, Kilmartin, PA31 8RQ (20/5/19)
3. David Bracken, The Old Manse, Kilmartin, PA31 8RQ (21/5/19)
4. Alan Steele, Tigh Na Altruim, Kilmartin, PA31 8RQ (23/5/19)
5. Ben Rusden, 7 Castle Park, Kilmartin, PA31 8RW (22/5/19)
6. Sarah Nixon, 3 Castle Park, Kilmartin, PA31 8RW (21/5/19)
7. Thomas Campbell, Airdh Skeodnish, Kilmartin, P31 8RQ (21/5/19)
8. Phil Nilsson, 3 Castle Park, Kilmartin, PA31 8RW (21/5/19)
9. Sarah Lavender, 1 Dail Charnaig, Kilmartin, PA31 8RQ (24/5/19)
10. Claire Dangerfield-Snaith, 6 Barmore View, Kilmartin, PA31 8UH (24/5/19)
11. Simon Snaith, 6 Barmore View, Kilmartin, PA31 8UH (24/5/19)
12. Walter Ritchie, 7 Barr Mor View, Kilmartin, PA31 8UN (25/5/19)
13. Andrew Heaton, 36 Barmor View, Kilmartin, PA31 8UN (25/5/19)
14. Anne Heaton, 36 Barmor View, Kilmartin, PA31 8UN (25/5/19)
15. Lesley Sweetman, Taigh Mohir, Laggan Wood, Kilmartin, PA31 8RQ (26/5/19)
16. Brian Rattray, Rowan Cottage, Kilmartin, PA31 8RQ (24/5/19)
17. Douglas Philand (Councillor), Oriago, 32 Fernoch Crescent, Lochgilphead PA31 8AE (28/5/19)
18. Richard Adair, 8 Castle Park, Kilmartin (27/5/19)

No postal address supplied

1. Janet Jardine, Kilmartin via email (18/5/19)
2. Caroline Waterhouse, via email (24/5/19)
3. Isobel Allan, via email (23/5/19)

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Argyll and Bute Council
Development and Infrastructure

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

Reference No: 19/01124/PP

Planning Hierarchy: Local Development

Applicant: Mr C Kennedy

Proposal: Erection of dwellinghouse and formation of vehicular access

Site Address: Land East of Tigh Na Mara, Arinagour, Isle of Coll, Argyll and Bute

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of dwellinghouse
- Construction of vehicular access

(ii) Other specified operations

- Connection to public water main
 - Connection to public drainage system
-

(B) RECOMMENDATION:

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

(C) HISTORY:

18/01538/PPP

Site for the erection of dwellinghouse. Withdrawn 22nd November 2018

(D) CONSULTATIONS:

Area Roads Authority

No objection subject to conditions. Report dated 12th June 2018.

Scottish Water

No objection. Letter dated 13th June 2019

Scottish Natural Heritage

Does not intend to offer formal comment on the application. E-mail dated 24th June 2019

SEPA

No objection. Letter dated 13th June 2019

Council Flood Risk Officer

No objection subject to condition. Report dated 11th July 2019

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20 procedures, closing 11th July 2019.

(F) REPRESENTATIONS:

No representations have been received regarding the proposed development. However, the applicant has submitted numerous representations in support of his application. These are summarised in Section G of Appendix A below.

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

(H) PLANNING OBLIGATIONS

(i) Is a Section 75 obligation required:	No
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(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:	No
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(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.**

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 8 - Supporting the Strength of our Communities
 LDP 11 – Improving our Connectivity and Infrastructure

Supplementary Guidance

SG LDP ENV 14 – Landscape
 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 2 - Incorporation of Natural Features / Sustainable Drainage Systems (SuDS)
 SG LDP SERV 7 - Flooding and Land Erosion – The Risk Framework for Development
 SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes
 SG LDP TRAN 6 – Vehicle Parking Provision

Sustainable Siting and Design Principles

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

Argyll and Bute Sustainable Design Guidance 2006
 Scottish Planning Policy (SPP) 2014
 Planning Advice Note 72 (PAN 72), Housing in the Countryside
 Consultee Responses
 Isle of Coll Sustainable Design Guidance
 Isle of Coll Landscape Capacity for New Housing Report 2006

(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 an application for the erection of a dwellinghouse on a site next to the property forming Tigh Na Mara, Arinagour, Isle of Coll.

In terms of the adopted Argyll and Bute Local Development Plan (LDP) the application site is located within the southern fringe of the Key Rural Settlement of Arinagour where Policy LDP DM 1 gives encouragement to sustainable forms of development on appropriate sites subject to compliance with other relevant policies and supplementary guidance.

A previous application for planning permission in principle was submitted for the same site (our ref: 18/01538/PPP) however this was withdrawn by the applicant prior to formal determination. A supporting statement and accompanying photographs have been submitted by the applicant which are considered in more detail in Appendix A.

The proposed site is located on the seaward side of the road next to the neighbouring guesthouse Tigh Na Mara which occupies a site on the opposite side of the public road. The stretch of land between the ferry terminal to the south and the small pier to the north on the seaward side of the road is rocky in nature and it is completely devoid of development.

The determining factors in the assessment of this application are whether or not this location is acceptable for the erection of a dwellinghouse having regard to its visual impact upon the landscape and its visual relationship with neighbouring properties and its integration with the existing settlement pattern.

In this case it is considered that this not an appropriate site for the erection of a dwellinghouse as the proposed development will have a materially harmful adverse impact upon the character and setting of the landscape and would be contrary to the established pattern of development.

This application would normally have been determined as a local application under the Council's agreed scheme of delegation. In this case the applicant has raised concerns regarding the way in which this, and other planning applications submitted by him, have been dealt with by the planning authority, and in respect of the conduct of the Planning Authority in general. Therefore, in order to provide enhanced transparency within the decision making process, it is considered that the planning application for the proposed development should be determined by Members.

(Q)	Is the proposal consistent with the Development Plan:	No
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(R)	Reasons why planning permission should be refused
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See reasons for refusal below.

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

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

Author of Report: Andrew Barrie

Date: 30thth July 2019

Reviewing Officer: Tim Williams

Date: 2nd August 2019

Fergus Murray
Head of Development and Economic Growth

REASONS FOR REFUSAL RELATIVE TO APPLICATION 19/01124/PP

1. In terms of the adopted Argyll and Bute Local Development (LDP) the application site is located within the Key Rural Settlement of Arinagour which is subject to the effect of Policy LDP DM 1 and Supplementary Guidance SG LDP HOU 1 which establish a general presumption in favour of housing development within settlements, provided such development is of a scale and form compatible with the surrounding area and does not result in inappropriate densities or the loss of valuable open areas, and is acceptable in terms of siting and compatibility with the established settlement pattern and landscape character.

Development of this site would erode the open and rural character of the rocky coastline, a key environmental feature, contrary to the established pattern of development which is characterised by an absence of built development on the seaward side of the public road south of the existing pier. The undeveloped nature of the site makes a positive contribution to the village and its development with a dwellinghouse would result in the loss of undeveloped land such that the characteristics and visual amenity of the locality would be materially harmed by the extent of built development. The natural interplay between the rocks and rough grazing would be disrupted by an alien feature adversely affecting this area of common landscape character. The large property at Tigh Na Mara is a visual focal point when one approaches the village from the south whilst the largely undeveloped seaward side of the road provides clear open views across the coastal edge and across the bay to the north-east and east and this would be unacceptably compromised by the proposed development which would result in an inappropriately prominent and isolated development within a fragile and vulnerable area of undeveloped and visually uninterrupted coastal hinterland which occupies the seaward side of the public road – a key arrival point on the island from the sea.

This assessment is underpinned by the key findings of the Isle of Coll Landscape Capacity for New Housing Report 2006 which is a detailed assessment of the landscape character of the island and it identifies the appropriate opportunities and necessary constraints for new housing development. The study highlights that there is a visual pinch point to the south of the proposed development site along the public approach to Arinagour from the ferry terminal and that any new development beyond this point would intrude negatively upon the 'surprise' reveal of Arinagour (whilst acknowledging that this effect is somewhat diminished by the existing property Tigh Na Mara). Although not statutory guidance in and of itself it is considered that the 2006 report is a material consideration in the determination of the application because it was an important and professionally competent technical working document commissioned by the Council in order to inform the subsequently adopted Isle of Coll Sustainable Design Guidance.

In this case it is considered that the erection of a dwellinghouse in this location would result in an unacceptable environmental impact resulting in a development which does not have regard to the surrounding settlement pattern and would be materially harmful to the wider landscape character of the area. The proposal is therefore considered to be contrary to the provisions of Policies LDP STRAT 1, LDP DM 1, LDP 3, LDP 8, LDP 9, Supplementary Guidance SG LDP HOU 1, and the Sustainable Siting and Design Principles of the LDP as well as the Isle of Coll Sustainable Design Guidance, the Isle of Coll Landscape Capacity for New Housing Report 2006, Scottish Planning Policy and Planning Advice Note 72.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 19/01124/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

Detailed planning permission is sought for the erection of a dwellinghouse on a site adjacent to Tigh Na Mara, Arinagour, Isle of Coll.

In terms of the adopted Argyll and Bute Local Development Plan (LDP) the application site is located within the southern fringe of the Key Rural Settlement of Arinagour where Policy LDP DM 1 gives encouragement to sustainable forms of development on appropriate sites and subject to compliance with other relevant policies and supplementary guidance.

Policy LDP 3 assesses applications for their impact on the natural, human and built environment with Policy LDP 9 seeking 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. The Sustainable Siting and Design Principles expands on this policy seeking development layouts to be compatible with, and consolidate the existing settlement and take into account the relationship with neighbouring properties to ensure no adverse privacy or amenity issues.

Policy LDP 8 supports new sustainable development proposals that seek to strengthen communities. Supplementary Guidance SG LDP HOU 1 states that there is a general presumption in favour of housing development within settlements, provided it is of a scale and form compatible with the surrounding area and does not result in inappropriate densities or the loss of valuable open areas, and is acceptable in terms of siting and compatibility with the established settlement pattern.

In this case it is considered that development of this site would harmfully erode its open and rural character, contrary to the established pattern of development. The undeveloped nature of the site makes a positive contribution to the village and its development with a dwellinghouse would result in the loss of undeveloped land such that the characteristics and visual amenity of the locality would be materially harmed by the extent of built development. The large property forming Tigh Na Mara is a visual focal point when one approaches the village from the south whilst the seaward side of the road provides clear open views across the coastal edge and across the bay to the north-east and east and this would be materially harmed by the proposed development which would introduce a substantial built feature into the undeveloped and open natural landscape.

Therefore, whilst the proposed development site is within the extended settlement boundary, it is not considered that it represents an appropriate opportunity in terms of policy LDP 8 and Supplementary Guidance SG LDP HOU 1 for development. The reasons for this are discussed below.

Members should note that the applicant has submitted that the site forms part of a bareland croft and that there is a need for a dwellinghouse to serve this croft. However, the applicant has not specifically applied for a crofting development and, to date, no such supporting information has been submitted, such as a boundary of the alleged croft or any croft management plan and/or other information sufficient to demonstrate that there is a locational/operational need for the development, despite the applicant being advised that this would be required should he wish to advance a crofting need argument. The application has been assessed, as originally applied for, as a new dwellinghouse located within the Key Rural Settlement of Arinagour and not, specifically, as a new croft house on a bareland croft. The applicant has been advised of the information necessary for the planning authority to consider an argument of locational/operational need to support

crofting however, to date, no such information/justification has been submitted. If, subsequent to the publishing of this report, the applicant submits additional supporting information, this will require further detailed assessment as a new material consideration will have been introduced which has not and could not have been considered prior to the publication of this report of handling. This matter is discussed in more detail in Section G of Appendix A below.

B. Location, Nature and Design of Proposed Development

The site is located to the south of the village of Arinagour which is the main settlement on Coll which contains the majority of the island services. The village is important as it provides the initial impression of the island for visitors accessing Coll via the nearby ferry terminal. The majority of development is aligned along the western edge of a narrow rocky inlet and is not widely visible when approaching Coll from the sea or ferry terminal.

The proposed site is located on the seaward side of the road immediately opposite a neighbouring guesthouse Tigh Na Mara with the proposed dwellinghouse being oriented parallel to the public road. The proposed dwellinghouse is small scale and single storey with a rectangular plan, gable ends and a pitched roof. It has a central pitched roof porch on the roadside elevation and a steep mono-pitched roof extension to the south-east elevation which faces over the loch. Materials include a natural slate roof, natural stone, vertical and horizontal Siberian larch cladding and corrugated black steel sheeting.

The proposed development has been assessed in terms of its specific potential impact upon the nearby guesthouse property Tigh Na Mara. Due to the orientation and separation distances between the two properties there is no materially detrimental impact upon the privacy and/or amenity of the occupants of the guesthouse. In this respect the development complies with the Sustainable Siting and Design Principles of the LDP.

The proposed development site occupies an area of 'common landscape character', this being a stretch of land between the ferry terminal to the south and the small pier to the north on the seaward side of the road. This is an area of undeveloped coastal hinterland situated between the public road and the natural foreshore and represents a key landscape component affording unobstructed panoramic views from the public road. The development site and its wider coastal landscape setting is exposed and open in nature and it is completely devoid of built development. The construction of a new dwellinghouse and its associated hardstandings and curtilage would introduce an alien feature into this area of common landscape character which would disrupt the natural interplay between the rocks and the areas of rough grazing.

It is considered that development of this site would harmfully erode its open and rural character, contrary to the established pattern of development. The undeveloped nature of the site makes a positive contribution to the village and its development with a dwellinghouse would result in the loss of undeveloped land such that the characteristics and visual amenity of the locality would be materially harmed by the extent of built development. The large property forming Tigh Na Mara is a visual focal point when one approaches the village from the south whilst the seaward side of the road provides clear open views across the coastal edge and across the bay to the north-east and east and this would be materially harmed by the proposed development which would introduce a substantial built feature into the undeveloped and open natural landscape.

The Isle of Coll Sustainable Design Guidance has been adopted by the Council as supplementary guidance and notes that inappropriate development can arise when new dwellinghouses are located to take advantage of views and thus are located more prominently than their older neighbours which would have been sited to make the most of

shelter. It also states that new development should normally sit below the horizon rather than impacting on the skyline and which avoids significant visual intrusion onto the village setting. This development fails to do so. Within Arinagour, areas of localised higher densities - such as the long waterfront terraces on the landward side of the public road – form a successful development pattern because they are perceived as only a single visual component of a larger landscape setting. Less successful development can often be less dense but more harmful in terms of its wider landscape setting – such is the case here. The design guide has a useful aerial photograph which illustrates the importance of this open and undeveloped area and its relationship to the village.

The Isle of Coll has a distinctive and important landscape character. The Isle of Coll Sustainable Design Guidance notes that the island has an intricate relationship between a range of different landscape types, from the rocky coastline experienced when arriving by ferry, through moorland and hills to machair, high dunes and beautiful sandy beaches. The strip of land between the public road and the coast which runs from the ferry terminal to the pier is open and exposed with a distinct rural character and high scenic value which should be protected. The reference to this within the design guide is significant. The value of the island landscape is also an important economic asset, where it plays a central role in sustaining the continuing growth of the tourism industry. The siting, location and design of new development is therefore of utmost importance to ensure this value is not gradually eroded. The proposed development fails to appropriately respect the character of the landscape and the established settlement pattern, being visually intrusive as it interrupts key views from the public road and it encroaches into the undeveloped countryside eroding the rural character of the landscape. There are no discernible backdrops, enclosures or landscape features with which to 'root' the development into the landscape and the proposed development would therefore appear as inappropriately prominent and isolated within a substantial area of undeveloped and visually uninterrupted coastal hinterland.

The Isle of Coll Landscape Capacity Study for New Housing Report 2006 ('the study') is a detailed assessment of the landscape character of the island and it identifies the appropriate opportunities and necessary constraints for new housing development. Although not statutory guidance in and of itself it is considered that the 2006 report is a material consideration in the determination of the application because it was an important and professionally competent technical working document commissioned by the Council in order to inform the subsequently adopted Isle of Coll Sustainable Design Guidance. The study highlights that there is a visual pinch point to the south of the proposed development site along the public approach to Arinagour from the ferry terminal and that any new development beyond this point would intrude negatively upon the 'surprise' reveal of Arinagour (whilst acknowledging that this effect is somewhat diminished by the existing property Tigh Na Mara).

Similarly, the 'Opportunities and Constraints' section of the study identifies a strip of land along the coastal edge and along the seaward side of the public road as being not generally suited to housing development as it would intrude on views and affect the setting of the distinctive row of 19th century cottages. The proposal is therefore considered to be contrary to the Isle of Coll Landscape Capacity for New Housing Report 2006.

It is understood that the current settlement boundary for this part of Arinagour predates the Isle of Coll Landscape Capacity Study and that a settlement boundary review will be undertaken as part of the proposals for the new Local Development Plan.

Whilst Scottish Planning Policy recognises that the rural landscape of Scotland is changing, it states that it is essential that new development is appropriate in terms of its scale and location in order to ensure that the character and quality of the countryside is not eroded. Planning Advice Note 72 (PAN 72), Housing in the Countryside, reinforces these expectations, specifically in relation to the design and siting of new houses in the countryside whereby good quality rural housing respects the landscape and building

traditions. It is considered that the proposed development would be materially harmful to the character and quality of this part of the Coll coastline and is therefore contrary to national policy.

In this case it is considered that the erection of a dwellinghouse in this location would result in an unacceptable environmental impact resulting in a development which does not have regard to the surrounding settlement pattern and would be materially harmful to the wider landscape character of the area. The proposal is therefore considered to be contrary to the provisions of Policies LDP STRAT 1, LDP DM 1, LDP 3, LDP 8, LDP 9, Supplementary Guidance SG LDP HOU 1, and the Sustainable Siting and Design Principles of the LDP as well as the Isle of Coll Design Guidance, the Isle of Coll Landscape Capacity for New Housing Report 2006, Scottish Planning Policy and PAN 72.

C. Archaeology

The site lies within an archaeological trigger zone, however the West of Scotland Archaeology Service have not commented on the application. No archaeological mitigation is required and the proposal complies with Policy LDP 3 and Supplementary Guidance SG LDP ENV 20.

D. Road Network and Parking

Policy LDP 11 supports all development proposals that seek to maintain and improve internal and external connectivity by ensuring that suitable infrastructure is delivered to serve new developments. Supplementary Guidance SG LDP TRAN 4 and SG LDP TRAN 6 expands on this policy seeking to ensure that developments are served by a safe means of vehicular access and have an adequate on-site parking and turning area.

The Area Roads Engineer has raised no objections to the proposed development subject to conditions. The development is considered to comply with Policy LDP 11 and Supplementary Guidance SG LDP TRAN 4 and SG LDP TRAN 6 of the LDP.

E. Infrastructure

Connection is to be made to the public water and drainage network and Scottish Water have not raised any objections to the proposal. However, they have advised that they cannot guarantee capacity and the applicant should contact them direct in this matter. This can be added as a 'note to applicant'. The proposal is considered to be in accordance with Policy LDP 11 of the LDP.

F. Flooding

The site may be liable to flooding and therefore consultation with SEPA and the Council's flood risk engineer has been carried out. SEPA has not raised any objections as the dwellinghouse is located above the 1 in 200 year CFB level. The council's flood risk engineer has recommended that the finished floor level be set to a minimum of 5mAOD to take account of climate change, wave action and freeboard. A revised site plan has been submitted which clarifies that the proposed finished floor level will be 6.5mAOD. The proposal will therefore accord with Policy LDP 10 and Supplementary Guidance SG LDP SERV 7 of the LDP.

G. Applicant's Supporting Statement and Additional Representations

The applicant has submitted numerous supporting representations as part of this current planning application. These are summarised below with direct quotes identified as such by inverted commas and with comments/corrections/redactions by the planning authority added in italics.

Full and unabbreviated copies of the submissions submitted by the applicant in support of the application are available for review on the public planning file.

Main supporting statement dated 20th June 2019

- “The site in question is located within the area of the current local plan 2015 identified as ‘settlement Area’ and coloured pink. It must be recognised that the local plan is a binding document which guides developers where planning consent and development is favoured.”
- “This site falls fairly within the area for development identified as most appropriate within the Local Plan 2015.”
- “In support of my position I quote from the Oban Times dated 18-04-19 which contained an article regarding development on an established settlement area where [*another named planning case officer*] in her report states “The site is within the established settlement area of Oban and therefore has policy support in the adopted Argyll & Bute local development Plan”. Clearly the Planning officer was recognising correctly the principal function of the said local plan and it must follow that officers dealing with [*my planning application*] must now recognise the requirement to treat applications on Coll, and indeed anywhere else, including the above application in an equal manner to those in Oban.”
- “Clearly this was not the case [*for my previous withdrawn planning application*] given [*that*] the reporting officer stated in a full report to the [*PPSL*] committee under the heading, “Reasons for refusal relative to application 18/01538/PPP” in which the reporting officer stated that development would constitute an “alien feature” on a site within an established settlement zone. Clearly the reporting officer was not thinking clearly regarding the site in question.”
- “It seems clear that had [*the previously mentioned named planning case officer*] been reporting on this application, recognition of the support from the Local plan would not have been overlooked and hopefully residential development within an identified settlement zone described as an ‘alien feature’.”
- “When enquiring of the planning department the reasoning for recommendation for refusal [*of the previously withdrawn planning application 18/01538/PPP – withdrawn by the applicant after the detailed report of handling was published but before the application could be considered by Members*] it was commented “we don’t like the site and we think the site is not appropriate as it is on the seaward side of the road, also the signatories to the report are appropriately qualified planning officers”.”
- “It seems fair to comment that appropriately qualified officers engaged in the appropriate manner with all the relevant authorities during the consultation process when drawing up the now approved Local plan 2015. Those appropriately qualified officials produced a plan [*in*] 2015 which was approved by Councillors which included the site in question and it would seem a step [*too*] far by the planning department officers to now be trying to re write the local plan on the hoof because they say they don’t like the site.”
- “It must be noted that the area in question coloured pink and identified as settlement was done for a reason which the reporting officer failed to spot, alternatively it was wilfully ignored.”

Comment: *Whilst it is acknowledged that the site of the proposed development lies within the extended settlement boundary for Arinagour the classification of an area of land as 'settlement' does not equate to an automatic 'green light' for development. Rather, the settlement boundary acts as an initial 'area of search' within which acceptable forms of sustainable development on appropriate sites may be supported subject to detailed assessment on a case by case basis. The 'presumption in favour of development' offered by planning policy must be carefully weighed against other material planning considerations. In this specific case, the site of the proposed development has been fully and competently assessed and found to be unacceptable for the reasons detailed above.*

The allegation that the planning authority have shown bias against the applicant is considered to be without merit and is robustly refuted.

- There is a ruined building within the southern boundary of this part of the settlement which guided the officers when drawing up the local plan. "The [planning authority] states [that], 'the proposed development would result in an inappropriately prominent and isolated development within a fragile and valuable area of undeveloped and visually interrupted coastal hinterland which occupies the seaward side of the road - a key arrival point on the Island from the Sea.' [These] fears can easily be overcome by additional development and indeed the ruin of a former building would make an ideal starting point and should the [planning authority] wish additional development, an appropriate approach would not go unconsidered and a second application would follow. Currently I see little value in submitting such an application due to what I regard as prejudice treatment, all as set out in this correspondence."
- "Again this would indicate officers making policy on the hoof and indeed endeavouring to mislead those on the PPSL committee."

Comment: *The application case officer has made a detailed site inspection and is not aware of any ruined building of a scale or form which would offer an appropriate redevelopment opportunity.*

The planning authority do not accept that the material harm caused by the proposed development could be lessened to an acceptable extent by allowing further built development within the vicinity of the current application site and on the seaward side of the public road. Whilst any such future planning application falls outwith the scope of the determination of the current planning application, it is considered that a larger development of more than a single dwellinghouse is likely to exacerbate the identified harm rather than reduce it.

The Council's development policy team have carried out a review of the current settlement boundaries of Arinagour and have indicated their intention to propose that the settlement boundary be amended within the forthcoming Local Development Plan to remove this area of settlement on the seaward side of the public road. Any such proposal will, of course be subject to scrutiny by interested parties and Members before being put forwards for adoption by the Scottish Government.

Again, the planning authority refutes the allegation that it is making recommendations and/or decisions contrary to the current adopted Local Development Plan or that it is 'endeavouring to mislead' Members.

- “I can find no policy which refers to no development on the seaward side of any road, and indeed here on Coll various developments are situated on the seaward side of the road, beginning at the entrance to Arinagour ferry terminal and continuing right through Arinagour Village and beyond to include a substantial recent development on the seaward side of the road within the curtilage of Arinagour village.” *[Photographic evidence of this is submitted by the applicant].*

Comment: *Members will be aware that there is no planning policy suggesting a blanket ‘ban’ on development to the seaward side of public roads. The LDP contains specific policies and guidance relating to siting and design. The development referred to in the comment above relates to the recent extension to the Coll Hotel. Not all sites are the same and they must be assessed on their own merits, as was the case for this development. The characteristics of the site proposed in this application, its importance in the wider landscape and why its development with a dwellinghouse would be contrary to the LDP have been clearly described in this report.*

- “It must also be noted that under [a freedom of information] request, documents have been recovered, clearly showing that efforts have been made after [the subsequently withdrawn] application [18/01538/PPP] was validated to ensure the land in question is removed from any future local plan.”
- “I submit this is inappropriate activity from within the planning department when endeavouring to delay / refuse an application in order to satisfy some agenda alien to natural justice.”

Comment: *Discussions have taken place in conjunction with the planning authority’s current review of the Local Development Plan towards the eventual publishing of its proposed draft replacement. This exercise has encompassed the whole of Argyll and Bute and has involved widespread input from officers of different disciplines and across the three area planning teams. These discussions seek to identify both constraints and opportunities to development in order to better inform the emerging development plan. They are certainly not limited specifically to the current application site.*

- “Quite how the reporting officers can state with any authority that a development only identified by an outline application without any detail will be an ‘alien feature’ on the landscape when the first property which one sees when arriving on Coll is Tigh Na Mara (Picture supplied) which bears no resemblance to any other development in Arinagour and in reality, if the officer was identifying any ‘alien feature’ on arriving on Coll, surely it has to be Tigh Na Mara and the social housing to the west.” *[Photographs supplied by the applicant.]*
- ***Comment:*** *The applicant appears to be referencing the withdrawn application 18/01538/PPP here. The current planning application has been submitted in detail. Tigh Na Mara is located on the landward side of the road where the majority of built development occurs, including the ‘social housing’ referred to by the applicant. It was built circa 1980. This current planning application, on the other hand, relates to part of an undeveloped strip of land on the shore-side of the road between the Calmac pier to the south and the Council pier to the north. This report of handling clearly details why development of this site with a dwellinghouse will have a detrimental impact upon the landscape and will appear as an ‘alien feature’ adversely affecting this area of common landscape character.*
- “The reporting officer states it is considered that the erection of a dwelling house would result in an unacceptable environmental impact showing disregard for the

surrounding settlement pattern and would be materially harmful to the wider landscape character of the area.”

- “I submit the reporting officers are on one hand saying the proposed development is an isolated development and then saying it does not have regard to the surrounding development pattern.”
- “The reporting officers require to be come to a firm conclusion. Is it an isolated development? Or is it within a surrounding development pattern? Situated within a settlement zone. Clearly it cannot be both. “
- “Again I submit this is a misleading statement by the signatories, directly intended to mislead the PPSL committee in an effort to obtain a specific outcome.”

Comment: *Again, the applicant is referring specifically to the published report of handling for the subsequently withdrawn planning application 18/01538/PPP. The central argument here is that the planning authority considers the proposed development to occupy and erode an undeveloped area of attractive rocky coastal strip situated to the seaward side of the public road, resulting in a materially harmful loss of open and rural coastline which represents a key environmental feature at the ‘gateway’ to the settlement, and that such development would, therefore, be contrary to the established settlement pattern which consists, at this point, of built development limited to the landward side of the public road. It is not considered that the published report of handling is ‘misleading’ or that it is ‘directly intended to mislead’ Members.*

- “I suggest [*that Members visit*] Coll to view on the ground all the properties for which I send picture images [*photographs of various existing developments attached by the applicant*] which are built on land not within the settlement zone, and bearing little or no resemblance to the Coll Design Guide, and indeed many could be described as “South Fork” not to mention the actual picture contained within the Council issued design guide of a suitable development for Coll which was built on a site with no planning permission.”

Comment: *The planning authority has examined the photographs submitted by the applicant but concludes that none of the developments depicted therein would set an overriding precedent sufficient to outweigh the harm caused by the current development proposal. Each individual planning application must be considered strictly on its own merits.*

- “[*The decision to report the subsequently withdrawn planning application 18/01539/PPP and, by extension, this current planning application*] directly to the PPSL Committee, [*thus*] missing out the normal process of delegated decision making, was a further attempt by the planning department to circumvent natural justice and narrow down the options available to the applicant. Clearly this action by the planning department was in violation of the applicant’s human rights to fair and equal treatment by a public body and it should be recognised that in so circumventing the delegated decision making process Argyll & Bute Council failed the principals set out in the Westbury principals in that no reasonable authority acting reasonably could have come to such as decision.”
- “I [*consider that*] Argyll & Bute Council are now compromised in dealing with this application given the facts reported above and if indeed natural justice can be perceived to have [*been*] delivered, this statement must be considered together with all the irregular behaviour previously experienced by the applicant, which I will not report on today but will rely on if required.”

Comment: *The published reports of handling, both for the subsequently withdrawn planning application 18/01538/PPP and for this current planning application, clearly state that the application would have normally been determined under the Council's agreed scheme of delegation. However, as the applicant has raised serious allegations regarding the way in which he and his application have been dealt with, and against the conduct of the Planning Authority generally, a considered decision was taken by the then Head of Planning, Housing and Regulatory Services to present the application to the planning committee in order to provide enhanced scrutiny and transparency in the decision making process. This decision has been replicated by the current Head of Development and Economic Growth. Such decisions are taken at the discretion of the planning authority and are wholly in accordance with the Council's scheme of delegation. It is not considered that the decision to report this application to Members for their consideration and for that consideration to be held before the public would prejudice the applicant's human rights.*

- The applicant raises further complaint against the way in which his previous (subsequently withdrawn) planning application was handled by the planning authority.

Comment: *This is not material to the determination of this current planning application. The matters raised by the applicant have been dealt with under the Council's formal complaints procedure.*

- "The planning authority have failed to apply the correct policies as set out in the Local Development Plan. "Only policies which could support a specific desired outcome of refusal were given consideration. I call on the reporting officers to engage with ALL policies in order to come to a fair outcome. I will not today enter into the substantial support offered to this application contained within certain policies as it is the role of the reporting officer to consider fully all policies, at this juncture I afford the officer that opportunity."

Comment: *All relevant material planning considerations, including the provisions of the Local Development Plan, have been considered in the assessment of this application.*

- "On recovery of all the responses from the statutory consultees not a single objection was recorded and indeed it is reasonable to suggest the planning department went beyond the normal endeavouring to obtain an objection, only to receive additional support in favour of the development. Clearly the application cleared all those hurdles while gaining full support."

Comment: *There have been no objections to the current application raised by either statutory or non-statutory consultees. Neither were any such objections raised to the previous withdrawn planning application. The planning authority did not attempt to coerce an objection from consultees. The applicant has provided no evidence to substantiate this claim.*

- [The current submission] is a full detailed application in which the proposed dwelling fully conforms with the Argyll & Bute Council sustainable design guide as published, possibly this is the only development which will conform on Coll. It is situated within the identified settlement zone as per local plan 2015. It is not an alien feature and, in reality, this application if considered against the Current agreed policies as set out in the local plan 2015, should achieve approval.

- “I formally request the Planning Department fully consider [my statement], which is not exhaustive in support of my position, and then engage in a constructive manner in order to demonstrate that the Council and its employees are not becoming a barrier to economic development on places like Coll with the consequences being population decline, closing shops, schools etc at a time when key government objective is development.”

Comment: *The report of handing clearly details the assessment of this planning application having regard to all material planning considerations.*

In addition to the above, the applicant has also submitted several separate email communications. These are briefly summarised as follows:

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- Email of 3rd July 2019 at 09.25 hours – Consisting of a photograph captioned, “Tigh Na Mara, alien feature in Arinagour.”
- Another email of 3rd July at 09.25 hours - Consisting of a photograph captioned, “Tigh Na Mara, alien feature on landscape from sea view.”
- Email of 3rd July 2019 at 09.26 hours – Consisting of a photograph captioned, “Showing site proposed with development in distance on seaward side of road.”
- Another email of 3rd July at 09.26 hours - Consisting of a photograph captioned, “Further development on seaward side of road within development settlement zone.”

Comment: *The rural coastal strip which forms part of the development site is visually distinct from the coastal strip which is referred to in these photographs. To the north of the proposed site the landform bends to the left and the line of the public road matches this. This change is quite distinct and is marked by the small Council-owned pier at the corner and the scattered small scale, ancillary buildings on the shoreside and the two linear rows of buildings on the landward side of the road which forms Main Street. To the south of the pier, including the proposed site, the area is characterised by lack of development on the shore side.*

- Email of 3rd July 2019 at 09.27 hours – Consisting of several photographs captioned, “Random pictures of development on hinterland undeveloped and outwith settlement zone or pink coloured land on Local Plan.”
- Another email of 3rd July at 09.27 hours - Consisting of a further three photographs captioned, “A further selection of various developments which would appear not to confirm with the design guide and indicating only my proposed development fully confirming with every council guidance must be refused! Explanation required!”
- Another email of 3rd July at 09.27 hours - Consisting of a photograph captioned, “Direct from the design guide, breaking every angle of the sky line.”
- Email of 3rd July 2019 at 09.28 hours – Consisting of a photograph [the recently completed Coll Hotel extension] captioned, “A recent completed development on seaward side of the road.”

Comment: *Planning applications are assessed on their own merits in accordance with the development plan, as would have been the case with these developments. These photographs do not take into account the location or context, the development plan in force at the time or any other material considerations that may have been a factor in their consideration.*

- Email of 3rd July 2019 at 09.28 hours attaching a clipping of an article from the Oban Times dated 18th April 2019 and titled, "Report says Lonan Drive house should get go-ahead." The applicant has attached the following comment, "Please find document in support of application above being copy of feature in Oban Times 18-04-19 quoting an extract from a report by [the case officer] expressing support from the Local Plan 2015 for the development due to being within a settlement zone."

Comment: *This matter has been commented on above. Members will be well aware of the long planning history relating to the proposed (and subsequently approved) application in principle for residential development off Lonan Drive in Oban and will no doubt acknowledge that the consideration and determination of that application did not simply rely upon an argument that 'it's in the settlement, therefore it's acceptable'.*

- Email of 9th July 2019 at 14:47 hours attaching an extract from the Isle of Coll Sustainable Design Guide 2006 captioned "Please find attached copy of page 2 from the published design guide which clearly indicates applicants are encouraged to engage in innovative and individual designs for sites in Argyll & Bute, particularly when sites are special in the area.

I submit that site East of Tigh Na Mara Isle of Coll and the current proposed development fits easily within the published guidance."

- Email of 9th July 2019 at 14:55 hours attaching an extract from the Isle of Coll Sustainable Design Guide 2006 captioned "Please find attached document being page 3 of the published design guide which clearly states both the Local Plan and the design guide are intended to encourage high quality sustainable development.

I submit that application PP191124/PP is 100% compliant with the published design guide and is situated within the area declared settlement zone within the local plan 2015, accordingly, this application fits 100% with the guidance as published by Argyll & Bute Council and amounts to sustainable development as described."

- Email of 9th July 2019 at 15:11 hours attaching an extract from the Scottish Government website relating to the determination of planning applications. The applicant states "Should it be that the Planning Department are not determining this site in accordance with the published guidance and are relying on other material considerations, I call upon the planning department to now set out what Material Considerations they will be relying upon as it is only fair that an equal opportunity is afforded to the applicant to make representations on any genuine Material considerations, in order to obtain a fair determination.

Comment: *The application has been assessed as per the requirements of Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended). All relevant policies and material considerations are referred to and considered in this report.*

- Email of 9th July 2019 at 15:15 hours attaching an extract from the Isle of Coll Sustainable Design Guide 2006 captioned "Please find attached a copy of page 5 from the published design guide. This is an extremely important publication which clearly recognises clusters of development in "rural opportunity areas "are acceptable with specific reference to supporting local shops and schools while

helping to sustain economic viability and communities. Clearly this is established policy as set out in Guidance which states that this will generally be extensions of existing towns and villages. Clearly application 19/01124/PP is an extension of Arinagour village which fits fair and square within the provision of small scale development and should it be considered Material that the proposal is for a single house development, this can easily be remedied with a further application.”

- Email of 9th July 2019 at 15:34 hours attaching an extract from the Isle of Coll Sustainable Design Guide 2006 captioned “On further examination of the published guidance I note the content of page 20 (copy attached) “siting relative to other buildings” clearly from the attached aerial view it is impossible to establish how planning was granted for the large modern property with its positioning relative to other buildings, all as set out in the design guide. I further submit the evidence from the attached picture amounts to a situation where any development inclusive of 18th century cottages to modern day mansions is appropriate for Arinagour with the planning department now fatally compromised having granted consent for the Alien feature evident within the attached aerial view.”

Comment: *In this case it is considered that this not an appropriate site for the erection of a dwellinghouse as the proposed development will have a materially harmful adverse impact upon the character and setting of the landscape and would be contrary to the established pattern of development as described in this report.*

- Email of 9th July 2019 at 15:42 hours attaching an extract from the Isle of Coll Sustainable Design Guide 2006 captioned “Please find attached a copy of page 28 from the design guide relating to sustainable siting. Great care has been given to the proposed development regarding application PP191124/PP to ensure its compliance with the published guidance from material, design, location etc. and it is 100% clear this proposal complies in every way possible with the published criteria set out by Argyll & Bute Council in conjunction with Scottish Government, as such this application should be approved within the statutory Eight week period. In the unlikely event you identify any issues supported by policy of which I am unaware, please advise in order such matters can be fully considered timeously.”

Comment: *This extract refers to plot size and overlooking. These aspects of the development are not in question. In this case it is considered that this is not an appropriate site for the erection of a dwellinghouse as the proposed development will have a materially harmful adverse impact upon the character and setting of the landscape and would be contrary to the established pattern of development as described in this report.*

- Email of 9th July 2019 at 15:49 hours attaching an aerial photograph showing what appears to be a roadside site comprising of building materials and other items captioned which the applicant describes as a blight on the landscape and that he would not do this with the currently proposed site.

Comment: *This is not relevant to the determination of the current planning application.*

- Email of 9th July 2019 at 15:51 hours attaching an aerial view of Arinagour looking northwards over the Coll hotel captioned, “Please find aerial photograph of 2018/9 development on Seaward side of the public road in Arinagour Village.”
- Email of 9th July 2018 at 15:53 hours attaching an aerial photograph of Main Street looking south captioned, “Please find attached further evidence on Seaward side

of public road within the settlement zone contained within the published local plan 2019.”

- Email of 9th July 2019 at 15:59 hours attaching an aerial photograph at the ferry terminal looking in a northerly direction captioned “Please find attached aerial view demonstrating on arrival at Coll from the ferry terminal that the first development is on the seaward side of the public road. Clearly entering Arinagour from the ferry terminal, from the Council supported airfield or be it from any other means, development existing on both sides of the public road, so to attempt to refuse a site within the identified settlement zone on the premise of a house being an alien feature requires detailed explanation.”

Comment: *As mentioned previously, there is no planning policy suggesting a blanket ‘ban’ on development to the seaward side of public roads. The LDP contains specific policies and guidance relating to siting and design. Not all sites are the same and they must be assessed on their own merits. These photographs are considered to illustrate the undeveloped nature of the coastal strip and the consolidation of development to the western (landward) side of the road. It highlights that development of this site for a dwellinghouse would be visually discordant and would be contrary to the established pattern of development eroding the undeveloped coastal strip to its detriment. A dwellinghouse at this location would be located between two rocky outcrops to the north and south and it would appear isolated along this undeveloped coastal strip.*

- Email of 9th July 2019 at 18:10 hours stating that the site is located on a bareland croft and that Supplementary Guidance SG LDP HOU 1 supports such developments. The applicant states that he ticked the box on the planning application that the site was a bareland croft and therefore the onus is on the Council to investigate this further and apply the relevant crofting policy. The applicant states, inter-alia: “At this stage it has to be taken into account the applicant is downsizing with semi-retirement being the next logical step in the calendar of life, most Council employees retire prior to attaining the age of sixty on a healthy pension, most Crofters do not have that luxury and require to continue cultivating the Croft as set out in the Act while also living on it, again as set out in the Act, accordingly it follows that appropriate accommodation is required in order to be compliant with the Crofters Scotland Act 1993 as amended.” He continues:

“The business case for this application is based on retaining the long established practise of small livestock production together with renewable energy production, together with a Home for the Crofter, figures can be supplied but given the business is long established and working it seems pointless to be setting out a business plan which may or may not be correct given the uncertainty surrounding livestock production and Brexit at this time.”

“In reality, this development is about building a House on the bare land Croft, downsizing from a Seven Bedroom house to a Two bedroom house, reducing living costs keeping overheads to a minimum as it is not easy being a poor Crofter trying to exist where everyone is edging out the boundary fence to take additional land from the Crofters not to mention the dumping of rubbish on the croft land, reducing the area available to graze the livestock of the Crofter.”

“Should it be required, a business plan can be made on paper to purport any required outcome, but it must be recognised the Crofting Act and the Council local plan recognise that Crofting is about living on the Croft which makes little or no

money. It seems nonsensical to have a business plan showing a loss and being supported by the pension as a means of obtaining planning permission.”

“Should any further detail be required regarding the bare land croft aspect, I am happy to provide what is required.”

Comment: *This application has not been advanced specifically as a crofting development. Whilst the applicant has ticked that the site is located upon croft land on the planning application form, this information is primarily required for the purposes of notification. No croft boundary plan or crofting management plan has been submitted and, to date, there is no cohesive detail before the planning authority of any specific locational/operational need for the dwellinghouse. The applicant appears to suggest that there may be a ‘long established and working’ business upon the croft, consisting of ‘small livestock production’ and ‘renewable energy production’. The applicant also makes reference to ‘semi-retirement’, ‘downsizing’ and ‘uncertainty surrounding livestock production and Brexit’. However, no details have been provided upon which to make any competent assessment of any of these somewhat vague and possibly contradictory arguments. There is certainly no evidence of any existing livestock and/or renewable energy business within the confines of the submitted application site and the planning authority have not been able to identify any wider boundary of the croft land. An email was sent by the planning authority to the applicant on the 10th July 2019 at 14:14 hours advising him of what supporting information would be required should the applicant wish to progress a crofting need argument. No such information has been submitted.*

- A response to this was received from the applicant on the 10th July 2019 at 16:24 hours which stated, inter-alia, “The question which arises being, is the application going to be considered favourably given the design is fully compliant with the published guidance and it is located within the designated settlement zone? In the event the position remains as contained in the previous report for the site, which I contend was unjustified, clearly the Croft aspect will have to become a factor as it further supports my position.”

“My position being, if an application for a modest development of a single house, fully compliant with the guidance as approved and published, within the published settlement zone, drawing support from the published local plan, all as printed relative to Lonan Drive development Oban, does not meet the criteria for approval, something is seriously wrong. Bareland Croft is a fall-back position which will require to be invoked in the event the application meets with some form of refusal difficult to find from within all the published guidance.”

Comment: *This response offers none of the information required by the planning authority and, although ambiguous, appears to be suggesting that the applicant will ‘invoke’ a detailed crofting argument only at such time as his application is refused (or, possibly, if any report of handling recommending that his application be refused is published). As the required information has not been supplied by the applicant this application has not been advanced specifically as a crofting development.*

A further email was sent on the 10th July at 15:56 hours by the planning authority to the applicant which again sought clarity and the submission of the missing essential information. To date, this information has not been submitted and therefore the application has been assessed as originally applied for, that is for a new dwellinghouse located within the Key Rural Settlement of Arinagour and not as a new crofting house on a bareland croft.

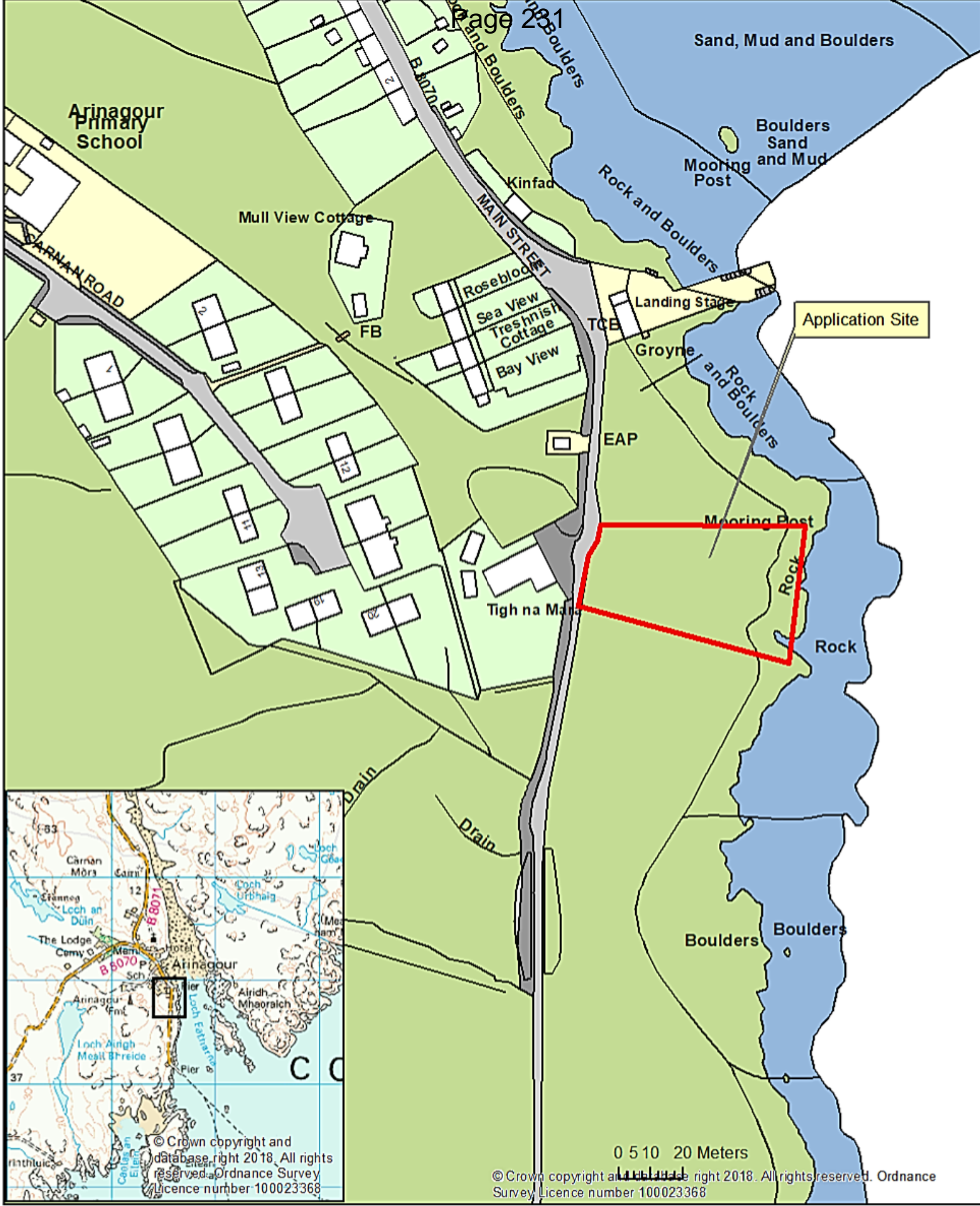
- Email of 11th July 2019 at 12:20 hours, attaching an aerial photomontage illustrating what the site could look like if developed. The applicant states that “I trust you and your colleagues will recognise all I have submitted in support of this application is genuine and valid in demonstrating why consent must be granted .I finally submit in the absence of any objections and with the site within the settlement zone drawing support from the local plan , together with the proposed development 100% compliant with the published design guide , if this development fails to meet with approval the council require to forget publishing any guidance in the future as it is simply down to who you are applying and nothing about location and all the guidance published.”

“Should this application meet refusal, the decision will be akin to having the six numbers up on your lottery ticket and not getting the pay out.”

Comment: *In the considered opinion of the planning authority, the photomontage submitted by the applicant illustrates the undeveloped nature of this coastal strip and the consolidation of development to the western (landward) side of the road. It highlights that development of this site for a dwellinghouse would be visually discordant and would be contrary to the established pattern of development eroding the undeveloped coastal strip to its detriment. A dwellinghouse at this location would be located between two rocky outcrops to the north and south and it would appear isolated along this undeveloped coastal strip.*

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

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Location Plan Relative to planning application: 19/01124/PP



1:1,500

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

Reference No: 19/01410/PP
 Planning Hierarchy: Local Application
 Applicant: Simply UK
 Proposal: Demolition of existing buildings and erection of residential care home
 (amended design)
 Site Address: Hermitage Park Depot, 102A Sinclair Street, Helensburgh, Argyll and
 Bute G84 8TU

DECISION ROUTE

Local Government (Scotland) Act 1973

(A) THE APPLICATION

i) Development Requiring Express Planning Permission

Demolition of existing buildings and erection of residential care home (amended design)

ii) Other Specified Operations

Connection to public water supply and sewage system

(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that, subject to a Hearing, planning permission be granted as a minor departure to Policy SG LDP REC/COM 2 subject to the conditions and reasons appended to this report.

(C) HISTORY:

19/00236/CONAC Demolition of all buildings. Granted 19.03.2019

19/00237/PP Demolition of existing buildings and erection of residential care home

Withdrawn 09.07.2019

(D) CONSULTATIONS:

Historic Environment Scotland - letter dated 22.07.2019

We are not opposed in principle to development of the site. However, the new application does not sufficiently assess the impact of change this proposal would have on the War Memorial. While we recognise that the proposed development is some distance from the memorial, it is our view that its current massing, scale and height would have an impact on the memorial's open parkland/landscape setting.

Comment: See assessment

Public Protection – e-mail dated 08.08.2019

This type of development may cause noise nuisance to neighbouring residential properties during the construction phase. The kitchen facility will require to comply with the Food Hygiene (Scotland) Regulations 2006. The applicant will be contacted directly regarding this matter. No objections in principle subject to time limits on construction.

Marina Curran-Colthart - Local Biodiversity Officer – Awaiting response.

Environmental Health - Helensburgh And Lomond - Awaiting response

Roads Helensburgh And Lomond - Awaiting response

Scottish Water - 11.07.2019 – No objections.

Care Inspectorate – Awaiting response

Flood Risk Assessor – e-mail dated 24.07.2019

No objections subject to a SuDS condition

Development Policy Section – Awaiting response

Built Heritage Conservation Officer – e-mail dated 24.07.2019

Prince Albert Terrace creates a strong defined boundary between the edge of Hermitage Park and the adjacent areas of housing. The Design and Access Statement (May 2019) states that “the massing, scale and height of the proposal can therefore not be considered to impact on the monument’s open parkland setting given it is small in all regards to the existing block at Prince Albert Terrace” however it is felt that this site is within the park context, rather than being a defining edge like Prince Albert Terrace. Therefore a step-down in height is not sufficient to mitigate the negative impact on the park and monument. It is felt that a suitable design on this site should respond sensitively to the park setting.

The Design and Access Statement (May 2019) states that “the monument is a considerable distance away from the application site” however HES’s professional assessment was that that whilst being some distance away from the memorial the current massing, scale and height would have an impact. No change has been made to the siting or massing of the proposal so these comments are still relevant. And whilst HES’s position in terms of the previous proposal was not to object as the issues are not of national significance, it is considered that these historic environment issues are still of regional or local significance and should therefore be assessed carefully by the local authority.

With regard to the above two points it is considered that the proposed massing of the development is too large, that this site cannot accommodate such.

The Design and Access Statement (May 2019) says that “any trees to be pruned or removed as part of the proposals will be done so with prior consent from both the Planning and the Parks Department” however given the significance of the trees to the character, clarification is required at this point of any proposed tree removal. Whilst the architecture of the wider conservation area is very varied and must be considered, there are direct relationships between the site and the prominent linear bounding form of Prince Albert Terrace, and to the open parkland setting. Therefore the materials and details used must first respond to these direct relationships, with the wider context (albeit important) being secondary to this.

Grey tiled roof – no change from previous proposal so previous comments still apply – natural slate should be used in this setting.

The red brick is not considered to be suitable for the parkland setting as it would neither integrate harmoniously nor make a high quality contemporary statement.

The windows feature astragals - there is no clarification if these are proposed to be real, multi pane windows or stuck on astragal bars but in either case are pastiche.

As detailed in this assessment, it is considered that this proposal is not suitable for the site from a heritage/design point of view however if consent were granted then samples should be submitted for all materials as well as details of the proposed windows.

Comment: See assessment.

(E) PUBLICITY:

Advert Type: Listed Building/Conservation Advert

Expiry Date: 08.08.2019

(F) REPRESENTATIONS:

i) Representations received from:

Objection

Fiona Rorison 2 Prince Albert Terrace Victoria Road Helensburgh Argyll And Bute e-mail dated 17.07.2019

Claire Popham-Forster, 3 Prince Albert Terrace, Victoria Road, Helensburgh, Argyll And Bute, 2 e-mails dated 19.07.2019

David Forster 3 Prince Albert Terrace, Victoria Road, Helensburgh, Argyll And Bute, 4 e-mails dated 19.07.2019 and 21.07.2019

Helen Chalmers, no address, e-mail dated 21.07.2019

Yvonne Pannell, no address, e-mail dated 21.07.2019

Robert Rorison 2 Prince Albert Terrace Victoria Road Helensburgh Argyll And Bute e-mail dated 21.07.2019

DA Craig, no address, e-mail dated 21.07.2019

Michelle Melville, no address, e-mail dated 22.07.2019

Christine Jardine, no address, e-mail dated 22.07.2019

AM Newbond, no address, e-mail dated 22.07.2019

Richard Cullen, Flat 2/1, 8 Prince Albert Terrace, Helensburgh, G84 7RY, letter dated 19.07.2019 and e-mail dated 24.07.2019

H McConnachie, 6 Broom Road, Rosneath, G84 0RY, letter received 23.07.2019

Professor David M Walker, 22 Inverleith Row, Edinburgh, EH3 5QH, letter dated 22.07.2019

Rhia Layden, no address, e-mail dated 24.07.2019

Susan Howells, no address, e-mail dated 24.07.2019

Niki Sammon, no address, e-mail dated 25.07.2019

Robert Johnstone, no address, letter dated 25.07.2019

Dan and Irene Aldridge, Ranmore, Shandon, Helensburgh, G84 8NW, e-mail dated 28.07.2019

Nadja Gunneberg, Flat 2/1, 1 Prince Albert Terrace, Helensburgh, G84 7RY, e-mails dated 28.07.2019

Dr. Dominic A. A. Ray, no address, e-mail dated 29.07.2019

Stephen Adam, Eastwood, Donaldson Brae, Kilcreggan letter dated 28.07.2019

Irene McNiven, 7 Birch Cottages, Helensburgh, letter dated 25.07.2019

P. Robertson, 9 Birch Cottages, Helensburgh, letter dated 25.07.2019

Janet McIver, 4 Birch Cottages, Helensburgh, letter dated 25.07.2019

Jean W Craig, 10 Birch Cottages, Helensburgh, letter dated 23.07.2019

Linda Conway, 12 Birch Cottages, Helensburgh, letter dated 23.07.2019

Jacqueline Cowper, 11 Birch Cottages, Helensburgh, letter dated 23.07.2019

Mrs A Webster, 3 Birch Cottages, Helensburgh, letter dated 23.07.2019

Mrs M Hutchinson, 8 Birch Cottages, Helensburgh, letter dated 24.07.2019

Mardi McAuley, 25 Endrick Wynd, Helensburgh, G84 7SU, letter dated 26.07.2019

Dylan Paterson, 8 Prince Albert Terrace (top), Helensburgh, e-mail dated 28.07.2019

Dr Barrie McKillop 6 Prince Albert Terrace Victoria Road Helensburgh Argyll And Bute, letter dated 26.07.2019

Marianne McKillop 6 Prince Albert Terrace Victoria Road Helensburgh Argyll And Bute letter dated 26.07.2019

Jamie Laycock Flat 1/1 8 Prince Albert Terrace Victoria Road Helensburgh e-mail dated 13.07.2019
Morag Cook, Cue Cottage, East Rossdhu Drive, Helensburgh, G84, 7SS, e-mail dated 29.07.2019
Dominic Ray, Prince Albert Terrace, Helensburgh, e-mail dated 29.07.2019
Mr Graham Horn and Dr Megan Coyer, 4 Prince Albert Terrace, Helensburgh, e-mail dated 29.07.2019
V Holling, Prince Albert Terrace, Helensburgh, e-mail dated 30.07.2019
Laura Johnstone, no address, e-mail dated 29.07.2019
Karen Griffin, no address, e-mail dated 29.07.2019
Aileen Dickinson, 2 Victoria Road, Helensburgh, G84 7RX, e-mail dated 30.07.2019
Jennifer Wills, no address, e-mail dated 29.07.2019
Laura Craig, 7 Prince Albert Terrace, Helensburgh, e-mail dated 26.07.2019
Peter Wilson, Flat 1R, 1 Prince Albert Terrace, Victoria Road, Helensburgh, G847RY, e-mail dated 30.07.2019
Michael C Davis, no address, e-mail dated 30.07.2019
Friends of Hermitage Park c/o Dolphin Lodge, 2A East Montrose Street, Helensburgh, G84 7EP, letter dated 30.07.2019
Architecture Heritage Society of Scotland, Strathclyde Group Office, Tobacco Merchants House, 42 Millar Street, Glasgow, G1 1DT, letter dated 21.07.2019
Mrs Angela Moreland, 37 East Argyle Street, Helensburgh, G84 7EN, e-mail dated 07.08.2019
Margaret Holling, East Montrose Street, Helensburgh, G84 7HU, e-mail dated 07.08.2019
Bett 27, no address, e-mail dated 08.08.2019
Nicola McCully, Roseangle, 49a William Street, Helensburgh, G84 8XU, letter received 08.08.2019
Domenica McGregor, 6 Bield Cottages, Sinclair Street, Helensburgh, letter dated 08.08.2019

ii) Summary of issues raised:

Visual Impact

The proposed four storey building, its footprint, scale and the proposed development as a whole is overbearing, out-of-scale and out of character when compared with existing buildings in the vicinity. It will serve only to dominate the treeline of the redeveloped park and have a poor spatial relationship with the surrounding residential buildings of Birch Cottages and Prince Albert Terrace. Furthermore, the developer is using a 150 year old building as justification for a building of similar size and footprint. If you consider the recent residential additions within this area, they are either small-scale bungalows set in a cul-de-sac or individual dwelling houses with garages set over two storeys and with substantial private parking.

The Developer has referred to the Victorian Prince Albert Terrace in the application as a comparator, and a justification, for erecting a four storey building on the site. This ignores one vital point; Prince Albert Terrace itself is considerably out of character within its surroundings. No other properties within visual radius of the site are of such a height and scale. Prince Albert Terrace was built around 130 years ago, with the deliberate intent of blocking the view of a neighbouring property. It seems unwise and irrelevant to perpetuate the out-of-character nature of the existing terrace by using it to justify a new development of this height and scale. The proposed development would dominate the redeveloped Hermitage Park and all the surrounding properties as a result of its excessive size.

The drawings provided by the Developer of the relationship between Prince Albert Terrace and the proposed development are inaccurate. They portray the roof of Prince Albert Terrace as being considerably higher than it actually is as a result of the incorrect roof profile they have portrayed. This gives a misleading impression of the scale and visual impact of the proposed development when compared to the Terrace. Prince Albert Terrace itself is not simply a "tenement block", but a unique mixed development of flats and townhouses by a noted Victorian architect, which is well recognised as an architectural feature of the area in its own right. The Developer appears to be keen to minimise the Terrace in this regard.

Comment: See the assessment.

Design & Materials

No change has been made to the scale since the last application. The proposals have little architectural merit, are neither ambitious nor make a statement. The proposed design could be an accommodation block in an army base, a student accommodation block or a secure unit anywhere in the western world. It does not integrate well with the local area and can thus be considered an '*anonymous, could be anywhere design*'. The design makes no attempt to work within the Conservation Area guidelines. The change to red brick does little to integrate with the surrounding palette. The roof materials are a grey tile and are not in keeping with the slate roofs of the conservation area. In the design and access statement the architects show a picture of a traditional red brick villa. This villa is situated some distance from the site. Whilst it has brick chimneys the exterior is red sandstone and ashlar dressings. The opportunity to produce a quality building of a unique or sympathetic design is not being taken here.

Comment: See the assessment.

Effect on the Character of the Neighbourhood

This area of Helensburgh is solely residential and open park land, protected by an open space policy in the development plan and designated a Conservation Area. Significant work and resources have been expended by the Council to maintain and enhance the character of this neighbourhood (Hermitage Park, The Cenotaph, Victoria Halls) linked to its Victorian heritage. A four storey, highly-serviced commercial residential complex on a constrained site with poor access would significantly detract from, and substantially affect, the residential amenity of its neighbours and this historical neighbourhood. The scale and massing of this proposal will be visually prominent and will detrimentally affect the sense of place that the park creates.

Comment: See the assessment.

Building Line & Footprint

The proposed building line considerably overshoots the gable of Prince Albert Terrace, creating an awkward visual appearance from Victoria Road. The proposed building footprint positions the care home development within the park; overlooking key areas such as the play park, Japanese garden, community kitchen garden and war memorial. Furthermore, the landscaping design is unclear about retention of the current screening tree line, and in many respects, appears to be designed to interface with the park. There needs to be a clear distinction between development site and public park land to avoid overlooking, a loss of privacy and amenity, and the sense of place for park users. Moreover, the idea of using the park for commercial benefit to help create the developer's "*luxurious surroundings*" should be discouraged.

Comment: See the assessment.

Noise, nuisance, disturbance and smell

The 24hr nature of the development, the use of shift patterns, the number of beds, size and scope of catering facilities, associated refuse areas, clinical waste collection, linen deliveries and ambulatory vehicles will all contribute to noise, nuisance, around the clock disturbance and smell. The size and nature of the proposed development is therefore unsuitable for a quiet residential area. Prince Albert Terrace has already had work to prevent subsidence and the development is likely to further undermine the stability of the land on which the terrace sits.

Comment: The site was previously a Council depot which created noise and traffic movements from early morning onwards. The issue of subsidence is a civil matter. See also the assessment.

Overlooking and loss of privacy and light

The current depot building slopes down towards the boundary to provide a gable roof line that does not exceed the height of the adjacent garden walls. In addition, the current building is 1½ -2 storeys, and is orientated so that no windows overlook the gardens or residential amenity of the tenement block. The proposed development adds significant height and a substantial number of windows (more akin to a seafront hotel) to the elevation facing Prince Albert Terrace. All will have a significant impact on light, overlooking and the privacy of the existing homes and gardens. Also concerned about the impact on the sheltered complex in terms of privacy, noise and disruption on vulnerable residents. The developer's proposals only refer to the 'setting back of the building to maintain appropriate window distances'. This goes against Council planning guidelines which refer to the 'designing out' of overlooking in infill sites; exactly what the existing building achieves. In addition, the building would overshadow the new park, play and recreation areas and the A-listed cenotaph. No shadow study has been conducted for Prince Albert Terrace.

There are fundamental overshadowing impacts to the homes and gardens of Prince Albert Terrace especially for residents of 5, 6, 7 and 8. The developer has not demonstrated through their overshadowing graphics that there is no impact. They have only provided graphical perspectives of Birch cottages at 9am and 12 noon at 2 points of the year, nothing from the Terrace perspective. Yet in summation they assert that the drawings show the shadow lines don't affect Birch cottages or the Terrace. This is not correct - as one of the shadow graphics clearly show that there is overshadowing onto the rear and gardens of Prince Albert Terrace. This would be greatly increased in the afternoon, evening and different times of year. It's appalling that the developer has tried to misrepresent this. Absolutely no approval should be given to this proposal unless vastly reduced in size and scale.

Comment: see the assessment.

Parking, Traffic & Road Safety

The proposed access and egress will be substantially busier. It currently sits very close to a major tributary road and would require vehicles to sit across the footpath section for long periods while they wait on entry to Sinclair Street. This will be exacerbated at peak times. Indeed, a smaller car park with access to Sinclair Street at the Victoria Halls has required traffic lights. Victoria Road is already a rat race for drivers cutting through to avoid the traffic lights on Sinclair Street. The proposed number of car parking spaces would not adequately service a facility of this size, given the staffing requirements of the Care Commission, deliveries, ambulatory vehicles, and the potential number of visitors at peak times. The surrounding streets (Stafford St, Victoria Rd, Millig St) have no scope for on street parking and simply could not cope with ad-hoc overspill car parking. Furthermore, the additional traffic seeking to park outwith the proposed site has the potential to make these busy school routes even more hazardous for young pedestrians. Victoria Road is already a rat race for drivers cutting through

Comment: The Area Roads Manager has indicated no objections.

Conservation Area

The proposed development does not show any respect for, nor enhance, the architectural qualities of the area, or that of the Conservation Area in general. The massing and scale of the proposal would result in development that would be completely out of keeping with the special qualities identified within the Conservation Area, both in terms of the resulting overdevelopment of the site, as well as the poor standard of design proposed. The proposed development would only result in a significant adverse and detrimental impact on the

character and appearance of the Conservation Area, and would in no way preserve or enhance its setting. As such these proposals are not compliant with the requirements of the Development Plan. These amended and re-submitted drawings still lack sufficient detail for a full application in a Conservation Area.

Comment: See the assessment.

Open Space Policy

The proposed development bounds an area covered by the Local Development Plan's open space policy. Instead of seeking to depart from this policy, and given the nature of the area and the recent green-space regeneration, it would be more prudent for the Council to return this area to open space or earmark it for future park developments. Given the foregoing, the site appears more and more unsuitable for a development of this size and nature. According to the proposals the developers have been given advice/reassurances that the OSPA boundaries are up for negotiation. It feels unreasonable to base planning decisions on future boundaries rather than current boundaries – does this mean that planning decisions are made on future legislation rather than current?

Comment: See the assessment.

Commerciality

While providing a residential service, care homes are highly commercial operations. This proposal in particular, *“with hotel-like services such as bars, beauty salons...”*, round-the-clock services, large number of bedrooms and associated staff and catering facilities is more akin to a large commercial hotel. The planning officers should carefully consider the placing of such an entity within a Conservation Area, on the park boundary and in an area of historical and community importance. Such an operation would be wholly out-of-place in a block which contains three of Helensburgh's most important civic amenities (Hermitage Park, Victoria Halls, War Memorial).

Comment: See the assessment.

Special Architectural or Historic Interest

The character, architectural importance, local history and cultural heritage of the 150 year old tenement building at Prince Albert Terrace is unique in the town and of special interest to historians. An adjacent building of similar or greater proportions would diminish the building's place in the built environment and undermine its historical positioning. The A-listed War Memorial is of significant importance to this community. Contrary to the developer's design document, Historic Environment Scotland stated on the previous application for this development:

“It is our view that its current massing, scale and height would have an impact on the war memorial's open parkland / landscape setting.” “The character of developments in the vicinity appears to take account of the memorial, particularly in terms of not over dominating it.”

The new plans have made no amendments to the massing, scale and height of the development and do not address over-dominating the A-listed war memorial.

The site line plan used by the architects does not show the positioning of the proposed building but rather shows the existing depot building. The sightlines do not extend to 180 degrees let alone 360.

Comment: See the assessment.

Conflict of Interest

The site was disposed by A&B council as an 'Opportunity to demolish the buildings and erect a residential development of several homes'. The development as proposed is a substantial departure from the publicised details and conditions of that disposal by sale. As the owner disposing of the site and the legal entity making the planning decision, it would be prudent for the decision on this application to be referred to the Planning Committee for a final decision.

Comment: Each application as submitted is judged on its merits. In terms of the decision making process this will be a Committee item decided by elected Members.

Undesirable Precedent

On balance, there are too many circumstances in which the size, scope and scale of these proposals have a negative impact on the current built and natural environment. It is doubtful that a four story commercial new build has ever been constructed in a residential area of the town. Certainly not within a conservation area, encroaching public park land and within an area designated an open space. Thus, there is absolutely no precedence for this type of development in this area of Helensburgh. This proposal risks creating an undesirable precedent.

Comment: Each application is judged on its merits. See also the assessment.

Trees

No tree surveys have been carried out. There are several mature trees which will have to be felled or severely cut back to allow the construction. This will increase the visibility of the new building and totally destroy the sense of place of Hermitage Park. The tree line which surrounds the depot and which continues along the lane at Prince Albert Terrace are important in preserving the enclosed nature of the park. They shield and provide the setting for the War Memorial and walled garden and help create the park's sense of place while preserving the nature, appearance and character of the Conservation Area. The design document is ambiguous as to the future of these trees. As they are within the Conservation Area they are automatically protected.

Comment: See the assessment.

Access/Right of Way

The current access is for the public as well as residents of Birch Cottages. But the design statement specifies only servitude rights of access for residents of Birch Cottages and Care Home residents and there is no mention of continuing to allow public access. The design statement and application form contradict one another. There is a Right of Way besides Birch Cottages into Hermitage Park from the back. This must be protected.

Comment: There is no record of a formal right of way. The applicant has indicated that the right of access will be maintained.

Waste

The proposal indicates there will be a dedicated service area to the southern-most area of the site which will allow for all deliveries to be contained away from the pedestrian entrance. However, there is no indication of its layout. The increase in commercial traffic could further add to the congestion on Sinclair Street and create a health and safety issue. There is also no indication on the external design of the building where the service bins for recycling for waste materials and medical waste will be located and accessed. There is also no indication where the ventilation and air-conditioning system, kitchen extractor fans and where the laundry system will vent to and how this will affect the residents of Prince Albert Terrace.

Comment: The Area Roads Manager has no objections. Policy SG LDP SERV 5 and SG LDP SERV 5(b) require details of waste arrangement to be submitted along with the planning application. The Design Statement indicates a service area but no further details are indicated. As such a condition is attached that no works in connection with the development shall take place until a Waste Management Plan for the site has been submitted to and approved in writing by the Planning Authority. This plan shall include details of the arrangements for the storage, separation and collection of medical and other waste from the site. The application is assessed on the basis of the plans submitted. Details of ventilation and extractor fans etc are mainly a matter for Building Standards in terms of a Building Warrant submission. However, they may impact on the elevations of the proposed building. If they change the elevations shown on the submitted plans they will be assessed as to their materiality. The applicant can apply for a non-material amendment. If the changes are considered material then a fresh application for the changes will be required.

Lighting

If lighting was to be erected, it would contravene the lighting guidelines due the near proximity of our properties.

Comment: A condition has been attached requiring details of external lighting to be agreed prior to works commencing on site.

Drainage

From a review of the SEPA flood risk maps the site does not appear to be at risk from flooding. However, there are no Drainage Assessments and SUDS proposals – for a development proposal in a Conservation Area this should be provided as part of the submission.

Comment: See the assessment.

Other Issues

The roof space in the wing adjacent to Birch Cottages will have a lounge and a hairdressing salon. If approved concerned that the developers will ask that this be changed to a full height.

Comment: Any changes if and after the application is approved will be assessed in terms of whether they constitute a material change.

The Council and Friends of Hermitage Park have spent significant time and resources regenerating the park. The new pavilion sits within its landscape and has a low level of impact on its surroundings. The proposed care home does the exact opposite.

Comment: Each application is judged on its merits. See also the assessment.

The development's proposed garden area will encroach on the public park and create a situation where a commercial operation is benefitting from the adjacent parkland.

Comment: No access is indicated from the proposed private garden. Hermitage Park is also a public park open for use by the general public.

(G) SUPPORTING INFORMATION

- i) Environmental Statement: Not Required
- ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994.N

- iii) A design or design/access statement. Y
- iv) A report on the impact of the proposed development. As part of Design and Access Statement.

Design/access statement

The park itself lies with the Conservation area of Helensburgh covering approximately 4.7 hectares and contains within it an A listed War memorial in the far north-western corner of the site, contained within a walled memorial garden. With the historical asset in mind, it is important to assess the impact of the proposals on the setting of the war memorial. Historic Environment Scotland's document 'Managing Change in the Historic Environment – Setting' demonstrates criteria to be used to assess such an impact:

- Stage 1 – identify the historic asset;
- Stage 2 – define and analyse the setting;
- Stage 3 – evaluate the potential impact of the proposed changes;

The monument is a considerable distance away from the application site – in the region of 80m. The memorial garden is contained within a walled area, separating it from the rest of the park and creating an enclosed sense of space, echoed by the backdrop of mature trees along the northern boundary. The memorial is designed on a strong north-south axis, connecting to the park on the southern side via iron gates.

The existing depot site is partially screened from the park due to existing mature trees along the eastern site boundary between the depot and the park. The proposed building footprint has been pulled away from this boundary to allow the trees to be retained where possible. Any trees to be pruned or removed as part of the proposals will be done so with prior consent from both Planning and the Parks Department, and will be done so in a manner that relate directly to the wider landscaping works of the park redevelopment. Given that the area of ground within the park immediately bordering the application site will be redeveloped into both a Kitchen Garden and a Japanese Garden, works to these existing trees may be required out with the control of the applicant. In either respect, the application proposal will still include screening by way of landscaping.

The memorial garden and monument are orientated with a strong north-south axis with views southward into the rest of the park; given that the proposal sits approx. 80 meters to the west of the asset, the proposal would not interrupt views to the monument any point within the park, nor will it affect the view of the park itself when viewed from within the memorial garden.

We feel that it has been demonstrated that the proposal does not have an adverse impact on the historical asset in the factors set out in 'Managing Change in The Historic Environment' guidelines. We would also note that Historic Environment Scotland, consulted as part of this application in a letter dated 3rd May 2019, expressed that *"our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object."*

(H) PLANNING OBLIGATIONS. None Required

(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: N

(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.

Local Development Plan Policies
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Argyll and Bute Local Development Plan adopted March 2015

Policy LDP STRAT 1 – Sustainable Development

Policy LDP DM 1 – Development within the Development Management Zones

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

Policy LDP 9 – Development Setting, Layout and Design

Argyll and Bute Local Development Plan – Supplementary Guidance

SG LDP ENV 6 - Development Impact on Trees/Woodland

SG LDP 16(a) – Development Impact on Listed Buildings

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

SG LDP Sustainable - Sustainable Siting and Design Principles

SG LDP REC/COM 2 Safeguarding Sports Fields, Recreation Areas and Open Space Protection Areas

SG LD SERV 2 – Sustainable Drainage Systems

SG LDP SERV 5 (b) – Provision of Waste Storage and Collection Facilities

SG LDP TRAN 4 - New and Existing, Public Roads and Private Access Regimes

SG LDP TRAN 6 - Vehicle Parking Provision

SG LDP BAD 1 Bad Neighbour Development

(ii) List of other material planning considerations taken into account in the assessment of the application

Third party representations on planning matters;

Views of statutory and other consultees;

Planning history;

SPP, Scottish Planning Policy, 2014;

Historic Environment Scotland Policy Statement (June 2016);

Managing Change in the Historic Environment by Historic Environment Scotland.

Argyll and Bute Council Sustainable Design Guide, 2006

An Appraisal of the Conservation Area in Helensburgh Appraisal 2008

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

The land is presently under the ownership of the Council and is to be sold to the applicant after planning consent has been secured.

(O) Requirement for hearing:

A total of 58 e-mails and letters of representation have been received from 53 individuals and organisations. The proposal is redevelop a former Council Depot. Given the number of representations received and that the Council has an interest in the site it is considered that a Hearing would be both transparent and give added value to the decision making process.

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

Planning permission is sought for the erection of 64 bedroom residential care home on a former Council depot site located within the settlement boundary of Helensburgh. The site is

also within the conservation area where development must preserve or enhance the character and appearance of the conservation area.

Policy LDP STRAT 1 – Sustainable Development of the Argyll and Bute Local Development Plan (LDP) states that developers should seek to demonstrate the following sustainable development principles:

- b) Make efficient use of vacant and/or derelict land including appropriate buildings;
- c) Maximise the opportunities for sustainable forms of design including minimising waste, reducing our carbon footprint and increasing energy efficiency;
- d) Conserve and enhance the natural and built environment and avoid significant adverse impacts on biodiversity, natural and built heritage resources;
- e) Respect the landscape character of an area and the setting and character of settlements;

Policy LDP DM1– Development within the Development Management Zones gives encouragement to sustainable forms of development within the Main Towns and Key Settlements up to and including large scale on appropriate sites. The formation of the care home is defined as being largescale within the adopted Local Plan. As such it is considered that the proposal accords with this policy.

Policies LDP 3, LDP 8 and LDP 9 state, inter alia, that in all development management zones, the Council will assess applications for planning permission with the aim of protecting conserving and where possible enhancing the built, human and natural environment; will support new sustainable development proposals that seek to strengthen the communities of Argyll and Bute, and require developers and their agents to produce and execute a high standard of appropriate design. The proposed development is classified as largescale which is acceptable within main settlements such as Helensburgh subject to a site based criteria assessment. It is considered that the use, scale, design and materials of the proposed development are acceptable in terms of land use policies and consistent with the surrounding settlement character.

Policy SG LDP ENV 16(a) 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. Policy SG LDP ENV 17 – Development in Conservation Areas and Special Built Environment Areas, states there is a presumption against development that does not preserve or enhance the character or appearance of a Conservation Area or its setting.

The site is located within the Upper Helensburgh Conservation Area and some 70m west of a War Memorial located within Hermitage Park. The park itself is approx. 4.7 hectares and the memorial is in the north-western corner of the site contained within a walled memorial garden. This walled garden originally formed the kitchen garden for the now demolished Hermitage House that used to stand within the park. The war memorial was added during extensive redevelopment in the 1920s. With the historical asset in mind, it is important to assess the impact of the proposals on the setting of the war memorial. Historic Environment Scotland's document 'Managing Change in the Historic.

The memorial garden and monument are orientated with a strong north-south axis with views southward into the rest of the park; given that the proposal sits approximately 70 meters to the west of the asset, the proposal would not interrupt views to the monument any point within the park, nor will it affect the view of the park itself when viewed from within the memorial garden.

The existing site was a former Council depot and has been used for some time as the Hermitage Park Depot consisting of a substantial 1960/70's depot buildings with storage/garage space and worker's amenity block. The buildings contained within the existing site are not listed, hold no architectural merit, make no positive contribution to the wider conservation area and were subject to conservation area consent for their demolition. As such their replacement with a care home will enhance the character and appearance of the conservation area compared with the current situation. Given the above the proposal accords with Policies SG LDP 16(a) and SG LDP 17.

Access is taken via an existing lane from Sinclair Street which also serves the adjoining sheltered housing complex. The Area Roads Manager was consulted and has advised no objections subject to conditions regarding access and parking arrangements. The proposal therefore accords with Policies SG LDP TRAN 4 and SG LDP TRAN 6.

In terms of infrastructure Scottish Water has no objections and the Council's Flood Risk Advisor considers the proposal acceptable subject to an appropriate SuDS condition.

The proposed development will generate medical and other waste. Limited details are shown on the submitted plans but a condition can be attached requiring a Waste Management Plan to be submitted and agreed which will meet the terms of Policy SG LDP SERV 5 (b) – Provision of Waste Storage and Collection Facilities.

Part of the site is an Open Space Protection Area (OSPA). Policy SG LDP REC/COM 2 Safeguarding Sports Fields, Recreation Areas and Open Space Protection Areas presumes against the development or redevelopment of such sites. In principle the redevelopment of the site is a departure from policy. However, when the OSPA was designated it included parts of the depot site which are of no value to the wider designation. This matter was referred to the Development Plan team who previously advised that the OSPA boundary will likely be amended in the emerging Development Plan. As such it can be argued that since it has been fenced off and used as part of the depot for many years, does not form a meaningful part of the designation and is a small part of the OSPA the redevelopment of the site can be justified as a minor departure to Policy SG LDP REC/COM 2.

In conclusion, the proposed development, subject to the safeguarding conditions, is considered to be acceptable and consistent with policies contained in the Argyll and Bute Local Development Plan and there are no reasonable grounds to recommend refusal.

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

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

The proposed development is classified as largescale which is acceptable within main settlements such as Helensburgh subject to a site based criteria assessment. It is considered that the use, scale, design and materials of the proposed development are acceptable in terms of land use policies and consistent with the surrounding settlement character. No objections have been received from statutory consultees regarding access, flooding and surface water run-off or bio-diversity.

The proposal sits approx. 70 meters to the west of the asset and the care home is contained within its site. It is separate and distinct from the park and the views from key vantage points in terms of the setting of the memorial will give peripheral and limited views of the care home. On this basis it is considered that the proposal would not have any substantive impact on the setting of the Cenotaph which would warrant refusal. The buildings contained within the existing site are not listed, hold no architectural merit, make no positive contribution to the wider conservation area and were subject to conservation area consent for their demolition. As such their replacement with a care home will enhance the character and appearance of the conservation area compared with the current situation. Given the above the proposal accords with Policies SG LDP 16(a) and SG LDP 17.

Under Policy SG LDP REC/COM 2 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 shall not be permitted except, inter alia, where the proposed development is ancillary to the principal use of the site as a playing field or the proposed development involves a minor part of the playing field which would not affect its use and potential for sport and training. In addition, in the case of valued recreational areas (public or private), it can be adequately demonstrated that there would be no loss of amenity through either partial, or complete development.

When the OSPA was designated it included parts of the depot site which are of no value to the wider designation. This matter was referred to the Development Plan team who previously advised that the OSPA boundary will likely be amended in the emerging Development Plan. As such it can be argued that since it has been fenced off and used as part of the depot for many years, it does not form a meaningful part of the designation and is a small part of the overall OSPA that there would be no loss of amenity through either partial, or complete development. Consequently, the redevelopment of the site can be justified as a minor departure to Policy SG LDP REC/COM 2.

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

Under Policy SG LDP REC/COM 2 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 shall not be permitted except, inter alia, where the proposed development is ancillary to the principal use of the site as a playing field or the proposed development involves a minor part of the playing field which would not affect its use and potential for sport and training. In addition, in the case of valued recreational areas (public or private), it can be adequately demonstrated that there would be no loss of amenity through either partial, or complete development.

When the OSPA was designated it included parts of the depot site which are of no value to the wider designation. This matter was referred to the Development Plan team who previously advised that the OSPA boundary will likely be amended in the emerging Development Plan. As such it can be argued that since it has been fenced off and used as part of the depot for many years, it does not form a meaningful part of the designation and is a small part of the overall OSPA that there would be no loss of amenity through either partial, or complete development. Consequently, the redevelopment of the site can be justified as a minor departure to Policy SG LDP REC/COM 2.

(T) Need for notification to Scottish Ministers or Historic Scotland: N

Author of Report: Howard Young

Date: 01.08.2019

Reviewing Officer: Peter Bain

Date: 02.08.2019

CONDITIONS AND REASONS RELATIVE TO APPLICATION: 19/01410/PP

1. The development shall be implemented in accordance with the details specified on the application form dated 07.07.2019 and the approved drawings numbered

L(0-) 00 – Location Plan
L(0-) 02 Rev. A – Site Plan Existing
L(0-) 01 Rev. E – Site Plan Proposed
L(2-) 06 – Proposed Elevations
L(2-) 05 – Proposed Elevations
L(2-) 04 Rev. K – Floor Plan
L(2-) 03 Rev. K – Floor Plan
L(2-) 02 Rev. J – Floor Plan
L(2-) 01 Rev. H – Floor Plan
L(0-) 03 – Demolition Plan

and stamped approved by Argyll and Bute Council 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.

2. Notwithstanding the effect of condition 1, no development shall commence until full details or samples of the materials to be used on the construction of walls, roof coverings, driveway and car park space surfacing and gates have been submitted to and approved in writing by the Planning Authority. The development shall thereafter be completed using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.

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

3. Prior to works commencing on site details of turning provision within the site to enable all vehicles to enter and leave the site in a forward manner shall be submitted to and agreed in writing by the Planning Authority.

Reason: in the interests of road safety.

4. Prior to works commencing on site details of how it is proposed to prevent surface water from running on to the carriageway from the site shall be submitted to and agreed in writing by the Planning Authority.

Reason: To prevent surface water from running on to the carriageway in the interests of road safety.

5. Prior to development commencing and notwithstanding the provisions of Condition 1, no development shall be commenced until details of the surface water drainage system to be incorporated into the development have been submitted to and approved in writing by the Planning Authority. Such measures shall show separate means for the disposal of foul and surface water, the provision of a Sustainable Urban Drainage System (SuDS) and shall include details of how it will be maintained. Suds should be designed in accordance with CIRIA C753 and Sewers for Scotland 3rd Edition and include details of design calculations, method statement for construction, maintenance regime and ground investigation. The approved surface water drainage system shall be completed and brought into use prior to the development hereby approved being completed or brought into use.

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

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

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

7. Development shall not begin until details of a scheme of hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:

- i) location and design, including materials, of walls, fences and gates.
- ii) soft and hard landscaping works, including the location, type and size of each individual tree and/or shrub
- iii) programme for completion and subsequent on-going maintenance.

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

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

Reason: To ensure the implementation of a satisfactory scheme of landscaping and in order to maintain the privacy of neighbouring properties.

8. Prior to commencement of development a scheme for the retention and safeguarding of trees during construction shall be submitted to and approved by the Planning Authority. The scheme shall comprise:

- i) Details of all trees to be removed and the location and canopy spread of trees to be retained as part of the development including those trees overhanging the boundary of the application site from Hermitage Park;
- ii) A programme of measures for the protection of trees during construction works including those trees overhanging the boundary of the application site from Hermitage Park which shall include fencing at least one metre beyond the canopy spread of each tree in accordance with BS 5837:2012 "Trees in Relation to Design, Demolition and Construction".

Tree protection measures shall be implemented for the full duration of construction works in accordance with the duly approved scheme. No trees shall be lopped, topped or felled other than in accordance with the details of the approved scheme unless otherwise approved in writing by the Planning Authority.

Reason: In order to retain trees as part of the development in the interests of amenity and nature conservation.

9. Prior to works commencing on site details of any floodlighting, security lighting or other external means of illumination of the site shall be submitted to and agreed in writing with the Planning Authority. Thereafter, the scheme shall be implemented in accordance with the approved details.

Reason: To protect the residential amenity adjoining properties and the surrounding area.

10. During the construction phase hours of operation are limited to:-

- 08:00 – 18:00 Monday – Friday
- 08:00 – 13:30 Saturday
- No noisy activities on a Sunday.

Reason: To protect the residential amenity adjoining properties and the surrounding area.

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 Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.
- The attention of the applicant / developer is drawn to the response made by Scottish Water in their letter dated 11th July 2019. Whilst Scottish Water has no objection in principle, the applicant/developer is advised to contact Scottish Water directly concerning connection to public water supply, public wastewater systems, surface water drainage and other regulatory advice.
- The Area Roads Manager has advised that a Road Opening Permit is required for any works on the road network.
- The Area Roads Manager advises that prior to works commencing on site, the hedge on the north side of the access shall be cut back and a visibility splay of 42 x 2.4 x 1.05 metres shall be provided. Thereafter it shall be maintained clear of all obstructions over 1.05 metres in perpetuity.
- Public Protection advise that the kitchen facility will require to comply with the Food Hygiene (Scotland) Regulations 2006.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 19/01410/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

In the Argyll and Bute Local Development Plan (LDP), the application site is located within the Main Town of Helensburgh within the Upper Helensburgh Conservation Area. Under Policy DM1 this area of land is defined as a Settlement Zone - Main Town (Helensburgh) where residential development of large scale is acceptable subject to a site based criteria assessment.

B. Location, Nature and Design of Proposed Development

Planning permission is sought for the erection of a new care home for the elderly, consisting of sixty four bedrooms, staff accommodation, beauty salon and bars. The existing site was a former Council depot and has been used for some time as the Hermitage Park Depot consisting of a substantial 1960/70's depot buildings with storage/garage space and workers' amenity block. The irregular shaped site extends to approx. 3,172m² and borders Hermitage Park along the south-eastern boundary, tenement properties to the north and sheltered housing complex to the west. The buildings contained within the existing site are not listed, hold no architectural merit and were subject to conservation area consent for their demolition under application 19/00236/CONAC.

The proposed care home is L-shaped with a footprint of approximately 510 square metres. It comprises a northern and southern block. The northern block sits parallel to Prince Albert Terrace but at a lower level with a separation distance of 18 metres. The design statement shows this block with a ridge height sitting some 4.75 metres below this Terrace but this is inaccurate as the Terrace is shown with a pitch roof not an M shaped roof as is the case. The applicant has been asked to correct this by way of an amended plan and there is still sufficient information to properly assess the proposal. The southern block sits at right angles to the northern block. At its highest point the roof is some 15 metres high and is 10 metres from the adjoining Birch Cottages. The finishes shown are brick, stone, render and with a tiled roof. When viewed from the park it will appear as a four storey building, three storeys from Prince Albert Terrace and 2 storeys from the Sinclair Street access lane.

Policies LDP 3, LDP 8 and LDP 9 state, inter alia, that in all development management zones, the Council will assess applications for planning permission with the aim of protecting conserving and where possible enhancing the built, human and natural environment; will support new sustainable development proposals that seek to strengthen the communities of Argyll and Bute, and require developers and their agents to produce and execute a high standard of appropriate design. Policy SG LDP BAD 1 – Bad Neighbour Development states that proposals for developments classed as “Bad Neighbour” Developments will only be permitted where, inter alia, there are no unacceptable adverse effects on the amenity of neighbouring residents;

The proposed development is classified as largescale which is acceptable within main settlements such as Helensburgh subject to a site based criteria assessment. It is considered that the use, scale, design and materials of the proposed development are acceptable in terms of land use policies and consistent with the surrounding settlement character. No objections have been received from statutory consultees regarding access, flooding and surface water run-off or bio-diversity.

Objections have been raised concerning noise, smell and loss of daylight/sunlight. The site has operated as a Council Depot for many years with movement of cars, vans and equipment both early morning and at night. As such it is not considered that the activity associated with the proposed care home will substantially increase noise levels to adjacent residential properties. Environmental Health has been consulted and their response is awaited. In terms of daylight/sunlight it was considered that as the proposed development was some 18 metres to the south of Prince Albert Terrace and was at a lower level it would not have a detrimental impact on daylight or sunlight. Potentially it would impact on Birch Cottages. As such a daylight/sunlight assessment was requested from the applicant. This was submitted and shows that whilst there will be some impact, it is within acceptable limits and does not

constitute grounds for refusal. Given the above it is not considered that the proposal will have a detrimental impact on amenity and consequently accords with Policies LDP 3, LDP 8, LDP 9 and SG LDP BAD 1.

Under Policy SG LDP REC/COM 2 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 shall not be permitted except, inter alia, where the proposed development is ancillary to the principal use of the site as a playing field or the proposed development involves a minor part of the playing field which would not affect its use and potential for sport and training. In addition, in the case of valued recreational areas (public or private), it can be adequately demonstrated that there would be no loss of amenity through either partial, or complete development.

When the OSPA was designated it included parts of the depot site which are of no value to the wider designation. This matter was referred to the Development Plan team who previously advised that the OSPA boundary will likely be amended in the emerging Development Plan. As such it can be argued that since it has been fenced off and used as part of the depot for many years, it does not form a meaningful part of the designation and is a small part of the overall OSPA that there would be no loss of amenity through either partial, or complete development. Consequently, the redevelopment of the site can be justified as a minor departure to Policy SG LDP REC/COM 2.

The key issues are the impact of the proposed development on the adjoining category A listed War Memorial and the wider Conservation Area. These are assessed in detail below.

C. Built Environment

The site is located within the Upper Helensburgh Conservation Area and 70m west of the Cenotaph/War Memorial located within Hermitage Park. The structure is listed Category A. The park itself is approx. 4.7 hectares and the memorial is in the north-western corner of the site contained within a walled garden. This walled garden originally formed the kitchen garden for the now demolished Hermitage House that used to stand within the park. The war memorial was added during extensive redevelopment in the 1920s. There are two key issues:

- a. Impact on Category A listed War Memorial
- b. Impact on Conservation Area

Impact on Category A listed War Memorial

The impact of the proposals on the setting of the war memorial is a key factor in determining this application. Historic Environment Scotland's document 'Managing Change in the Historic Environment – Setting' demonstrates criteria to be used to assess such an impact. It states that:

'Setting' is the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced. Monuments, buildings, gardens and settlements were almost always placed and orientated deliberately, normally with reference to the surrounding topography, resources, landscape and other structures. Over time, these relationships change, although aspects of earlier settings can be retained. The methodology and level of information should be tailored to the circumstances of each case.

Setting cannot simply be defined by a line on a map, and is likely to be unrelated to modern landownership or to curtilage, often extending beyond immediate property boundaries into the wider area. The setting of a historic asset can incorporate a range of factors, not all of which will apply to every case. These include inter alia:

- current landscape or townscape context
- views to, from and across or beyond the historic asset or place

- key vistas (for instance, a 'frame' of trees, buildings or natural features that give the historic asset or place a context, whether intentional or not)
- the prominence of the historic asset or place in views throughout the surrounding area, bearing in mind that sites need not be visually prominent to have a setting
- aesthetic qualities
- character of the surrounding landscape
- general and specific views including foregrounds and backdrops
- views from within an asset outwards over
- key elements in the surrounding landscape, such as the view from the principal room of a house, or from a roof terrace
- relationships with other features, both built and natural

The guidance sets out three specific stages.

- Stage 1 – identify the historic asset;
- Stage 2 – define and analyse the setting;
- Stage 3 – evaluate the potential impact of the proposed changes;

The asset is the cenotaph and its walled garden. With the asset identified, the setting of the monument should be considered, particularly how the surroundings contribute to the ways in which the monument is experienced. The monument is some 70 metres from the application site. The memorial garden is contained within a walled area, separating it from the rest of the park and creating an enclosed sense of space. The memorial is designed on a strong north-south axis, connecting to the park on the southern side via iron gates.

To the east and west, the memorial garden has no 'enclosure' of any great height from any existing trees within close proximity to the monument itself. The proposed redevelopment of the park includes alterations to the memorial garden and adjacent wider park. This includes the redevelopment of the former playpark into a new 'kitchen garden' area to the west of the monument and sitting between the monument and the application site. This new area will allow for community planting of a varied type as well as a new green house and store / bothy – this new area will form a new buffer between the memorial and the application site. In analysing the setting and, given that the monument sits within an enclosed walled garden, it is considered that the asset was designed to be viewed and enjoyed from a close-range.

Stage 3 is to evaluate the impact of the proposal on the identified asset. Historic Environment Scotland in their consultation response state that:

"We are not opposed in principle to development of the site. However, the new application does not sufficiently assess the impact of change this proposal would have on the War Memorial. While we recognise that the proposed development is some distance from the memorial, it is our view that its current massing, scale and height would have an impact on the memorial's open parkland/landscape setting."

The Council's Conservation Officer has also commented on this as follows:

The Design and Access Statement (May 2019) states that "the massing, scale and height of the proposal can therefore not be considered to impact on the monument's open parkland setting given it is small in all regards to the existing block at Prince Albert Terrace" however it is felt that this site is within the park context, rather than being a defining edge like Prince Albert Terrace. Therefore a step-down in height is not sufficient to mitigate the negative impact on the park and monument. It is felt that a suitable design on this site should respond sensitively to the park setting.

The Design and Access Statement (May 2019) states that “the monument is a considerable distance away from the application site” however HES’s professional assessment was that that whilst being some distance away from the memorial the current massing, scale and height would have an impact. No change has been made to the siting or massing of the proposal so these comments are still relevant. And whilst HES’s position in terms of the previous proposal was not to object as the issues are not of national significance, it is considered that these historic environment issues are still of regional or local significance and should therefore be assessed carefully by the local authority.

The proposal has been designed, to sit lower than the existing dwellings on Prince Albert Terrace to create a natural ‘step down’ in height towards the park. Prince Albert Terrace will remain the tallest and most dominant building on the skyline. Therefore, the proposals do not adversely change the experience already in place by the existing historical built surroundings. The application proposal will not interrupt views of or to the monument.

The existing depot site is partially screened from the park due to existing mature trees along the eastern site boundary between the depot and the park. The proposed building footprint has been pulled away from this boundary to allow the trees to be retained where possible. Any trees to be pruned or removed as part of the proposals will need the prior consent from the Council and a condition has been attached requiring a landscaping scheme.

The memorial garden and monument are primarily orientated with a strong north-south axis. HES state that the *“massing, scale and height would have an impact on the memorial’s open parkland/landscape setting.”* The war memorial is located at the northern end of the park which limits the setting to this section of the park area. It is considered that the key view is from within the park looking north to the cenotaph. When viewed both at the gates and some 50 metres back from within this part of the park the setting is not affected as the proposed development site sits some distance at a peripheral angle in this view and is set behind trees. From within the walled garden looking south the key views are of the park with any proposed new build at an angle, in peripheral vision and set behind trees. When viewed west to east there is no impact as the new build is behind. Only looking east to west in the walled garden will the new care home be visible. Consequently, whilst the comments of HES and the Conservation Officer are noted, the dominating feature will continue to remain Prince Albert Terrace and this won’t change if the care home is approved. The proposal sits approx. 70 meters to the west of the asset and the care home is contained within its site. It is separate and distinct from the park and the views from key vantage points in terms of the setting of the memorial will give peripheral and limited views of the care home. On this basis it is considered that the proposal would not have any substantive impact on the setting of the cenotaph which would warrant refusal.

Impact on Conservation Area

Scottish Planning Policy requires that proposals for development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. This advice is reflected in Local Development Plan Policy SG LDP ENV 17 – Development in Conservation Areas and Special Built Environment Areas. Argyll and Bute Council Sustainable Design Guide, 2006 also offers advice on urban infill citing three options: contemporary ‘landmark’ development, contemporary ‘integrated’ development and traditional design.

The Conservation Officer has stated the following:

“Whilst the architecture of the wider conservation area is very varied and must be considered, there are direct relationships between the site and the prominent linear bounding form of Prince Albert Terrace, and to the open parkland setting. Therefore the materials and details used must first respond to these direct relationships, with the wider context (albeit important) being secondary to this.

Grey tiled roof – no change from previous proposal so previous comments still apply – natural slate should be used in this setting. The red brick is not considered to be suitable for the parkland setting as it would neither integrate harmoniously nor make a high quality contemporary statement. The

windows feature astragals - there is no clarification if these are proposed to be real, multi pane windows or stuck on astragal bars but in either case are pastiche.

As detailed in this assessment, it is considered that this proposal is not suitable for the site from a heritage/design point of view however if consent were granted then samples should be submitted for all materials as well as details of the proposed windows.”

The existing site was a former Council depot and has been used for some time as the Hermitage Park Depot consisting of a substantial 1960/70's depot buildings with storage/garage space and worker's amenity block. The buildings contained within the existing site are not listed, hold no architectural merit, make no positive contribution to the wider conservation area and were subject to conservation area consent for their demolition. It is within this context that the redevelopment of the site has to be assessed including adjoining and surrounding properties.

The larger block in which the depot site sits is a mix of architectural styles and finishes. To the north is Prince Albert Terrace, a sandstone block of flats, unlisted but of some architectural merit. The terrace faces onto Victoria Road. The properties on the north side of Victoria Road are of modern design with a mix of finishes including timber, stone and render. These properties have little positive impact on the conservation area at this point. Indeed they form part of the backdrop to the setting of the war memorial and affect it more so than the proposed care home which is at a peripheral angle. To the south west are Birch Cottages which are also modern in style and finish. South and east is the park characterised as primarily tree filled open space. There is no distinct style, pattern or building line. The application site is set back from both Sinclair Street and Victoria Road and is contained by adjoining land and trees. Existing trees which screen the site are protected by virtue of being in the conservation area and additional planting will be required by condition. As such the care home will preserve the character and appearance of the conservation area and compared with the current situation the redevelopment of the depot site will be an improvement. Given the above the proposal accords with Policies SG LDP 16(a) and SG LDP 17.

D. Biodiversity

A small watercourse runs adjacent to the site on the eastern boundary within Hermitage Park, this has no impact upon the proposal. A bat survey has been submitted. The stage 1 survey in May recorded that there were potential roost features in the buildings, suitable for use by crevice crawling species such as Pipistrelles. Soprano Pipistrelles were noted in flight in the vicinity of the buildings. However, in the follow up survey in June no bats were observed to enter or exit the buildings. The Council's Bio-Diversity Officer has indicated no objections. It is therefore considered that the proposal would be consistent with Policy SG LDP ENV 1 which seeks to protect habitats and species.

E. Impact on Trees

Policy SG LDP ENV 6 – Development Impact on Trees/Woodland presumes against development likely to have an adverse impact on trees by ensuring through the development management process that adequate provision is made for the preservation of and where appropriate the planting of new woodland/trees, including compensatory planting and management agreements. Limited information has been provided re the potential loss of trees. However, the trees that are there help screen the site. It is anticipated that some of these will be removed but conditions can be attached requiring a tree survey, protection measures and replacement and additional planting.

F. Road Network, Parking and Associated Transport Matters

The Area Roads Manager has been consulted and has no objections to the proposal. The proposed care home will utilise the existing access from Sinclair Street currently serving Birch Cottages. The Council's Area Roads Manager requires parking and turning for 25 vehicles and these are shown within the site.

G. Infrastructure

The Council's Flood Risk advisor has indicated no objections subject to a SuDS condition which is attached. Policy SG LDP SERV 5 and SG LDP SERV 5(b) require details of waste arrangement to be

submitted along with the planning application. The Design Statement indicates a service area but no further details are indicated. As such a condition is attached that no works in connection with the development shall take place until a Waste Management Plan for the site has been submitted to and approved in writing by the Planning Authority. This plan shall include details of the arrangements for the storage, separation and collection of medical and other waste from the site.

H. Previous Planning History

The proposed development was the subject of pre-application discussions (18/01908/PREAPP). In the pre-app report it was indicated that:

The footprint of the building, at the northern part of the site is located within the most appropriate area for development and is a sufficient distance away from the tenement terrace at 1-8 Prince Albert Terrace, Victoria Road. I am happy with the scale and massing of the proposal in this location. Although there is a boundary of tall mature trees to north, these may be impacted by development so I would advise they are protected during construction if they fall within the development site.

Concerned that the scale and massing at the southern part of the proposal, adjacent to 9 to 11 Birch Cottages, which is excessive and will have a detrimental impact upon residential amenity by way of overshadowing and overlooking. I note floor plan levels 00, 01 and 02 indicate windows located less than 9m from the front garden boundary of 9 to 11 Birch Cottages, I would advise the footprint of the proposal, at this location, be set back further to the east. I also feel that, at this scale, it would be visually prominent within the grounds of the park. In general, these changes should be feasible by the reduction in density of the number of rooms.

The external appearance of the proposal requires altered, to be either more in keeping with this traditional established residential Conservation Area (pitched roof, dormer windows, strong gables, chimney breast etc) or to push beyond the expected design standard and create a more ambitious through provoking design exemplar. Materials selected should reflect this ambition.

The application submitted under reference 19/00237/PP showed an L-shaped block comprising 2, 3 and 4 storeys. A total of 71 bedrooms were proposed. Following discussions in which concerns were raised regarding the design and impact of the proposal on Birch Cottages a draft amended design was submitted for discussion. This showed additional features and a variation in materials to break up the bulk of the building. As the changes were considered material the original application was withdrawn. The current application is assessed on its merits in terms of development plan policy and other material considerations. From the assessment it is considered that the proposal is consistent with development plan policy and there are no other material considerations which would merit a recommendation to refuse.

I. Conclusion

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.

This is a nuanced and balanced decision given the nature of the development and its location within Helensburgh Upper Conservation Area and adjoining the Cenotaph. The existing site was a former Council depot and has been used for some time as the Hermitage Park Depot consisting of a substantial 1960/70's depot buildings with storage/garage space and worker's amenity block. The buildings contained within the existing site are not listed, hold no architectural merit, make no positive contribution to the wider conservation area and were subject to conservation area consent for their demolition. It is within this context that the redevelopment of the site has to be assessed including adjoining and surrounding properties.

The site is in the conservation area and the larger block in which the depot site sits is a mix of architectural styles and finishes. To the north is Prince Albert Terrace, a sandstone block of flats, unlisted but of some architectural merit. The terrace faces onto Victoria Road. The properties on the north side of Victoria Road are of modern design with a mix of finishes including timber, stone and render. These properties have little positive impact on the conservation area at this point. Indeed they

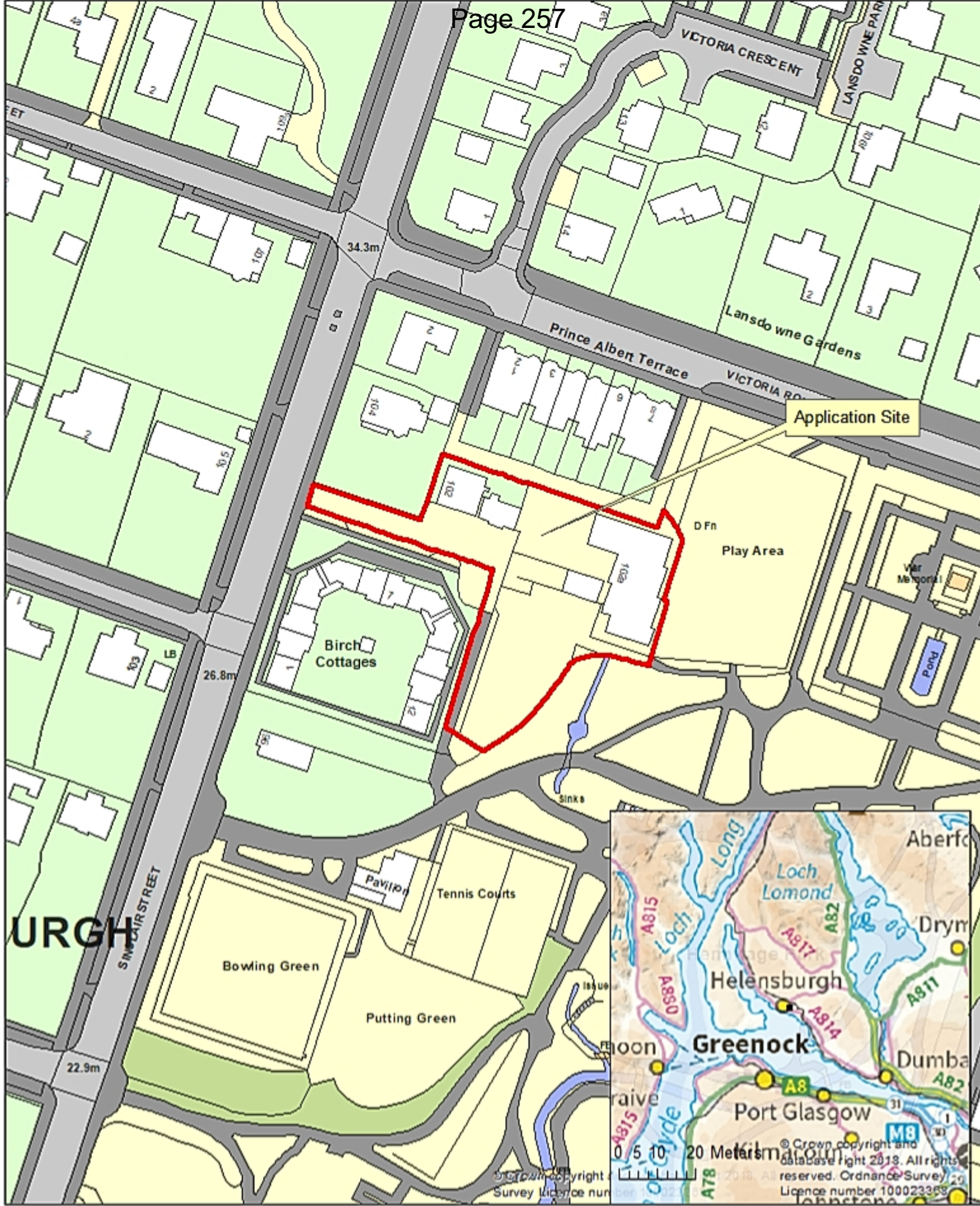
form part of the backdrop to the setting of the war memorial and affect it more so than the proposed care home which is at a peripheral angle. To the south west are Birch Cottages which are also modern in style and finish. South and east is the park characterised as primarily tree filled open space. There is no distinct style, pattern or building line.

The proposed development is classified as largescale which is acceptable within main settlements such as Helensburgh subject to a site based criteria assessment. It is considered that the use, scale, design and materials of the proposed development are acceptable in terms of land use policies and consistent with the surrounding settlement character. No objections have been received from statutory consultees regarding access, flooding and surface water run-off or bio-diversity.

Part of the site is an Open Space Protection Area (OSPA). Policy SG LDP REC/COM 2 Safeguarding Sports Fields, Recreation Areas and Open Space Protection Areas presumes against the development or redevelopment of such sites. However, it can be argued that since it has been fenced off and used as part of the depot for many years it does not form a meaningful part of the designation. This matter was referred to the Development Plan team who previously advised that the OSPA boundary will likely be amended in the emerging Development Plan.

The key issues are the impact of the proposed development on the adjoining category A listed War Memorial and the wider Conservation Area.

The proposal sits approx. 70 metres to the west of the asset and the care home is contained within its site. It is separate and distinct from the park and the views from key vantage points in terms of the setting of the memorial will give peripheral and limited views of the care home. On this basis it is considered that the proposal would not have any substantive impact on the setting of the Cenotaph which would warrant refusal. The buildings contained within the existing site are not listed, hold no architectural merit, make no positive contribution to the wider conservation area and were subject to conservation area consent for their demolition. As such their replacement with a care home will enhance the character and appearance of the conservation area compared with the current situation. Given the above the proposal accords with Policies SG LDP 16(a) and SG LDP 17.



URGH

Application Site



Location Plan Relative to planning application: 19/01410/PP



1:1,250

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ARGYLL AND BUTE COUNCIL

**PLANNING, PROTECTIVE
SERVICES AND LICENSING
COMMITTEE**

**DEVELOPMENT AND
INFRASTRUCTURE SERVICES**

18 SEPTEMBER 2019

SERVICE ANNUAL PERFORMANCE REVIEW 2018-19

1.0 EXECUTIVE SUMMARY

1.1 The Council's Planning and Improvement Framework (PIF) sets out the process for presentation of the Council's Service Annual Performance Reviews (APRs).

1.2 This paper presents the Planning, Protective Services and Licensing (PPSL) Committee with the Service APR 2018-19 for Planning, Housing and Regulatory Services.

1.3 It is recommended that the PPSL Committee endorse the Service APR 2018-19 as presented.

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**DEVELOPMENT AND
INFRASTRUCTURE SERVICES**

18 SEPTEMBER 2019

SERVICE ANNUAL PERFORMANCE REVIEW 2018-19

2.0 INTRODUCTION

2.1 The Council's Planning and Improvement Framework (PIF) sets out the process for presentation of the Council's Service Annual Performance Reviews (APRs).

2.2 This paper presents the Planning, Protective Services and Licensing (PPSL) Committee with the Service APR 2018-19 for Planning, Housing and Regulatory Services.

3.0 RECOMMENDATIONS

3.1 It is recommended that the PPSL Committee endorse the Service APR 2018-19 as presented.

4.0 DETAIL

4.1 The Service APR provides a summary of the key successes, improvements and case studies during the past year along with identified key challenges and actions to the address the challenges. Every consultation that has occurred is recorded - 'We Asked, You Said, We Did'. The results of consultation help to inform future service delivery.

The Service APR is supported with the Service Annual Scorecard 2018-19 (Appendix 1).

Each Service has identified evidence of good practice, these are illustrated and attached as Case Studies (Appendix 2).

5.0 IMPLICATIONS

- | | | |
|-------|----------------------|--|
| 5.1 | Policy | None |
| 5.2 | Financial | None |
| 5.3 | Legal | The Council has a duty deliver best value under the Local Government Scotland Act 2003. |
| 5.4 | HR | None |
| 5.5 | Fairer Scotland Duty | None |
| 5.5.1 | Equalities | None |
| 5.5.2 | Socio-economic Duty | None |
| 5.5.3 | Islands | None |
| 5.6. | Risk | Ensuring performance is effectively scrutinised by members reduces reputational risk to the council. |
| 5.7 | Customer Service | None |

Pippa Milne, Executive Director of Development and Infrastructure

Policy Lead: Cllr David Kinniburgh

Policy Lead: Cllr Robin Currie

10 June 2019

For further information contact:

Jane Fowler, Head of Improvement and HR

APPENDICES

Appendix 1: PHRS Service APR 2018-19

Appendix 2: PHRS Case Studies 2018-19

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Annual Performance Review 2018-2019
Planning, Housing and Regulatory Services

KEY SUCCESSES

Key Improvements from previous years' annual performance review

Business Outcome 1 - The health of our people is protected through effective partnership working

1. Challenge: Appropriate health protection measures are in place to ensure public health

Action: Partnership working is essential in ensuring public health. We agreed a Joint Health Protection Plan 2019-20 with NHS Highland and Highland Council which outlines our priorities and targets. Service plans and targets are in place for 2019/20, and statutory returns to government and other agencies on performance are complete.

2. Challenge: Review of trading standards

Action: The redesign of trading standards was completed to focus resources on core statutory activities. In addition the coordination of work through a North of Scotland Trading Standards Partnership with another 6 authorities is now operational and seeks to promote consistency, joint working and improve effectiveness.

Business Outcome 3 – Prevention and support reduces homelessness

1. Challenge - Challenges presented by the roll out of Universal Credit Full Service in September 2018. These stem from the increased complexity of the application process itself, the length of time to receive payments, and the fact that the housing allowance will be paid to claimants not landlords so arrears will increase. It is anticipated considerable extra resource will be needed to assist claimants applying for Universal Credit, and that likely increases in rent arrears will inflate homelessness rates and the costs of accommodating households.

Action - Universal Credit Full Service was rolled out from the 19th September 2018 in Argyll and Bute. The Council agreed that the Additional Temporary Accommodation Funding for 2019/20 be allocated as in previous years to Housing budgets to continue the mitigation work started in previous years. It was agreed that part of the funding be used to continue to employ 2 welfare rights assistants who will focus on Universal Credit and the impact that it will have on individuals in the local authority area. The Welfare Rights Assistant in Helensburgh is co-located in the local job centre to assist vulnerable households through the Universal Credit claim process.

2. Challenge – Respond to Scottish Government’s Emerging Housing First and Wrap Around care agenda

Action - In response to Scottish Government request, during the Autumn of 2018 the Housing Service produced a Rapid Re-Housing Plan which has been submitted to the Scottish Government for approval. On the basis of the plan it is anticipated the Council is likely to receive Scottish Government Funding to implement the plan which will help to provide focussed and tailored support to those people threatened with homelessness along with other complex needs.

Business Outcome 05 - Information and support are available for everyone

1. Challenge: Supporting the implementation of Universal Credit across Argyll and Bute

Actions:

- Universal Credit full service was introduced in Argyll and Bute from September 2018 until the end of March 2019, which introduced a new benefits system for clients. This also impacted on the work of the Councils welfare rights team.
- The measurable annual income generated through Welfare Rights intervention has risen to £3.6 million compared to £2.9 million in 2017/18.

2. Challenge: Develop a strategy to take forward the review of advice services with other partners

Action: Council Strategy and the redesign of advice services was approved by Policy and Resources Committee, and significant work has been undertaken to implement this new model. This included the development of a new specification for the provision of advice and the new contractual arrangements with a new single advice agency which take effect as of the 1st July 2019, a new model of vulnerability was developed where clients were provided with advice services based on their vulnerability; a revised debt counselling service and the creation of a Financial Inclusion and Advice Group.

Business Outcome 10 : Quality of life is improved by managing risk

Challenge: Working with partner agencies and communities to target the risks of serious and organised crime activity

Action: A multi-agency Detect and Disrupt Group tackling serious and organised crime, across Argyll and Bute Council and West Dunbartonshire Council, has been successful in targeting incidents relating to illegal workers, food and environmental crime and to protecting consumers from being subjected to frauds and scams.

Business Outcome BO12: High Standards of public health and health protection are promoted.

1. Challenge: To ensure that the Council have appropriate arrangements in place to secure “safe and successful event”.
Action: A review of the multiagency Safety Advisory Group arrangements has ensured that they are effective and ensure that large events have appropriate event safety plans in place. This promotes the aim of “safe and successful event” and discourages “unorganised” events. The success of these arrangements were demonstrated at many events across Argyll and Bute, including the WW100 commemorative event on Islay in May; ObanLive, ButeFest and Tiree Music Festival

2. Challenge: To respond effectively to any public health, public safety and disease related incident.
Action: A review of incident contingency plans was completed in respect of environmental health and animal health and welfare. Specific exercises were undertaken to “test” the plans for an animal health incident (anthrax) and the Clyde Offsite Plan. In addition, the arrangements were to investigate and respond to cases of communicable disease reports, and cases of tuberculosis in livestock.

Business Outcome 13 - Our built environment is safe and improved

Challenge - Deal with an increasing level of dangerous building work which has significant financial implications for Council

Action – During the last financial year we closely monitored activity and sought to recover costs from the owner(s) where possible. This entailed identifying owners as soon as possible, issuing invoices timeously, passing cases to legal as required. We also assisted in the progression of further Conservation Area Regeneration Scheme (CARS)/ Townscape Heritage Initiative (THI) bids which will hopefully help reduce number of dangerous buildings requiring intervention. As a result of CARS/THI the situation in Campbeltown is now much better

Challenge – Resource availability. Half of the existing Building Standards team are due to retire within the next five years which could result in: 1.Loss of 'verifier' license and subsequent fee income, 2.A&B Council not 'open for business' and as a result damaging development. 3.Unable to adequately respond to dangerous building call outs

Action – During the year we continued our flexible working pattern and sought to grow our own. As a result we have replaced two staff who had retired with younger staff. We continued to provide training and CPD events to support staff development. Looked to future proof the service by the recruitment of 'apprentices' during 19/20 however with the current difficult financial outlook facing the council this may need to be revisited.

<p>Business Outcome 15 - Argyll and Bute Is Open For Business</p> <p>Challenge - Deliver Two Conservation Area Appraisals whilst conservation officer is on maternity leave.</p> <p>Action - Draft appraisals have been taken to public consultation for Easdale and Ellenabeich but have not been progressed further due to lack of resources. However, funding has been allocated along with Economic Development to progress Conservation Area Appraisals at Lochgilphead and Tarbert and to designate a new conservation area (along with appraisal) in Helensburgh. It is anticipated that both Helensburgh and Lochgilphead will be reported to Planning, Protective Services and Licensing (PPSL) Committee in August / September and will subsequently support new CARS funding. Tarbert will come later in the year when consultation has been carried out. Easdale and Ellenabeich will be completed when LDP2 workload is reduced, though it is anticipated they will be complete for 2019/20 FQ1 at the latest.</p>
<p>Business Outcome 23 – Economic Growth Is Supported</p> <p>Challenge: Regulation of and support to compliant business and targeting non-compliance</p> <p>Actions:</p> <ol style="list-style-type: none"> 1. Good regulation supports a sustainable and successful economy and compliant businesses. Intervention work relating to environmental health, animal health and welfare, trading standards and licensing standards continued with 100% of all programmed high risk premises inspections being completed. 2. Other highlights include responding to the increasing demands for export certificates which supports local businesses export worldwide, and our work in coordinating the event safety teams to deliver successful and safe events which included the extensive work preparing for the WW100 commemorative events on Islay on the 4th May 2018.
<p>Business Outcome 23 – We engage and work with our customers, staff and partners</p> <p>Challenge – Attain Customer Service Excellence Award across Planning and Regulatory Services</p> <p>Action – Dedicated working groups were set up to achieve this target and a successful assessment was completed in Jan 2019.</p>
<p>Business Outcome 23 – We engage and work with our customers, staff and partners</p> <p>Challenge – Maintain Customer Service Excellence Award Status for Building Standards</p> <p>Action – We have a dedicated working group which regularly meets to ensure we achieved this target and a successful assessment was completed in December 2018. To maintain the standard the applicant team has to fully comply with at least 46 out of the 57 elements - this year we have not only achieved all 57 elements, but have also been given a further five Compliance+ status which brings our Compliance + status to twelve. This demonstrates our ongoing improvement and increasing levels of customer service.</p>

Business Outcome 23 – Economic Growth Is Supported

Challenge: Deliver Kirk Road upgrade on time and within budget & ensure maximum draw down of contingencies from Housing Infrastructure Funding (HIF) funding.

Action – the upgrades to Kirk Road and associated services have now been completed. Completion was slightly delayed, but has not prevented the commencement of construction of housing in the Dunbeg Development which is now well underway with the first housing occupations planned for March 2020. Negotiations are ongoing with Scottish Government with detailed cost plans having been presented to fully justify contingencies.

Business Outcome 23 – Economic Growth is Supported

Challenge: PR110_02 Achieve an above national average level of planning application approval rates. The target for approval rates is above 95%.

Action: During 2018/19 approval rates were 97.4%

Business Outcome 23 – Economic Growth is Supported

Challenge: PR110_04 Determine 'All Local Planning Applications' within a time period no greater than 10% above the National Average. The target for determination is 10 weeks.

Action: During 2018/19 the average time period for determination was 9.5 weeks.

Business Outcome 23 – Economic Growth is Supported

Challenge: PR110_01i Review of the Planning Enforcement Charter every two years. Section 158 of the Town and Country Planning (Scotland) Act requires the planning authority to prepare and maintain an up to date enforcement charter setting out how the system works, in particular the role of the planning authority and the service standards it sets itself.

Action: The Council adopted a revised and updated Enforcement Charter in June 2018.

Business Outcome 23 – Economic Growth is Supported

Challenge: PR112_01i Production of the annual Planning Performance Framework (PPF) Report for Planning Services. The PPF report is the Planning Service's annual balanced scorecard report which is submitted to the Scottish Government for feedback.

Action: The Council received positive feedback on the PPF report submitted July 2018.

Business Outcome 23 – Economic Growth is Supported

Challenge: Delivery of an extended chargeable pre-application service in line with savings agreed as part of Transforming the Budget. The chargeable service was introduced in August 2017 for ‘major’ and ‘locally significant’ developments.

Action: The chargeable service was extended to cover ‘local’ developments from 1st April 2018.

Business Outcome 23 – Economic Growth is Supported

Challenge: Attainment of the Customer Service Excellence Standard through combined efforts of Planning and Regulatory Services.

Action: CSE Award attained in February 2019.

Business Outcome 28 : Our processes and business procedures are efficient, cost effective and compliant

Challenge: Ensuing that the Council and Health and Social Care Partnership are “prepared” for the challenges of EU Withdrawal

Action: Responding to uncertainty and the variety of challenges posed by EU Withdrawal, a Tactical Group was established to develop contingency plans and an action plan to ensure that the Council and Health and Social Care Partnership had appropriate contingency and preparedness plans in place.

Other Key Improvements during 2018/19

Business Outcome 12 - High Standards of public health and health protection are promoted.

Challenge: Meeting the Councils new statutory duties

Actions:

1. We successfully introduced new legislative requirements relating to private water supplies, licensing of residential caravan site as well as establishing a specific team focusing on food control in approved manufacturing high risk food premises
2. Work was completed to implement the new legislative requirements relating to vaping devices and e-liquids (formerly referred to as e-cigarettes) and supporting business to ensure that they complied with the new requirements. Age verification work undertaken identified that 100% of the targeted premises visited did not sell to an under-age customer. Continue to support businesses and consumers through a range of interventions

Business Outcome 12 - High Standards of public health and health protection are promoted.

Challenge: Better regulation through proportionate, transparent enforcement, with resources targeted to statutory duties and areas of highest risk

Action: All key performance measures on the Regulatory Service Pyramid Scorecard were achieved for 2018/19, as well as responding to an increasing reactive workload

Business Outcome 23 – Economic Growth Is Supported

Challenge – Develop clear and consistent approach to dealing with Houses of Multiple Occupation (HMO).

Action – As a result of increasing difficulties caused by the development of HMOs in certain communities, a cross service team of Planners, Roads and Environmental Health Officers has developed clear and consistent guidance which will set out how both applications for HMO licenses and planning consent are dealt with. This has been consulted on with the public and stakeholders and approved by PPSL.

Business Outcome 30 – We engage and work with our customers, staff and partners

Challenge – Attain Customer Service Excellence Award across Planning and regulatory Services

Action – Dedicated working groups were set up to achieve this target and a successful assessment was completed in Jan 2019.

Business Outcome 26 - People have a choice of suitable housing options

Challenge - Revising prioritisation of needs for Private Sector Housing Grants (PSHG) adaptation grants.

Action - In order to mitigate the risk of becoming over-subscribed for PSHG grants, it had been intended to revise the assessment criteria thus making grant availability more selective. However regular review over the last 2 years consistently showed an unexpected reduction in application rates for adaptation grants so the proposed revision to assessment criteria was not required. In light of this, going forwards, the service will continue to closely monitor grant application and take up rates in order to identify early any need for revision to the assessment criteria.

Business Outcome 32 : Our workforce is supported to realise its potential

Challenge: To recognise the importance of staff and partnership working.

Action: The service successfully attained a Gold and Silver award at the Councils Excellence Awards in the category of local matters (WW100, Islay event planning) and partnership working (safety advisory groups) respectively

KEY CHALLENGES AND ACTIONS TO ADDRESS CHALLENGES

Key improvements from previous years' APR not completed plus any additional challenges that have been identified

Business Outcome 12 – High standards of public health and health protection are promoted

Challenge: Deliver the Food Safety Audit Improvement Plan and the Food Control Improvement Plan 2016/19

Action: Good progress has been made although issues relating to identify the resource requirements, policies and procedures and redesign of environmental health are ongoing. These will be completed by the 31st December 2019.

Completion Date: December 2019

Business Outcome 12 – High standards of public health and health protection are promoted

Challenge; External Scrutiny and audits.

Action: Deliver the Food Safety Audit Improvement Plan and the Food Control Improvement Plan 2016/19.
Deliver the Internal Audit report for Environmental Health and Trading Standards

Completion Date: December 2019

Business Outcome 15 – Argyll and Bute Is Open For Business

Challenge - Maintain Delivery of Local Development Plan (LDP) Development Plan Scheme On Time:

Corrective Action – After assessment of options, a strategic decision has been taken to delay LDP2 submission to Full Council until September 2019 (originally planned for June 2019). This is allowing time for better communication with Members & SMT (10th June Seminar) prior to submission for approval, time to prepare associated documents (eg: SEA, HRA etc), time to fully proof read the finished document avoiding mistakes before Examination, and avoiding consultation over summer months which may be seen as avoiding the best period outside holidays. Delay of LDP2 adoption till Jan 2021 is not considered to pose any significant risk to the Council given healthy housing land supply and the continuing relevance of the existing LDP.

Business Outcome 23 – Economic Growth Is Supported

Challenge: Work with Scottish Government to deliver two pilot Simplified Planning Zones. Maintain progress to deliver not only the statutory Simplified Planning Zones, but to facilitate delivery of self-build serviced plots on two different sites with two different developers.

Corrective Action - The project continues to carry out due diligence and site investigations at the Whitegates School site and is having to carry out extensive flood investigations which has delayed progress considerably as this is a key impediment to confirming the SPZ (currently vegetation is being cleared in order to allow for further investigation of the burn adjacent the site.). Nevertheless it is anticipated SPZ schemes will be in place for the end of the year which will allow the project to move on to the next phase of site clearance and preparation, and appropriate reports will be made to seek authorisation to utilise the Strategic Housing Fund. Scottish Government Strategic Housing Improvement Plan (SHIP) funding has been allocated to part of the site on Mull.

Business Outcome 23 – Economic Growth Is Supported

Challenge – Produce a Food growing Strategy by April 2020 to comply with new legislation

Action – A project plan has been developed with a small cross service project team identified. Initial drafting of the food growing strategy has been developed and the first survey of local growing groups and stakeholders is being undertaken during May / June 2019. The draft plan will be taken to committee for approval before public consultation later in the year.

Completion Date – April 2020

Business Outcome 23 – Economic Growth Is Supported

Challenge – Revise Helensburgh Waterfront Masterplan

Action – Following the granting of planning consent for the swimming pool on the pier in Helensburgh it has been agreed that the Masterplan which is now seven years old would benefit from updating and refreshing to ensure it remains fit for purpose and useful. The Masterplan will continue to reflect the existing LDP but will be refreshed in light of the new planning consent and any other changed circumstances. The Council's Masterplan guidance will form the basis for carrying out the review and associated public engagement.

Business Outcome 23 – Economic Growth is Supported

Challenge: Production of guidance on agricultural and forestry tracks to assist developers of agricultural/forestry in meeting their requirement to prior notify the Planning Authority before undertaking the development of new and upgraded private ways, and to identify appropriate standards and examples of best practice for upland agricultural and forestry accesses in respect of landscape, visual and environmental impact, flooding and drainage.

Action: New guidance to be prepared by the Development Manager

Completion Date FQ3 2019/20

Business Outcome 23 – Economic Growth is Supported

Challenge: Seek to reduce the proportion of planning applications that are invalid upon receipt thereby improving efficiency and effectiveness of validation services and reducing the overall time taken from submission to determination of planning applications. Whilst the percentage of applications valid on receipt improved to 34% (up from 10.7% in 16/17) following the introduction and promotion of National Validation Standards the process continues to be identified as ‘frustrating’ by customers at DM User Forums and in other feedback.

Action: Analyse invalid planning submissions to identify the most common factors which result in applications being registered as invalid upon receipt. Seek to provide improved/targeted guidance in the identified matters and engage with regular customers to advise them of recurring issues which could readily be addressed. Continue to promote the National Validation Standards published by the Heads of Planning Scotland and participated in their review (expected 2019/20).

Completion Date FQ4 2019/20

Business Outcome 23 – Economic Growth is Supported

Challenge: To retain Customer Service Excellence award for Planning and Regulatory Services.

Action: Review recommendations from 2019 assessment and prepare updated evidence for re-assessment in Jan/Feb 2020.

Completion Date: February 2020

Business Outcome 23 – Economic Growth is Supported
Challenge: Production of 2018/19 Annual Planning Performance Framework Report and submission to the Scottish Government
Action: Prepare and implement project plan for PPF preparation.
Completion Date: 31 st July 2019
Business Outcome 23 – Economic Growth is Supported
Challenge: Adoption of a technical working note on replacement windows in listed buildings and conservation areas within Argyll and Bute.
Action: The Technical Working Note has been produced, approved by PPSL and undergone public consultation and is a material planning consideration. Whilst there were no significant concerns raised during the public consultation early use of the guidance however flagged up some concerns by officers in respect of the consistency of applying guidance for identification of ‘blocks’ and opportunity is being taken to review this in advance of proceeding to adoption of the document. An updated document be referred back to PPSL for adoption during FQ2 2019/20.
Completion Date: FQ2 2019/20
Business Outcome 25 - Argyll and Bute is Promoted To Everyone
Challenge – Promoting awareness and knowledge of outdoor leisure routes in the Argyll and Bute Core Path network
Action - Creating visual view-points layer within "Where To Go Outdoors Website" which allows photographs of key viewpoints to be seen on the website and can be linked with the Council’s drive to develop use of Instagram.
Completion Date: End FQ4 2019/20
Business Outcome 26 - People have a choice of suitable housing options
Challenge – Maximise utilisation of available Scottish Government Funding for Affordable Housing by developing closer working between Planning and Housing.
Action - Develop between Planning and Housing an integrated production process for the SHIP and LHS which will utilise GIS based information to improve knowledge of proposed RSL housing sites, thus ensuring a more accurate and improved housing delivery programme, and ultimately helping to
Completion Date: End FQ4 2019/20

Business Outcome BO27 - Our Infrastructure is safe and fit for the future
Challenge – Ensure maximum delivery of housing by helping to remove impediments such as infrastructure.
Action - Explore avenues for innovative delivery of housing with partner agencies such as HIE, RSLs, and create an action programme to implement.
Business Outcome BO28 We are efficient and cost effective
Challenge – Fully digitalise all document and evidence exchanges for LDP2 Examination in Public.
Action – We have engaged with IT services and our GIS team to develop the necessary back office systems which will allow deliver of this efficiency target later in 2019 and 2020.
Business Outcome 31 – We have a culture of continuous improvement
Challenge: Implement pilot for mobile solutions
Action: The pilot, whilst delayed, is now ongoing to test the use of a mobile solutions platform which links to our ICT system for operational work.
Completion Date; December 2019
Business Outcome 31 – We have a culture of continuous improvement
Challenge: Service Improvements and Management
Action: <ol style="list-style-type: none"> 1. Ensure that service plans, Balanced Scorecard and arrangements/resources are in place to deliver these 2. Ensure that there are appropriate transitional arrangements in place to meet the challenges from Council restructuring and maintain service delivery 3. Deliver the Joint Health Protection Plan and respond to the emerging challenges from the public health reform agenda. 4. To liaise with Food Standards Scotland to identify feed enforcement in Argyll and Bute 5. Enhanced work relating to ICT systems, including the possible transition to a new electronic document management system, better use of ICT, and completion of the mobile working technology pilot in environmental health Respond to the challenges from EU Withdrawal, including the certification issues relating to the food export market, and an increase in general regulatory activity across environmental health animal heat and trading standards.
Completion Date: March 2020

Business Outcome 31 – We have a culture of continuous improvement

Challenge: Customer standards

Action: Retaining our Customer Service Excellence Award and building upon the existing standards of customer service

Completion Date: January 2020

CONSULTATION AND ENGAGEMENT

Supports Business Outcome 23 – Economic Growth Is Supported

We asked (focus of consultation)	You said (customer response)	We did (improvement actions)
Houses In Multiple Occupation	Perceived issues with anti-social behaviour, approach to and consistent methodology for application of the over provision policy, parking requirements potential to be onerous for certain situations, application of the guidance to renewals, impact on shared services e.g. septic tanks and un-adopted roads, maintenance issues and demand related to Community Planning Projects being considered a mitigating factor	A Summary Consultation Analysis was published. All the comments made were taken into consideration and have resulted in a number of changes to the Technical Note, in particular in relation to the overprovision policy, parking requirements, shared services and mitigating factors.

Supports Business Outcome 23 Economic Growth is Supported

We asked (focus of consultation)	You said (customer response)	We did (improvement actions)
Development Management User Forums, Planning Application Exit Questionnaires and content of complaints.	A range of positive and negative responses and suggestions for service improvements	Analysed feedback, and identified service improvement actions as appropriate.

Supports Business Outcome 26 - People have a choice of suitable housing options

We asked (focus of consultation)	You said (customer response)	We did (improvement actions)
Helensburgh and Lomond Housing Market Study	Apart from the impact of increased workforce at the Naval Base, and a small requirement for specialist provision particularly in the Helensburgh Corridor, there is minimal existing need for additional supply beyond the proposed programme of development. The majority of local residents are satisfactorily accommodated and do not require, or intend, to move in the next few years.	The HMA will continue to be monitored and Housing Supply Targets for the next LHS will take account of the findings from this consultation together with further updated analysis. The findings will also inform the priorities, outcomes & action plan that will be developed for the next LHS in 2021.

Supports Business Outcome 30 – We engage with our customers, staff and partners		
We asked (focus of consultation)	You said (customer response)	We did (improvement actions)
Customer surveys were undertaken across the specific areas of environmental health and trading standards	93% of customers were very satisfied with the overall service they received.100% felt that our advice had helped them with regards to their health (feeling less stressed) and better able to manage the payment of their bills (Debt counselling)	We achieved the Customer Services Excellence award

Angus Gilmour, Head of Planning, Housing and Regulatory Service

Planning and Regulatory Services Annual Scorecard 2018/19

Planning, Housing & Regulatory Services Scorecard 2017-20

Scorecard owned by: **Angus Gilmour**
FY 18/19

Click here for Full Outcomes

Development Policy Team Scorecard

Development Management Team Scorecard

Building Standards Team Scorecard

Regulatory Services Team Scorecard

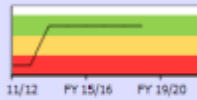
Housing Services Team Scorecard

Click here for Dev & Infrastructure Services Scorecard

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

Aligns to ABOIP Outcome No. 5

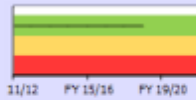
Success Measure **G** →



BO13 Our built environment is safe and improved [PR]

Aligns to ABOIP Outcome No. 6

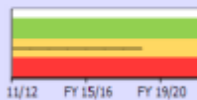
Success Measure **G** →



BO03 Prevention and support reduces homelessness [PR]

Aligns to ABOIP Outcome No. 5

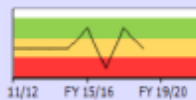
Success Measure **A** →



BO15 Argyll and Bute is open for business [PR]

Aligns to ABOIP Outcome No. 2

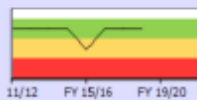
Success Measure **A** ↓



BO05 Information and support are available for everyone [PR]

Aligns to ABOIP Outcome No. 5

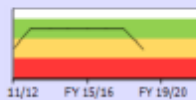
Success Measure **G** →



BO23 Economic growth is supported [PR]

Aligns to ABOIP Outcome No. 1

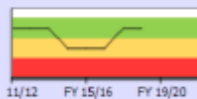
Success Measure **A** ↓



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

Aligns to ABOIP Outcome No. 6

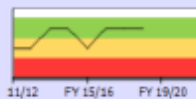
Success Measure **G** →



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

Aligns to ABOIP Outcome No. 1

Success Measure **G** →



Management Information

RESOURCES

People	Benchmark	Target	Actual	Status	Trend
Sickness absence PR		7.0 Days	6.5 Days	G	↓
PDRs PR		90 %	97 %	G	↑

Financial	Budget	Forecast	Status	Trend
Finance Revenue totals PR	£K 5,844	£K 5,649	R	↓
Capital forecasts - current year PR				
Capital forecasts - total project PR				

IMPROVEMENT

PHR Service Improvements 2017-20	Total No	Off track	On track	Complete	Status	Trend
Actions	14	1	8	5	A	

Planning, Housing & Regulatory Services Audit Recommendations	Overdue	Due in future	Future - off target	Status	Trend
	1	6	0	R	→

Health & Safety	Overdue	Rescheduled	Actions in Plan	Complete
Service H&S Plan Actions	1	1	9	7
H&S Investigation Actions	0	0	0	0

Customer Service PR	Customer satisfaction	100 %	Status	Trend
Customer Charter	G	Stage 2 Complaints	50 %	R ↑
Number of consultations	5	Stage 2 Complaints	50 %	R ↓

Planning, Housing & Regulatory Services Scorecard 2017-20

Scorecard owned by: **Angus Gilmour** FY 18/19

[Click here for Full Scorecard](#)

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

Aligns to ABCIP Outcome No. 5
Success Measure **G** →

BO01 The health of our people is protected through effective partnership working - Net
Budget £ 3,709
Forecast £ 3,709

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

BO03 Prevention and support reduces homelessness [PR]

Aligns to ABCIP Outcome No. 5
Success Measure **A** →

BO03 Prevention and support reduces homelessness - Net
Budget £ 2,244,144
Forecast £ 2,244,144

PR03_01-The percentage of clients leaving the Housing Support Service with a planned approach
Actual 71%
Target 80%
Benchmark ↓

PR03_02-The percentage of positive homeless prevention interventions [prevant 1]
Actual 58%
Target 50%
Benchmark ↑

BO05 Information and support are available for everyone [PR]

Aligns to ABCIP Outcome No. 5
Success Measure **G** →

BO05 Information and support are available for everyone - Net
Budget £ 504,060
Forecast £ 504,060

PR05_01-Provide consumer advice and to undertake formal interventions within 14 days
Actual 88%
Target 88%
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 ABCIP Outcome No. 6
Success Measure **G** →

BO12 High standards of Public health and health protection are promoted - Net
Budget £ 1,010,887
Forecast £ 1,001,072

PR12_01-Increase the % of broadly compliant food businesses as a result of our enforcement interventions
Actual 87.2%
Target 85.0%
Benchmark ↓

PR12_02-Respond to public health incidents which have an immediate impact on public health within 20 working days
Actual 88%
Target 78%
Benchmark ↑

BO13 Our built environment is safe and improved [PR]

Aligns to ABCIP Outcome No. 6
Success Measure **G** →

BO13 Our built environment is safe and improved - Net
Budget £ 38,349
Forecast £ -136,051

PR13_01-Respond to building warrant applications within 20 Days
Actual 96.2%
Target 80.0%
Benchmark ↑

PR13_02-Respond to Completion Certificate applications within 10 days
Actual 2.4 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 ABCIP Outcome No. 2
Success Measure **A** ↓

BO15 Argyll and Bute is open for business - Net
Budget £ 610,171
Forecast £ 610,171

PR15_01-Update and Improve our Conservation Area Appraisal Coverage
Actual On track to revised plan
Target On track

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

BO23 Economic growth is supported [PR]

Aligns to ABCIP Outcome No. 1
Success Measure **A** ↓

BO23 Economic growth is supported - Net
Budget £ 199,158
Forecast £ 189,358

PR23_01-Determine 'All Local Planning Applications' quicker than the National Average
Actual 10.0 Wks
Target 10.0 Wks
Benchmark 8.8 Wks

PR23_02-Achieve an above national average level of application approval rates
Actual 97.3%
Target 95.0%
Benchmark 93.0%

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

Aligns to ABCIP Outcome No. 5
Success Measure **G** →

BO26 People have a choice of suitable housing options - Net
Budget £ 765,366
Forecast £ 765,366

PR26_01-Number of new affordable homes completed per annum.
Actual 45
Target 45
Benchmark 36

PR26_02-Number of empty properties back in use per annum.
Actual 48
Target 25
Benchmark ↓

PR26_03-Amount of income generated by Welfare Rights
Actual £ 3,637,594
Target £ 2,500,000

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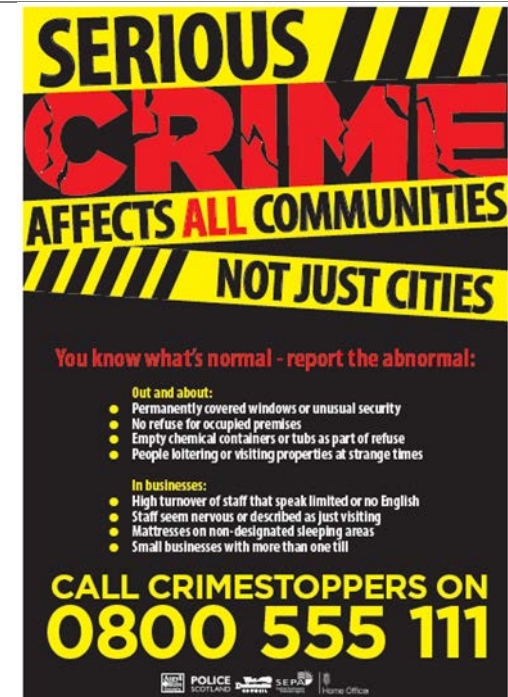
CASE STUDIES ILLUSTRATING THE POSITIVE CONTRIBUTION TO OUR COMMUNITIES

PLANNING, HOUSING AND REGULATORY SERVICES

Business Outcome 1 - The health of our people is protected through effective partnership working

Multi-Agency Working (PHRS)

A multi-agency Detect and Disrupt Group tackling serious and organised crime, across Argyll and Bute Council and West Dunbartonshire Council, has been successful in targeting incidents relating to illegal workers, food and environmental crime and to protecting consumers from being subjected to frauds and scams. As a result, this approach has developed systems for the sharing of intelligence, joint working operations, sharing of best practice, targeting resources driven by intelligence and rising awareness across Council and other employees.



Business Outcome 12- High standards of Public health and health protection are promoted**Emergency Drinking Water Supplies (PHRS)**

Emergency arrangements were implemented across Argyll and Bute to provide alternative drinking water (principally bottled water) to properties on private water supplies which were drying up or had insufficient quantities during the summer months. Users of private water supplies account for 12% of the total population of Argyll and Bute and this increases during the tourist season., It was imperative that these properties had access to a safe drinking water and these arrangements were funded by the Scottish Government

Age-related sales operations and sale of tobacco (PHRS)

Advice visits continually found non-compliances and action was taken to ensure that appropriate procedures were implemented. During the limited directed surveillance underage sales operations, using an under-age volunteer to try and make a purchase, 100% of those businesses visited in 2018/19, which were selling tobacco and Novel Vaping Products (NVP) products, did not sell. This was an indication the businesses had satisfactory age-related sales procedures in place. This is an increase from 89% in 2017/18 and shows an improvement against the previous trend where premises found to be selling such products illegally to customers under 18 years of age, was increasing. In public health terms this is welcomed but further work will be undertaken in 19/20 to assess whether this improvement is representative and sustainable.

Business Outcome 15 – Argyll and Bute is open for business

Compliant food businesses (PHRS)

Through proportionate regulation, environmental health have supported compliant food businesses to continue to operate locally, nationally and in accessing worldwide markets, In 2017/18, 2034 export certificates were issued (an increase in 30% from 16/17) which have allowed local businesses to export food (principally fish, shellfish and whisky) to countries out with the EU. This is a key economic driver as well as protecting food safety and the reputation of food products from Argyll and Bute

Business Outcome 23 - Economic growth is supported

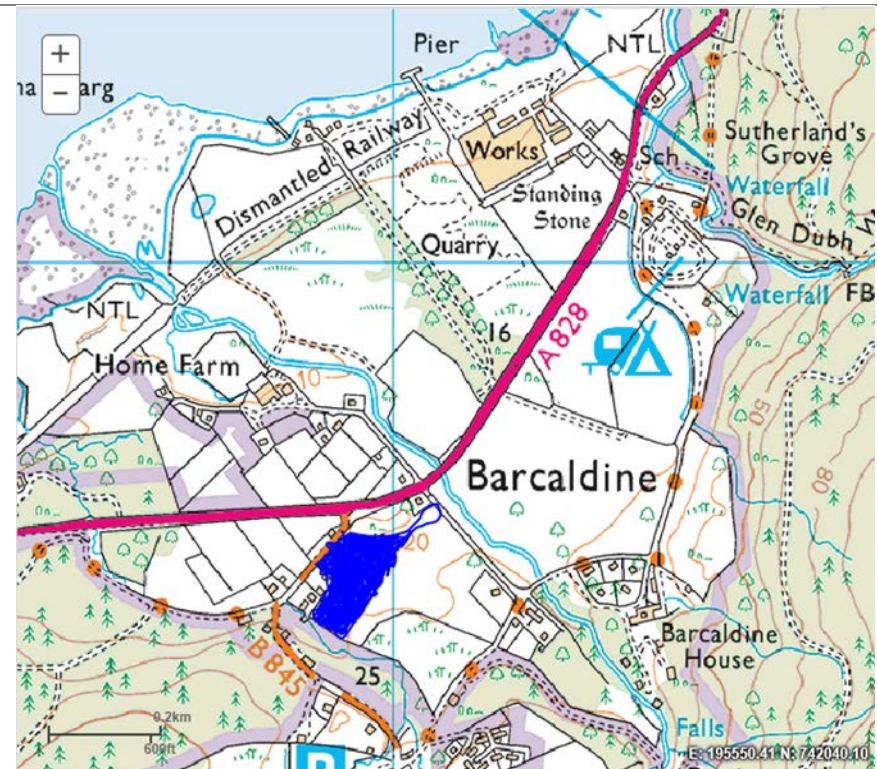
Affordable Housing (PHRS)

As a result of the investment in Barcaldine being made by Scottish Sea Farms it is anticipated that there will be an associated increase in local housing demand.

Accordingly, Argyll and Bute Council have worked in partnership with West Highland Housing Association and the Scottish Government to identify and fund the delivery of a ten unit affordable housing scheme which will include units for sale with shared equity and for rent.

The proposal has been granted planning consent in 2017 and the Scottish Government awarded Housing Grant in April 2018 so that work could start in August 2018.

It is hoped that this development will help to retain locally some of the economic benefits of the Scottish Sea Farms investment by providing the opportunity to live and work within the village.



Ardnahoe Distillery on Islay - flexible policy approach (PHRS)

The Planning Service is corporately aligned with the aspirations set out by the Council in the Argyll and Bute Outcome Improvement Plan (ABOIP) for a “thriving broad based economy” with growth in sectors including “renewables, tourism, food and drink, marine science and digital knowledge”. The Council’s Local Development Plan provides a flexible framework to support development within economically fragile areas and is underpinned by the engagement of the Development Management Service to deliver permissions on the ground. The case study below from the July 2018 PPF submission provides an overview of the flexible policy approach, the role of the Planning Service from pre-application engagement and its ability to identify solutions to issues during the application process, and customer feedback on how our engagement and positive approach has facilitated the development of Ardnahoe Distillery on Islay which commenced production in April 2019 following construction works of approximately £2.5m, much of which has been undertaken by an Islay based contractor, and the direct creation of up to 19 new jobs.

Business Outcome 26 - People have a choice of suitable housing options

Stimulating Housing and Development (PHRS)

Reflecting the concern that a lack of housing contributes to population decline, over recent years the Council has worked hard to review its housing land supply in order to verify that it is fit for purpose and not acting as an impediment to the delivery of new housing building. Building on this work the Council is now exploring innovative ways in which it can contribute to or facilitate the further delivery of a variety of housing types.

The Council, along with a wide range of stakeholders including landowners, stakeholders, housebuilders and communities has inputted to a recent Highlands and Islands Enterprise Report: Stimulating Housing and Development which was produced during 2017.

Some of the main issues which have emerged from the study are: a need for access to land for the right type in the right places; Infrastructure, site servicing and connecting to utilities is an impediment; Planning and Building Regulations are still perceived as an impediment; limited building sector capacity and labour supply; there is need for Innovations in funding; there is a need to Enable community led approaches

Many of these issues mirror those we have been tackling within our Area and to consider and take forward the recommendations in more detail a Housing Innovation Working Group has been set up to include Highlands and Islands Enterprise (HIE), Planning and Housing Services of the Council, and stakeholders from the Local Housing Forum including Registered Social Landlords (RSL) and private builders.

Amongst some of the actions being explored and or taken forwards are:

- Developing a Simplified Planning Zone for Lochgilphead and Salen which will deliver self-build plots to the local market.
- Disposal of public sector assets for housing development which is seeing significant numbers of affordable and private housing.
- Supporting community lead housing schemes such as on Iona.
- Utilisation of HIF funding to deliver strategic infrastructure unlocking housing and business sites.
- Exploring the options of pre-fabricated building thus reducing the cost of construction times in remote rural areas.
- Exploring the use of container units for accommodating construction staff in remote areas.
- Understanding and tackling additional island building costs.
- Exploring the potential to grant or loan funds for small site infrastructure.
- Providing self-build mortgages

- Producing Local Area Housing Needs Studies
- Employing an empty homes officer who has brought into use over 300 empty properties.
- Collaborating with Highlands Housing trust



Self build with ease in a short period of time.



indigohouse | Ipsos | Ipsos MORI Scotland | HIE Highlands and Islands Enterprise

Business outcome 33 – Information and support are available for our communities through the redesign of advice services.

Core statutory advice services (PHRS)

The Council agreed on the 16th August 2018 to implement a new model for the delivery of core statutory advice services within Argyll and Bute. The new model aimed to find capacity with a reducing budget, reduce duplication, utilise new technology and ensuring that clients, particularly the vulnerable in our communities, have access to appropriate advice. Implementation of the review is nearing completion and has involved the:

- Development of an assessment tool for vulnerability and a triage system where clients are supported by a range of different routes including Council, directly funded advice agency, other local and national providers.
- Council services focusing on the provision of welfare rights, homelessness and debt advice to particular vulnerable clients with others directed to a single advice agency supported by the Council, providing specific advice services to others.
- Improved governance arrangements including the development of a multiagency Financial Inclusion and Advice Group
- A redesigned debt counselling and welfare rights team within the Council
- Improved use of the Council website to provide specific information on advice services, including affordable credit , to support clients

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ARGYLL AND BUTE COUNCIL

**PLANNING, PROTECTIVE SERVICES
AND LICENSING COMMITTEE**

CUSTOMER SUPPORT SERVICES

21 AUGUST 2019

**LOCAL GOVERNMENT BENCHMARKING FRAMEWORK 2017/18 – ANALYSIS
AND COMMENTARY**

1.0 EXECUTIVE SUMMARY

- 1.1 This paper presents the final Local Government Benchmarking Framework (LGBF) 2017/18 data for Argyll and Bute which includes our ‘Telling Our Story’ and ‘Looking Forward – Expected Impact on Indicator’ commentary from Heads of Service.
- 1.2 It is recommended that the Planning, Protective Services and Licensing Committee (PPSLC):
- Considers the contents of the report for scrutiny activity and performance reporting purposes.
 - Notes that the completed LGBF 2017/18 is published on our website as part of the Council’s statutory Public Performance Reporting duty.

ARGYLL AND BUTE COUNCIL

**PLANNING, PROTECTIVE SERVICES
AND LICENSING COMMITTEE**

CUSTOMER SUPPORT SERVICES

21 AUGUST 2019

LOCAL GOVERNMENT BENCHMARKING FRAMEWORK (LGBF) 2017/18

ANALYSIS AND COMMENTARY

2.0 INTRODUCTION

- 2.1 This paper presents an overview of the relevant Local Government Benchmarking Framework (LGBF) indicators 2017/18 and the Council's performance. LGBF is used as the main tool for comparing Council performance and has been developed by COSLA and the Improvement Service.
- 2.2 The paper presents the 5 Planning, Protective Services and Licensing Committee performance indicators from the final LGBF 2017/18 data for Argyll and Bute. The analysis includes 'Telling Our Story' and 'Looking Forward – Expected Impact on Indicator' commentary from Heads of Service. The completed LGBF 2017/18 is published on our website as part of the Council's statutory Public Performance Reporting duty.
- 2.3 The report highlights our performance as well as setting out the wider context within which we are delivering our services.

3.0 RECOMMENDATIONS

It is recommended that the Planning, Protective Services and Licensing Committee (PPSLC):

- 3.1 Considers the contents of the report for scrutiny activity and performance reporting purposes.
- 3.2 Notes that the completed LGBF 2017/18 is published on our website as part of the Council's statutory Public Performance Reporting duty.

4.0 DETAIL

- 4.1 All Scottish Councils participate in the Local Government Benchmarking Framework (LGBF) which is managed and produced by the Improvement Service (IS). The purpose of the LGBF is to improve performance through Benchmarking and sharing good practice between councils.

- 4.2 The Framework consists of 81 indicators that are collected through various means during the year, for example directly to the IS, CIPFA, the Scottish Government or the Scottish Household Survey (SHS). Many of the indicators have data from 2010/11.
- 4.3 The LGBF is a key element of our Performance and Improvement Framework (PIF). The PIF enables the Council to deliver its statutory duty to 'make arrangements to secure Best Value (continuous improvement in the performance of functions)' as required by the Local Government in Scotland Act 2003.
- 4.4 Some of the indicators in the LGBF are used strategically in our Service Plans and Scorecards while others are used operationally for Benchmarking. Some services also use other sources of benchmarking information where this is more relevant to their service.
- 4.5 The LGBF uses a rank structure to illustrate performance, from 1st to 32nd with the Scotland average also shown. The rank structure should be used in context of the actual performance. For example our performance may have improved but our rank position may have fallen – this is because other Councils have also improved.
- 4.6 With this in mind, rather than simply analyse the data, Heads of Service have added commentary that helps us 'Tell Our Story'. This also helps put into perspective some of the challenges and achievements that have occurred. The 'Looking Forward – Expected Impact on Indicator' section contains additional commentary by Heads of Service and explains any improvements that have been identified in the process.
- 4.7 Our performance should also be viewed in the context of the challenges we face. These challenges mainly come in the form of geography, demography and finance.
- 4.8 The financial climate we operate within is challenging. Over the past 5 years Argyll and Bute Council has had the third largest cut to its core funding of all of Scotland's councils since 2013/14. This is despite having the highest number of inhabited islands (23) and the second largest mainland area and facing challenges of depopulation, rurality and deprivation.
- 4.9 Over the past nine years we have met the challenge of delivering £50 million in savings.
- 4.10 The direct impact of these savings has meant that we have had to prioritise our services against our strategic objectives whilst ensuring that we meet our statutory requirements. As a result we have taken prudent decisions to reflect as far as possible the needs of our communities, aware that these decisions may adversely impact on the performance of some of the indicators within the LGBF report.

- 4.11 The final data is normally received at the end of March / early April each year. Since then the data has been analysed and is now presented in a more user friendly way. It should be noted that the base year differs for some indicators.
- 4.12 This report presents the 5 performance indicators that relate to Planning, Protective Services and Licensing Committee areas of interest.
- 4.12 This report is a large piece of work with the objective of improved performance engagement and scrutiny by Officers, Elected Members and the Public. Consideration for future presentation options will be taken forward during the course of 2019/20, i.e. whether to continue with the presented format or use Pyramid to illustrate our performance.
- 4.13 Many of the Improvements mentioned in Looking Forward are captured in the current Service Plans, either as success measures or improvements. Other Improvements that are noted in Looking Forward will be identified and built in Pyramid.
- 4.14 The Improvement Service are holding a series of Learning and benchmarking events throughout the year. The purpose of these is to work with councils to further improve the appropriateness of the indicators. We are fortunate that Executive Director Pippa Milne is a member of the Board of the LGBF and this will support our engagement going forward.

5.0 CONCLUSION

- 5.1 The PPSLC considers the contents of the report for scrutiny activity and performance reporting purposes.
- 5.2 Notes that analysis and commentary on the full suite of LGBF indicators which was reviewed by the Audit and Scrutiny committee at their June meeting can be accessed via the following link:
<https://www.argyll-bute.gov.uk/moderngov/ieListDocuments.aspx?CId=595&MId=8311&Ver=4>

6.0 IMPLICATIONS

6.1	Policy	None
6.2	Financial	None
6.3	Legal	Publication forms part of our statutory Public Performance Reporting duty
6.4	HR	None
6.5	Fairer Scotland Duty	No impact assessment required for this report, although the report notes that there are geographic and demographic issues that impact on LGBF performance indicators.
6.5.1	Equalities – protected characteristics	N/A
6.5.2	Socio-economic Duty	N/A
6.5.3	Islands	N/A
6.6	Risk	Engaging with the LGBF is an area of interest for the upcoming BV3 audit.
6.7	Customer Service	None

Pippa Milne, Executive Director
21 August 2019

For further information contact: Jane Fowler, Head of Customer Support Services

Appendices

Appendix 1 – LGBF 2017-18 Planning, Protective Services and Licensing Committee
PIs

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LOCAL GOVERNMENT BENCHMARKING FRAMEWORK (LGBF) 2017/18

Argyll and Bute

TELLING OUR STORY and
LOOKING FORWARD - EXPECTED IMPACT ON INDICATOR

Contents – List of indicators

INTRODUCTION AND KEY TO SYMBOLS	2
PLANNING, HOUSING AND REGULATORY SERVICES	3
INDICATOR REF: ENV5 - Cost of trading standards and environmental health per 1,000 population !	3
INDICATOR REF: ENV5a - Cost of trading standards, money advice & citizen advice per 1000 population !	5
INDICATOR REF: ENV5b - Cost of environmental health per 1,000 population !	7
INDICATOR REF: ECON 2 - Cost per planning application	9
INDICATOR REF: ECON 3 - Average time per business and industry planning application (weeks) !	11

INTRODUCTION AND KEY TO SYMBOLS

↓ ↑ An improvement in performance – the arrow indicates the direction of travel

↓ ↑ A reduction in performance – the arrow indicates the direction of travel

↓ ↑ The performance itself isn't being measured – simply a fact i.e. 'how much is being spent'

→ No difference in position since last reporting period

★ Large improvement in performance

! Performance has dropped or is of interest

PLANNING, HOUSING AND REGULATORY SERVICES

SERVICE: PLANNING, HOUSING AND REGULATORY SERVICES			
INDICATOR REF: ENV5 - Cost of trading standards and environmental health per 1,000 population !			
Performance Range: £8,511 to £52,989 (Lowest is best)			
ARGYLL AND BUTE		SCOTLAND	
£38,498 ↑		£21,385 ↓	
CHANGE 2016/17 TO 2017/18	21.11% ↑	CHANGE 2016/17 TO 2017/18	-1.83% ↓
CHANGE BASE YEAR TO 2017/18	-5.04% ↓	CHANGE BASE YEAR TO 2017/18	-21.48% ↓
RANK POSITION: 31 st ↓ RANK MOVEMENT: 1 ↓			
FAMILY GROUP RANKING 2017/18 RANK POSITION: 8 th RANK MOVEMENT: 1 ↓			
TELLING OUR STORY:			
This indicator is looking at the combined cost of trading standards and environmental health (the next two indicators) but also includes other services delivered by the Council including public conveniences			
The figures indicate an increase in the overall budget, although this is not reflective of the 2% efficiency savings which were made in 2017/18. The increase in budget is as a result of new funding provided by the Scottish Government for the enforcement of Novel Vaping Products or e- cigarettes. In addition, the figures include money advice and citizens advice costs, which account for £152,379 which were excluded from previous returns. The resultant impact is an additional cost of £189,927 in the 2017/18 budget. Comparing the equivalent budgets on 16/17 and 17/18, there is an overall equivalent reduction of £37,548			
The level of population has an impact on this indicator.			

The Scotland average has decreased by £398, but some of the decrease can be attribute to the MYE rise in population (20,100).

LOOKING FORWARD - EXPECTED IMPACT ON INDICATOR:

Delivering these regulatory services across a large geographical area disadvantages Argyll and Bute Council in this performance measure as our ranking will always be in the lower quartile with other rural authorities. A more meaningful measure is to benchmark this with our rural benchmarking partners and to use a 1000 square kilometre measure.

The benchmark costs will reduce in 2018/19 and 2019/20, as a result of savings which have been made across environmental health and trading standards, and increased income levels.

We have benchmarked our fees and charges with other local authorities to ensure that they are comparable and self-financing. This will seek to reduce the net costs of service delivery.

SERVICE: PLANNING, HOUSING AND REGULATORY SERVICES

INDICATOR REF: ENV5a - Cost of trading standards, money advice & citizen advice per 1000 population !

Performance Range: £1,316 to £17,547 (Lowest is best)

ARGYLL AND BUTE		SCOTLAND	
£9,527 ↑		£5,890 ↑	
CHANGE 2016/17 TO 2017/18	44.17% ↑	CHANGE 2016/17 TO 2017/18	5.20% ↑
CHANGE BASE YEAR TO 2017/18	49.31% ↑	CHANGE BASE YEAR TO 2017/18	6.24% ↑
RANK POSITION: 26 th ↓ RANK MOVEMENT: 6 ↓			
FAMILY GROUP RANKING 2017/18			
RANK POSITION: 5 th RANK MOVEMENT: 1 ↓			

TELLING OUR STORY:

This indicator is again looking at the cost of trading standards but with money advice and citizen advice. The indicator previously showed the cost of trading standards only, as from 2017/18 it includes Money Advice and Citizen Advice per 1,000 population. Trend data is therefore not comparable this year. The costs for money advice and citizens advice costs account for £152379 which were excluded from previous returns.

The figures indicate an increase in the overall budget, although this is not reflective of the 2% efficiency savings which were made in 2017/18. The increase in budget is as a result of new funding provided by the Scottish Government for the enforcement of Novel Vaping Products or e- cigarettes.

Comparable budgets for 16/17 and 17/18 for trading standards would show a reduction in budget of £189,927

The level of population has an impact on this indicator.

LOOKING FORWARD - EXPECTED IMPACT ON INDICATOR:

Delivering these regulatory services across a large geographical area disadvantages Argyll and Bute Council in this performance measure as our ranking will always be in the lower quartile with other rural authorities. A more meaningful measure is to benchmark this with our rural benchmarking partners and to use a 1000 square kilometre measure.

The costs will reduce in 2018/19 and 2019/20, as a result of savings which have been made across trading standards and the redesign of advice services.

To improve collaborative working and provide efficiencies, we have joined a North of Scotland Trading Standards Collaborative with other local authorities (Aberdeen City, Aberdeenshire, Argyll and Bute, Highland, Moray, Orkney, Western Isles), this will provide efficiencies although they may not significantly reduce this measure, which is population based and impacted by depopulation.

SERVICE: PLANNING, HOUSING AND REGULATORY SERVICES

INDICATOR REF: ENV5b - Cost of environmental health per 1,000 population !

Performance Range: £6,848 to £35,441 (Lowest is best)

ARGYLL AND BUTE		SCOTLAND	
£28,971 ↑		£15,496 ↓	
CHANGE 2016/17 TO 2017/18	15.06% ↑	CHANGE 2016/17 TO 2017/18	-4.26% ↓
CHANGE BASE YEAR TO 2017/18	3.47% ↑	CHANGE BASE YEAR TO 2017/18	-11.88% ↓
RANK POSITION: 31 st → RANK MOVEMENT: 0 →			
FAMILY GROUP RANKING 2017/18			
RANK POSITION: 7 th RANK MOVEMENT: 1 ↑			

TELLING OUR STORY:

The cost has risen by £321,000 on the year. This is the second largest increase across Scotland. Some of this increase in cost can be attributed to the drop in the population MYE figure. The authority with a larger cost increase has seen a population increase.

The Scotland average has seen a decrease of £689 / 1,000 population. Again some of the decrease in cost can be attributed to the rise in population.

This indicator includes the costs of delivering environmental health but also other services including public conveniences.

In reviewing the budget, the actual budgeted costs for environmental health have reduced by 3% although it is recognised that this indicator includes other costs above solely environmental health

Benchmarking figures for environmental health published by APSE, indicate that the net cost of delivering environmental health per 100 population is £12.87 which is a reduction from the 2016/17 figure of. It is also noted that income levels with total income levels being 27.6% of total expenditure

LOOKING FORWARD - EXPECTED IMPACT ON INDICATOR:

Delivering these regulatory services across a large geographical area disadvantages Argyll and Bute Council in this performance measure as our ranking will always be in the lower quartile with other rural authorities. A more meaningful measure is to benchmark this with our rural benchmarking partners and to use a 1000 square kilometre measure.

We have benchmarked our fees and charges with other local authorities to ensure that they are comparable and self-financing. This will seek to reduce the net costs of service delivery for 18/19 and 19/20 although the impact may be negligible in terms of the rating in this measure.

Legislative changes can adversely impact on Councils and there will be an increase in workload as a result of the new private water supply regulations and official controls for food safety. This may increase gross costs as new resources will be necessary to meet statutory duties. These should be offset, in part, with additional income levels.

SERVICE: PLANNING, HOUSING AND REGULATORY SERVICES

INDICATOR REF: ECON 2 - Cost per planning application

Performance Range: £2,536 to £10,801 (Lowest is best)

ARGYLL AND BUTE		SCOTLAND	
£3,133 ↑		£4,819 ↑	
CHANGE 2016/17 TO 2017/18	9.84% ↑	CHANGE 2016/17 TO 2017/18	3.61% ↑
CHANGE BASE YEAR TO 2017/18	-52.90% ↓	CHANGE BASE YEAR TO 2017/18	-11.90 ↓
RANK POSITION: 4 th ↓ RANK MOVEMENT: 3 ↓			
FAMILY GROUP RANKING 2017/18			
RANK POSITION: 3 rd RANK MOVEMENT: 2 ↓			

TELLING OUR STORY:

The number of planning applications has dropped by 20 to 1,034 or -1.9%.

Total Gross Expenditure has increased by £236,000, this in turn has impacted on the cost per application, which has risen by £280 from £2,853 to £3,133.

The Scotland average has seen a rise in cost of £167 and a drop in applications of 753.

LOOKING FORWARD - EXPECTED IMPACT ON INDICATOR:

Argyll and Bute Council continue to be very cost effective in its delivery of its Development Management function. This position has been achieved through delivery of a programme of efficiency savings and reducing staff numbers over a 10 year period which have seen the DM budget reduce by 68% from £805k in 07/08 to £272k for 2017/18.

The increase in Council expenditure during 17/18 has arisen from a significant shortfall from the forecast planning fee income for that period which amounted to an additional £236k from 2016/17. The downturn in planning fee income was related to a reduced number of high-value major and locally significant applications during 2017/18 which would normally be expected to generate a significant proportion of planning fee income; despite the shortfall in income it is noted that the overall volume of applications remained constant and was only 20 submissions less than the previous period - this is significantly better than the National position which indicates an average reduced in application volume of 753 submissions.

It is noted that during 2018/19 planning fee income has returned to forecast levels.

Whilst application levels have remained high it is however noted that Argyll and Bute's planning caseload consists of a high proportion of no-fee and low fee value submissions in comparison to more urban areas. The Scottish Government's Planning Bill which is currently progressing through parliamentary process seeks to deliver reform to the planning system and is expected to be accompanied by revisions to fee structures that more closely reflect the costs to local authorities of delivering the development management process.

SERVICE: PLANNING, HOUSING AND REGULATORY SERVICES			
INDICATOR REF: ECON 3 - Average time per business and industry planning application (weeks) !			
Performance Range: 5.71 to 16.61 (Lowest is best)			
ARGYLL AND BUTE		SCOTLAND	
12.09 ↓		9.34 ↑	
CHANGE 2016/17 TO 2017/18	30.86% ↓	CHANGE 2016/17 TO 2017/18	-2.61% ↑
CHANGE BASE YEAR TO 2017/18	12.36% ↓	CHANGE BASE YEAR TO 2017/18	-33.33% ↑
RANK POSITION: 27 th ↓ RANK MOVEMENT: 9 ↓			
FAMILY GROUP RANKING 2017/18			
RANK POSITION: 6 th RANK MOVEMENT: 1 ↓			
TELLING OUR STORY:			
<p>There has been a large increase in the time taken to deliver a business or industry planning application, up from 9.24 weeks to 12.09 weeks. Factors such as staffing levels can have an impact on this indicator.</p> <p>The Scotland average has improved from 9.59 weeks to 9.34 weeks.</p> <p>There is no breakdown of cost for commercial applications.</p>			
LOOKING FORWARD - EXPECTED IMPACT ON INDICATOR:			
<p>As a result of a significant shortfall in planning fee income during 2017/18 the Development Management Service sought to minimise the financial effects upon the Council by not backfilling posts that became vacant during this period. This action, along with an overall reduction in the DM staff pool to deliver planned budget savings, resulted in the Service operating for a substantial part of 2017/18 with a 20% reduction in professional staff than the previous reporting period and a consequent adverse impact upon time periods for determination of planning applications. Looking forward, whilst vacant positions have been backfilled the planned budget savings for 2017/18 and 2018/19 have seen a reduction in DM staff by 5fte from 2016/17 which has reduced the overall resilience of the Service to cope with periods of higher than normal demand or extended periods of absence without there being adverse impacts on performance.</p> <p>It is highlighted however that simply measuring speed of decision making alone is not considered to be a good indicator of the overall quality of planning service provided. Whilst speed of decision making is acknowledged to be a significant factor in provision of a quality service it is contended that achieving</p>			

the right outcome of delivering the right development in the right place is an even more important element which requires to be taken into account. These qualitative outcomes are more difficult to capture in performance reporting but can be evidenced to some degree by high levels of customer satisfaction and approval rates. It is noted that the Heads of Planning Scotland has sought to advocate for a shift from numeric to qualitative performance markers and has embedded this approach within the Planning Performance Framework.

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

PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE – 21st August 2019

UPDATE ON RECENT SCOTTISH GOVERNMENT PLANNING APPEAL DECISIONS

A) INTRODUCTION

This report summarises the outcome of a recent appeal against the non-determination of application 18/01444/PP on land to the north of Cardross Primary, Barrs Road, Cardross. This application was an application under s42 of the Planning Act to carry out the development without compliance with 4 and 5 and with a variation of condition 7 imposed in the grant of planning permission in principle 15/01794/PPP (erection of residential development with associated access, infrastructure, open space, landscaping and miscellaneous works).

B) RECOMMENDATION

Members are asked to note the contents of the report.

C) DETAILS OF APPEAL DECISIONS

Planning Authority:	Argyll and Bute Council
Planning application ref:	18/01444/PP
Planning appeal ref:	PPA-130-2071
Proposal:	Appeal by Avant Homes Scotland against the non-determination by Argyll and Bute Council of the application for planning permission reference 18/01444/PP, dated 25 June 2018, to carry out the development without compliance with conditions 4 and 5, and with variation of condition 7, imposed in the grant of planning permission 15/01794/PPP dated 26 January 2017.
Location:	Land north of Cardross Primary School, Barrs Road, Cardross
Date of decision:	15 th July 2019

This appeal decision relates to a non-determination appeal against an application made under s42 of the Planning Act for permission to implement the development without compliance with conditions 4 and 5 and a variation to condition 7 on a site north of Cardross Primary, Barrs Road, Cardross. The site is allocated for housing in the adopted Local Development Plan and the site is referred to as “Kirkton Farm” in the plan.

While the Reporter approved the application, he did not accept that conditions 4 and 5 were unnecessary and that condition 7 should be varied as advocated by the appellant. Instead he allowed the appeal and granted planning permission in principle with all the same conditions the Council imposed on the 2015 application with the exception of a slightly amended condition 4.

With regard to condition 4, the Council's original condition and the Reporter's amended condition are noted below:

The Council's condition no. 4 on 15/01794/PPP:

Unless otherwise agreed in writing by the planning authority in consultation with the Council's Road Network Manager no development shall commence unless and until the following road improvements to Darleith Road have been provided to the satisfaction of the Planning Authority in consultation with the Road Network Manager

(i) The provision of a suitable traffic calming scheme (give and take priority) between Barr's Terrace and Mill Road. This shall also include the provision of a minimum of 10 new off street car parking spaces, as shown on plan TIAVCAR2_SK003 C

(ii) Road improvement between Mill Road and the proposed development site entrance as identified on plan TIAVCAR2_SK002 B

(iii) The provision of a passing place immediately to the north of the proposed development site entrance in order to accommodate large vehicles passing in opposite directions;

(iv) The provision of street lighting to the north of the new access to the development, the exact location to be agreed in consultation with the Council's Road Network Manager;

(v) the existing lighting between Mill Road and the existing 30 mph speed restriction limit shall be upgraded.

Reason: In the interests of road safety and to ensure a safe connection from the A814 to the site, suitable traffic calming measures, compensatory parking and a passing place for larger vehicles are required to be implemented before construction work commences on site.

The Reporter's amended condition 4:

Unless otherwise agreed in writing by the planning authority in consultation with the Road Network Manager no development shall commence unless and until the following improvements to Darleith Road have been provided:

(i) The provision of a suitable traffic calming scheme (give and take priority) and the provision of three new off-street car parking spaces between Barrs Terrace and Mill Road. A drawing showing details of these provisions shall be submitted for the prior written approval of the planning authority.

(ii) Road improvement between Mill Road and the proposed development site entrance as identified on plan TIAVCAR2_SK002 B

(iii) The provision of a passing place immediately to the north of the proposed development site entrance in order to accommodate large vehicles passing in opposite directions

(iv) Upgrading of the existing lighting between Mill Road and the existing 30mph speed restriction limit

Reason: to provide improvements, including suitable traffic calming measures, compensatory parking and a passing place for larger vehicles, in the interests of road safety and to ensure a safe connection from the A814 to the site.

From this it can be seen that the Reporter has reduced the requirement for off-street parking on Darleith Road from 10 spaces to 3 spaces. In addition, the requirement for lighting to be installed to the north of the proposed access to the site has been removed. The proposal requires the detail of the road improvements between Barrs Terrace and Mill Road to be approved by the Council through an Approval of Matters Specified in Conditions (AMSC) application.

Whilst the Reporter has approved the appeal, the revised conditions are very similar to those imposed on the Council's 2025 permission. The Reporter has rejected the appellant's arguments that the development could be served by an access to Barrs Road. He is supportive of the Council's view that Barrs Road is not suitable as the sole vehicular access to the site.

D) IMPLICATIONS

Policy: None

Financial: None.

Personnel: None

Equal Opportunities: None

Author and Contact Officer: Sandra Davies 01436-658884

Fergus Murray

Head of Development and Economic Growth

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ARGYLL AND BUTE COUNCIL

Planning, Protective Services &
Licensing Committee

Development & Infrastructure

21st August 2019

Planning Performance Framework 2018/19

1.0 EXECUTIVE SUMMARY

- 1.1 This report introduces the 2018/19 Planning Performance Framework (PPF) Annual report as required by the Scottish Government Planning Reform Agenda.
- 1.2 The PPF is the principal annual performance measure for Planning Services (*Development Management and Planning Policy – within Planning, Housing & Regulatory Services*) and is submitted to the Scottish Government for scrutiny and scoring. The PPF was submitted to the Scottish Government at the end of July 2018 and will thereafter be subject to peer review before formal scoring.
- 1.3 The Argyll and Bute PPF 2018/19 captures that our performance during 2018/19 has largely been improved in relation to the previous reporting period. The qualitative outcomes captured in the PPF also demonstrate that Planning Services are open for business by supporting economic growth, delivering high quality development outcomes on the ground, and have sustainable management and service delivery structures in place.

2.0 RECOMMENDATIONS

- 2.1 It is recommended that the Committee:
- (a) Note the Planning Performance Framework 2018/19; and,**
- (b) Note that an update report shall be submitted detailing Scottish Government feedback at the appropriate time later in 2019/20.**

3.0 DETAIL

- 3.1 This is the Planning Services 8th Annual Planning Performance Framework (PPF) and is our 'balanced scorecard' of performance which all Local Authorities must submit to the Scottish Government. The deadline for submission of the finalised report was 31st July 2019.
- 3.2 The PPF aims to be a holistic and easy read document that encapsulates

statistical performance indicators as well as more qualitative information and case studies of good practice for the previous financial year. The basic structure of the document is stipulated by the Scottish Government but the character, tone, style and content is all shaped by the individual Authority. The Scottish Government has previously suggested that Authorities use the PPF as more than a means of simply reporting performance and utilise the document as an opportunity to promote their service and local area, to incorporate customer feedback and to provide updated narrative on case study items from previous years. As in previous years, the 2018/19 PPF seeks to focus on the Council being 'open for business' and the positive economic contribution that Planning Services have made within Argyll and Bute. The PPF presents case studies and examples of good practice which demonstrates the ability of the Service to facilitate the delivery of high quality development on the ground, to provide certainty to developers and investors, to consult and engage with customers effectively and to ensure that appropriate management and service delivery structures are in place to work efficiently.

4.0 IMPLICATIONS

4.1 Policy	None
4.2 Financial	None
4.3 Legal	None
4.4 HR	None
4.5 Equalities / Fairer Scotland Duty	Positive outcomes for FSD as the PPF demonstrates that the Planning Service supports sustainable economic development.
4.6 Risk	If the PPF were adjudged to be not fit for purpose there is potential reputational risk of being viewed as a poorly performing planning authority.
4.7 Customer Service	None

Executive Director of Development & Infrastructure

Policy Lead : David Kinniburgh

31st July 2019

For further information contact: Peter Bain – 01546 604204

APPENDICES

Appendix 1 – Planning Performance Framework 2018/19



PLANNING PERFORMANCE FRAMEWORK 8

2018/19

ARGYLL
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#abplace2b

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Foreword:

We are very pleased to introduce the eighth edition of the annual Argyll and Bute Council Planning Performance Framework report.

All Local Authorities are required to produce such a report annually. It has evolved into a concise record of our performance measured against a broad range of outcomes and improvement actions. In addition, because of its continuity from one year to the next, it has developed into a valuable timeline that illustrates progress and success over a number of ongoing projects and case studies.

The document demonstrates how our Planning Service is central to the delivery of the Council's corporate objectives; and makes tangible impacts on addressing population decline, delivering sustainable economic growth, strengthening communities and protecting our exceptional built and natural environment.

It is clear to see our Council officials work collaboratively in partnership with a variety of stakeholders including the public and private sectors, the community and third sector groups, in order to achieve common goals and maximise opportunities to drive forward positive change and the document is as much a celebration of their successes as it is that of the Council's.

I am delighted to see the Planning Service's continuing efforts, along with other Council Services, to continually put the customer at the heart of everything we do, has been recognised by attaining the independent Customer Service Excellence accreditation.



Cllr David Kinniburgh

Chair of the Planning, Protective Services and Licensing (PPSL) Committee

Argyll and Bute Council



Pippa Milne

Executive Director with responsibility for Planning Services

Argyll and Bute Council

Part 1: Defining and Measuring a High Quality Planning Service

1.1 QUALITY OF OUTCOMES

1.1.1 Throughout 2018/19 the Planning Service has worked closely with communities, developers and partner organisations to deliver a range of developments across Argyll and Bute.

1.1.2 The [adopted Argyll and Bute Local Development Plan 2015](#) (the LDP) is firmly embedded into decision making with 12 key policies which seek to promote the delivery of sustainable long term economic growth to support the retention and growth of our population; to support the transition to a low carbon economy; to help retain and improve essential services; to protect and enhance our outstanding natural and built environment, and to maintain and improve our quality of life.



1.1.3 Interpretation and implementation of the LDP policy aims is assisted by a suite of Supplementary Guidance and non-statutory Technical Working Notes. During 2018/19 these have been augmented with the preparation of a new Technical Working Note relating to [Houses in Multiple Occupation](#).

1.1.4 In addition to providing a policy and [guidance](#) framework, the Council seeks to promote high quality design through its own [Sustainable Design Award](#) scheme and identification of [exemplar designs](#) via the Council's website. The



Sustainable Design Awards are not run on an annual basis but are now programmed to be held again during 2020.

1.1.5 There are [32 conservation areas](#) across Argyll and Bute providing protection to the historic built environment. The Council has continued to successfully pursue investment in these locations through establishment of Townscape Heritage Initiatives (THIs) and Conservation Area Regeneration Schemes (CARS). During 2018/19 members of the Planning team continue to have been involved in projects in [Dunoon](#), [Rothesay](#), [Inveraray](#) and [Campbeltown](#) where significant investment and improvement to the fabric and appearance of these historic town centre locations, along with training in traditional skills and [community engagement with](#) schools to foster an understanding of their local heritage. The



Planning Service has also participated in the delivery of site specific projects, including the restoration of the Winter Gardens in Rothesay in Case Study 3. The Council has also been successful in a bid to secure [£1m funding](#) for a new CARS to run in Lochgilphead between 2019—2024.

1.1.6 Involvement of the Planning Service has been instrumental in facilitating a number of developments which have/will deliver new housing, schools, employment, renewable energy, and tourism accommodation/facilities. Case Studies 2, 3, and 7 detail some of these quality outcomes.

1.2 QUALITY OF SERVICE AND ENGAGEMENT

1.2.1 The LDP and priorities of the Planning Service are closely aligned with the [Argyll and Bute Outcome Improvement Plan 2013-23](#) (previously known as the Single Outcome Agreement and Community Plan). The Outcome Improvement Plan remains the sovereign document and the LDP aims to translate its objectives in to a deliverable spatial strategy. The Council's [Action Programme](#) is utilised to focus action on priority proposals and allocations, and to identify work which is required to enable development. Case Study 5 provides an example of these corporate aims being delivered on the ground by LDP policy.

1.2.2 During 2018/19 preparation of LDP2 included Main Issues Report Analysis, workshops with elected Members, and engagement with Key Agencies and other stakeholders on specific issues. Production of the proposed LDP and associated documents including a Habitats

Regulations Assessment, Strategic Environmental Assessment, Equality and Socio-Economic Impact Assessment and an Action Programme were also commenced. An updated project plan for the [Development Plan Scheme](#) was published in February 2019.

1.2.3 The Planning Service is located in four offices across the main settlements of Argyll and Bute providing relatively easy access to a large proportion of the population. Customers on remoter mainland and island locations are also able to access Council services at Customer Service Points. The Planning Service also provide website, e-mail, and telephone based services to customers, and continues to utilise social media as a means of public engagement.

1.2.4 The Planning Service, working in partnership with Regulatory Services, attained the [Customer Service Excellence Standard](#) in February 2019. An overview of



the work undertaken to reach this attainment is set out within Case Study 4. The Planning Service is committed to retaining the award and will require to undergo partial reassessment during 2020.

1.2.5 The Planning Service continues to build partnerships both internally and externally. The Planning Service has close links with Building Standards, Environmental Health, Trading Standards, Housing, Access, GIS and Coastal Development which have been developed through management of these functions by a single Head of Service. Departmentally the Planning Service is also aligned with Economic Development and Roads under a single Executive Director. The Council Service structure facilitates partnership working and promotes symbiosis in working practice including alignment of Housing with Development Policy to better realise the synergies between these services in the delivery of affordable housing development and the [Strategic Housing Investment Plan](#). Looking forward to 2019/20 a restructure of Heads of Service will see even greater alignment of complimentary services as Economic Development is also brought within the same Service structure as Planning, Housing and Regulatory Services.

1.2.6 Customer User Forums were held in November 2018 as a joint exercise between the Development Management, Development Policy and Building Standards Services providing a co-ordinated approach to engagement with regular professional customers. The content of the Forum



1.2.11 The roll out of 4G by EE/BT and the [Emergency Service Mobile Communication Programme](#) continued during 2018/19. This has seen 4G coverage from this Mobile Network Operator reach 68% across Argyll and Bute with a further 16 sites to be developed; commercial coverage will improve as the fibre network increases. Additionally the Scottish Government's 4G infill programme has identified a number of sites which meet the criteria for investment as 4G "Not-Spots". The Council's Digital Liaison Officer continues to provide assistance and single point contact for numerous consultants and monitors progress of applications as they are developed, submitted and implemented, following internal protocols to engage planning officers with greater expertise in telecoms development when required. Feedback from consultants has been complimentary of the processes which the Council have implemented to assist in the progress of digital connectivity.

1.2.12 The Development Management Service continues to offer a [pre-application and permitted development enquiry service](#). Whilst recent times have seen the introduction of charging, template responses and online submissions feedback from customers in 2018/19 has identified a demand for a pre-app initiation and follow up service which is currently under development. Case Studies 2, 3 and 7 look at examples where there has been successful early engagement with developers.

1.2.13 Elected members are involved at an early stage of an application for 'major' development and are provided with a briefing on all Proposal of Application Notices. This [protocol](#) requires all PANs to be reported to the PPSL Committee and allows Members the opportunity to identify matters which they consider would be material to the determination of any subsequent application. Any issues raised

by Members are then fed back to the applicant to take into account in the preparation of their formal application.

1.2.14 We have reported in previous PPFs on the certainty provided through development of masterplans and LDP allocations. 2018/19 has seen development, including affordable housing, delivered within masterplan/LDP allocations in Bowmore, Campbeltown, Dunoon, Helensburgh, Lochgilphead, Inveraray, Port Ellen, and Tobermory and we reported in PPF 7 that the Dunbeg masterplan area was the subject of an application for 300 dwelling units in accordance with phase 1 of the approved masterplan. A collaborative and proactive approach between stakeholders has secured necessary funds for delivery of essential road improvements and infrastructure upgrades which the Council is currently implementing to enable the development. The early involvement of Architecture and Design Scotland (A&DS) at Masterplan stage has been followed up with meetings to discuss and evaluate the current planning application thus maintaining communication links as the proposal has evolved. Case Study 5 provides an update on delivery of development at Dunbeg subsequent to planning permission being granted during 2018/19.

1.2.15 The Development Policy team have undertaken public consultation on the [pilot project to deliver two Simplified Planning Zones](#) in Lochgilphead and Mull during 2018/19.



1.3 GOVERNANCE

1.3.1 Development Management and Development Policy items are reported to the centralised Planning, Protective Services and Licensing Committee which meets monthly (except for July) and convenes for site visits and discretionary

1.3.8 The Council continues to explore the delivery of shared services with other authorities. An example of this approach is that the Council's Conservation and Design Officer is currently providing built heritage advice to Loch Lomond and the Trossachs National Park Authority.

1.3.9 The Development Management Service continues to seek to review and refine existing processes to deliver efficiency savings and improve performance and outcomes for customers. During 2018/19 the Development Management Service has invested and delivered an upgrade of Public Access improving stability of this customer engagement tool and allowing greater scope to improve the customer experience. The Service has also invested in the purchase of IDOX Enterprise for Uniform during 2018/19 and will roll out this tool to deliver improved workflow processes and performance management during 2019/20.

1.3.10 All professional staff within Planning Services are provided with laptops/tablets to facilitate their ability to travel efficiently and work flexibly across the Council area.

1.3.11 Customer appetite for Processing Agreements remains indifferent. The Development Management Service only processed one planning application with a Processing Agreement during 2018/19 despite engaging with all applicants for Major development. Information on the availability of [Processing Agreements](#) is available on the Council's website, is highlighted in all pre-application reports, and has been promoted in User Forums.

1.3.12 Argyll and Bute Council has a [corporate complaints process](#); customer information is provided on the Council website and in customer Charters. All complaints are subject to performance reporting and 'Stage 2' complaints require review by senior management.

1.3.13 Legacy cases are reviewed regularly as part of caseload management. Unfortunately despite continuing to clear legacy cases the number of 'live' applications older than 12 months has increased slightly during 2018/19. In response monthly caseload reviews of longstanding applications have now escalated to involve a senior manager.

1.3.14 Applications which are to be subject to planning legal agreements are flagged up on lists of undetermined applications to ensure that the progress can be reviewed on a regular basis. The average time period for processing applications with legal agreements decreased from 25.9 weeks to 18.5 weeks during 2018/19.

1.4 CULTURE OF CONTINUOUS IMPROVEMENT

1.4.1 During 2018/19 the Planning Service delivered on a range of Improvement Actions identified in PPF 7. An overview of progress is set out in Part 3 of this document.

1.4.2 The Council continues to benchmark its performance on the determination of planning applications against the National average and the performance of other rural local authorities.

1.4.3 Internally, team meetings are held on a regular basis. The Executive Director attends fortnightly Strategic Management Team meetings. The Head of Planning, Housing and Regulatory Services attends the fortnightly Departmental Management Team meeting, provides a regular update to Policy Leads, and holds his own Service meetings on a quarterly basis; a Service level e-Development group is also convened quarterly. The DM Management Team also meet quarterly; with area teams meeting weekly to assign casework, and review caseload performance.

1.4.4 All Council staff are required to

prepare an annual Performance Review and Development plan (PRD). This process allows staff to individually review their performance with their line manager and identify training/development needs. All Planning Services staff had completed their PRDs within the allocated time period.

1.4.5 The Annual Planning Conference had a general theme of recognising and encouraging collaborative working across the Council. This included attendance and presentations from colleagues in the Council's Housing, Economic Development, and Roads Services, in addition to the Local Biodiversity Officer, the Marine and Coastal Development Officer, and GIS Manager. Topics for the day included delivery of affordable housing, homelessness, SuDS, flooding and coastal erosion, Construction Environmental Management Plans, the Clyde Regional Marine Plan and the availability of new GIS services. The conference was an extremely useful exercise for exchange of ideas and knowledge between different Council services and will help foster smarter, more efficient working moving forward.

1.4.6 For the past six years, the Planning Service has delivered a series of short training events for elected Members. These are normally undertaken in bite size sessions in the hour prior to a meeting of the PPSL Committee but have also included half day workshops and site visits. Training during 2018/19 included planning law/procedure, local review bodies, minerals and planning, simplified planning zones, an update on the Planning Bill, biodiversity, and managing the historic environment. Further detail on the training programme is set out in Case Study 9.

1.4.7 Planning Services representatives regularly attend meetings of Heads of Planning Scotland (inc. DM and DP subgroups), Scottish Planning Enforcement Forum, the Local Authority

Aquaculture Forum, Clyde Marine Planning Partnership, West of Scotland Archaeology Service, and e-Development/Digital Taskforce.

1.4.8 The Planning Service have engaged with Scottish Government consultations, in particular during 2018/19 to those relating to Stage 2 of Planning Bill and a revised Financial Memorandum by providing feedback directly, to elected Members for input via COSLA, and to the Heads of Planning Scotland. The Planning Service has also contributed to a HOPS consultation which sought to review [the impacts of the 2017 increase to Major Application fees](#).

1.4.9 During 2018/19, the Planning Service has published a new Technical Working Note relating to [Houses in Multiple Occupation](#). The new guidance covers both planning and licensing requirements for HMOs and was developed in collaboration with the Council's Environmental Health Service and public consultation.

1.4.10 During 2018 the Council appointed consultants to carry out a Conservation Area Character Appraisal and Management Plan for [Lochgilphead](#), as well as to consider a new Conservation Area designation within [Helensburgh Town Centre](#) with public consultation for both being concluded during FQ1 2019/20.

1.4.11 Aquaculture is an area of planning that relatively few authorities have expertise. Argyll and Bute is one of four Scottish Local Authorities that deal with the majority of fin fish planning applications. The aquaculture industry is however currently seeking to expand into new locations. During 2018/19 Argyll and Bute Council provided assistance to colleagues in North Ayrshire Council and Loch Lomond and the Trossachs National Park following receipt of EIA Screening and Scoping requests for aquaculture development within their areas. A workshop hosted by the Council's lead Development Officer for

aquaculture and the Marine and Coastal Development Officer provided a forum to discuss the applications, the relevant processes for assessment and determination, and identify stakeholders who would require to be involved. Officers also participated in a joint pre-application enquiry for aquaculture development where the developer's site selection process had identified potential development sites within both Argyll and Bute and the Loch Lomond and the Trossachs National Park.

Customer Feedback:

"North Ayrshire Council received three EIA screening and scoping requests in quick succession for marine fish farms. These were the first such requests since 2011. Given the relative infrequency of applications, we contacted Argyll & Bute as an authority with extensive experience. The meeting they hosted was extremely useful with discussions of general considerations, procedures and processes. The glossary of fish farm terms Argyll & Bute shared was most helpful. The meeting also provided an opportunity to share details of specific proposals in areas of close proximity but different authority areas."

Iain Davies, North Ayrshire Council

1.4.12 We reported in PPF 7 that there were a number of recurring issues that affected the availability and stability of the Public Access System which allows external consultees and the public to review planning files and to submit representations; resolution of these issues was accordingly identified as a Service Improvement. Accordingly in 2018/19 the Planning Service has worked with the Council's IT Service and invested in updated software/systems to deliver a more resilient Public Access service resulting in the availability of the Public Access system rising to 99.9% for the second half of 2018/19.

1.4.13 Internal processes for handling pre-applications and the management of e-mail correspondence and file attachments have been subject to review and updating throughout 2018/19 having regard to the implications of [GDPR](#) with updated data retention policies, procedure notes for staff and training sessions delivered.

1.4.14 We reported in PPF 7 our development of sharepoint to provide a

centralised internal hub which will be utilised for the monitoring of strategic and minerals developments and development of this tool has continued in 2018/19.

1.4.15 As noted earlier and in Case Study 4, the Planning Service has successfully attained Customer Service Excellence Standard during 2018/19. Retention of CSE accreditation will require continued engagement with customers to develop and inform the ways in which we deliver our services in the future and the standards to which we deliver them.

1.4.16 The online and mobile capabilities of the Council's Geographic Information Systems (GIS) continue to be developed saving officer time and providing customers with quicker access to information. During 2018/19 an online [Access Reporting Form](#) was developed. The form allows members of the public to report issues such as fallen trees on core paths, deliberate blocking of routes by landowners, or signage which acts to



dissuade the public exercising rights of access. A map is embedded in the form allowing the complainant to identify the exact location if they are using a mobile device at the site of the issue. Completion of the form triggers electronic notification of the Council's Access Manager to identify and investigate the issues, with Planning Enforcement officers where required, at the earliest opportunity.

Case Study 1 Area Property Action Groups (APAGs)

Area Property Action Groups

Area Property Action Groups (APAGs) have been established in all 4 administrative areas of Argyll and Bute Council to address concerns regarding unsafe/problematic buildings. Officers from various services are involved. This includes; Housing, Planning, Building Standards, Landlord Registration, Environmental Health and Community Safety and Economic Development.

The aims of the partnership meetings associated with APAG are to identify 'problematic buildings' and to develop a pro-active, co-ordinated and strategic approach for practical and effective Council intervention across services. This method provides an opportunity for Officers to address the relevant issues associated with a variety of buildings and to identify the most effective/appropriate tools and service to liaise with owners/ responsible parties.

Whilst there are many statutory powers available that Services can utilise to bring properties up to an acceptable standard, this type of action can result in high costs to the Local Authority with limited scope for recuperation. By linking the different powers and tools available to each service, Officers can now take a more targeted and joined up approach to addressing the particular problems associated with each building that have been highlighted by colleagues, elected members, and/or our customers.

5 Branksome Park, Oban is a good example of this co-ordinated approach with the APAG working group coming together to identify funding and facilitate development after the property was identified as a priority for repair and energy efficiency improvements by the Council's Housing Service having fallen into a bad state of repair. The project consists of four private owners; and has benefitted from a variety of different funding options to create a suitable and sustainable funding package for all owners involved. The property is a 1950's style cavity wall flatted property and delivering the necessary improvements was considered problematic due to issues surrounding the multiple ownership including timescale and legal matters relating to a property that was vacant following the death of an owner with the state of disrepair preventing resale until improvements had been carried out.

The improvements to the property included provision of cavity wall insulation, external wall insulation, replacement of a flat roof with a pitched roof, and interior works to eradicate rot. The Housing Service contributed a proportion of Private Sector Housing Grant which was utilised for common repair issues and has been factored in to the package; predominantly for the roofing upgrades. The Council also receive a grant from the Scottish Government for fabric insulation upgrades called the [Home Energy Efficiency Programmes for Scotland: Area Based Scheme \(HEEPS: ABS\)](#) which has assisted with the cavity wall insulation and external wall insulation for the project. In addition, Argyll and Bute is one of the pilot areas for the Scottish Government's [Equity Loan](#) pilot project – which allows householders the opportunity to take equity out of their property in order to fund repair and energy efficiency improvements. Development Management officers were engaged at an early stage in the project by attendance at the APAG group and were able to process and determine the related planning application within a 4 week period to assist with delivery timescales of the project.



Case Study 2

The Hill House: The Big Box Project

The work of the Scottish architect, designer and artist, Charles Rennie Mackintosh (7 June 1868 – 10 December 1928) is today celebrated internationally. His designs have connections with the Arts and Crafts, Glasgow Style, and progressive developments on the Continent. Glasgow Mackintosh introduces you to many of his world-famous buildings and interiors.

In the 1890s he was part of 'The Four' – an informal grouping with the English sisters Margaret and Frances Macdonald and James Herbert McNair – that produced some of the most inventive decorative art and graphic design of the period. His major achievements include his masterpiece The Glasgow School of Art, the villas Windyhill and The Hill House, Scotland Street School and a series of city-centre tea room interiors. In common with many of his contemporaries he believed that the architect was responsible not just for the fabric of a building, but for every detail of its interior design.



The innovation driven by Mackintosh in the construction of Hill House has however resulted in some fundamental problems which have allowed prolonged water ingress and a requirement for a major conservation project to safeguard the future of the property. The house is a Category A Listed Building located within the 'Hill House Helensburgh Conservation Area'. Following pre-application engagement, a planning application for the project was submitted by the National Trust for Scotland during March 2018 with planning permission granted within the statutory determination period and ensuring that there was no undue delay to delivery of urgent conservation works.

The proposal comprises a free standing temporary shelter placed over the entire building to prevent further water ingress into its interior. The shelter is required for a 5 year period whilst conservation work is undertaken. In addition planning consent was granted for the erection of a two storey modular café/visitor centre located inside the shelter. This is required to ensure the building still functions as a world famous visitor destination.

Water ingress has occurred due to defects in the original construction and the limitations of early 20th century building technology. As a result the house is suffering on-going damage to its original fabric, both internally and externally.

The objectives of the conservation works are to:

- Stop further water ingress by erecting weather protection around vulnerable areas

- Confirm sources of water ingress by close inspection and moisture survey work
- Confirm extent of original roughcast (in order to establish how much survives)
- Confirm condition of existing fabric behind wall linings (in order to establish the extent of rot and monitor the drying out process)
- Implement a managed drying out of existing fabric using a conservation heating system
- Develop long-term solution which addresses the short-comings of the cement roughcast
- Demonstrate a rigorous conservation approach to all stakeholders

The conservation project consists of a series of key elements, which include:

The 'Big Box' – A free standing structure with no support from the house. Designed as a shelter for the house from direct rainfall a solid steel apex roof with gables facing south and north. Walls are vertical metal mesh perforated façades that provide high levels of daylight and airflow. An artificial lighting system is required to illuminate within enclosure and provide 'daylight' replacement within the house. The steel framed substructure is located within the grounds of garden with some planting, trees and vegetation also enclosed. Materials are metal roof, a lightweight lattice frame clad with a perforated stainless steel mesh which allows the building to remain visible to the public.

Visitor Walkways – Inside the structure accessible ramps and high-level walkways allow visitors the unique experience of being able to view conservation work as it progresses and to discover parts of property which are usually hidden from view, to venture onto a walkway which extends over the roof, and also to enjoy panoramic views across Helensburgh and the surrounding area.

Customer Feedback:

"This project required a considered planning process due to its unique nature and importance of the building it was to protect. As agents for the project we had a strong collaborative relationship with Frazer MacLeod as the Planning Officer responsible for the project. This included excellent pre application engagement, with clear advice and concerns outlined allowing the design to be adapted in a timely manner. Communication during determination was open and responses to questions and queries raised was swift. During construction, when the public raised issues around the construction these were dealt with by Frazer and the planning department in an open and pragmatic manner. While planning queries from the National Trust for Scotland and the design team were addressed clearly and swiftly."

The excellent approach from Argyll and Bute Planning Department helped in the successful construction of the Box to protect and conserve the Hill House."

Neil Michels, Carmody Groarke Ltd.

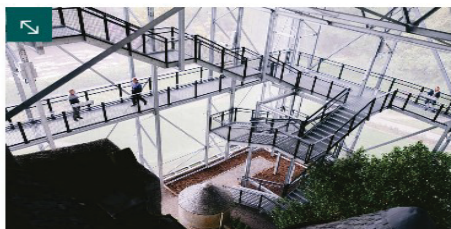
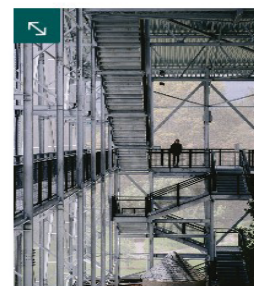


Image credit: screen shot from [NTS website](#)

Case Study 3

The Winter Gardens Discovery Centre Rothesay

Rothesay Townscape Heritage (TH) is a £3.2m partnership project comprised of funding from the following sources: Heritage Lottery Fund, Historic Environment Scotland, Argyll and Bute Council, Highlands and Islands Enterprise, Paths for All, Argyll and the Islands LEADER, and property owners' contributions.

The Winter Gardens Discovery Centre is currently host to a cinema and tourist information centre, which are both owned and managed by Visit Scotland. The property is of cast iron frame design and was constructed around 1920 at which time Rothesay was a popular seaside destination. Key features of the building included its roof which includes a large shallow dome and six finial style pagodas, and the external walls comprising Art Nouveau panels which are affixed to the cast iron framework. The building itself is Category A listed and occupies a prominent location within the centre of Rothesay Conservation Area. The building has however suffered from a backlog of maintenance issues and it was identified that significant restoration works were required to bring the building back to a condition befitting its status and prominence. The building was identified by the Council as a TH priority building for grant, for which funding would enable the first large scale repair project of the 2017-2022 programme.

Works completed included:

Replacement of roof coverings

Full exterior redecoration

Overhaul of windows

Replacement of corroded steel panels

Replacement of glazed canopy panels

Re-lining of rainwater goods

Replacement of corroded rainwater goods

Upgrade of insulation to shallow dome roof

The restoration works totalling £510,000 were funded by Visit Scotland as property owners with a contribution of £200,000 from the Rothesay Townscape Heritage Programme. The conservation scheme was based on substantial survey analysis of the property and were deemed to be essential to ensuring the category 'A' listed building is safeguarded for future generations. A key part of the project was early liaison with the Council's Planning Department through pre-application discussion, and continued engagement during subsequent applications to secure the necessary planning and listed building permissions, and then latterly through post-determination engagement.

The restoration of this iconic building was completed in March 2019 and has provided significant improvement to the area and a much needed boost to the community. This has also helped improve the welcome to Rothesay as it is one of the first buildings seen from the ferry as visitors arrive into the Harbour.



Credit: John Lyle Photography (Facebook)

Case Study 4 Customer Service Excellence Standard

Argyll and Bute Council has a corporate objective to place the customer at the heart of everything we do and accordingly we have previously reported within both PPF 6 and PPF 7 of our aspiration to prepare a combined submission by Planning and Regulatory Services seeking [Customer Service Excellence](#) Standard accreditation, and indeed we included this within our PPF Improvement Actions for 2017/18 and 2018/19. Following an extensive review of customer engagement for each Service area (Development Management, Development Policy, and Regulatory Services the latter comprising Environmental Health, Trading Standards, Animal Welfare, and Licensing) [accreditation](#) was received on 3rd February 2019 following a two day assessment process which involved submission of evidence, and sessions with both customers and staff. Having attained the CSE standard it is now necessary to undertake a rolling reassessment of criterion on an annual basis to retain the award.

Customer Service Excellence is recognised as being a practical tool for driving customer focussed change on organisations and the standard has a particular focus on delivery, timeliness, provision of information through a variety of appropriate channels, professionalism and staff attitude. There is also an emphasis on developing insight of customer requirements, understanding a customer's experience and measuring their level of satisfaction with the service provided.

CSE Assessor Feedback 3rd February 2019:



“Planning and Regulatory Services as an organisation is customer focussed and fully committed to achieving CSE accreditation status as part of the whole drive of Argyll and Bute Council for excellence in customer service delivery. Overall quality of the evidence is of a good standard and a lot of effort has been made to ensuring the evidence covers all strands of the business.

Specific efforts have been made to understanding customer needs through sound use of customer insight, including strong consultation and engagement. There is strong leadership and a commitment of the workforce to deliver services to a high standard of customer satisfaction. The ethos is supported, by good levels of communication, innovative methods to use modern technology and very strong working partnership working. Generally services are delivered to set standards across the board and performance is monitored thoroughly ...

Overall a lot of effort has been made to show commitment to delivering a customer centric service across all parts of the business and it is clear that this commitment is shared at all levels of the organisation. Consequently accreditation to CSE standard is thoroughly deserved, with only 2 areas being considered partially compliant ... and 4 areas being awarded compliance plus rating.”

In order to retain the CSE standard accreditation the Planning Service will require to continue with its approach of actively seeking and responding to matters raised through customer feedback. During 2018/19 the Planning Service have issued a customer satisfaction questionnaire with every decision notice in addition to online surveys hosted by the Council website. Customer feedback through these channels is monitored at a departmental level every quarter.

Additionally regular customers (architects, agents, elected members, developers and landowners) are invited to attend annual User Forum's where representation is provided from Development Management, Development Policy and colleagues in Building Standards where an agenda of topical issues, Service performance, and updates to delivery arrangements are discussed.

All Planning staff are required to complete the Council's online training modules in 'Customer Service' as part of their induction.

Case Study 5 Dunbeg Masterplan Update



As part of its “Lorn Arc” proposals to deliver strategic scale development in the Oban area, Argyll and Bute Council, working in close collaboration with other internal and external stakeholders, and following the approval of a Masterplan, has continued to make significant progress to deliver the Masterplan vision. A planning application to build 300 affordable dwellings, in accordance with Phase 1 of the Masterplan, was approved by the Council in early 2019 and Roads Construction Consent was granted soon afterwards.

A collaborative and pro-active approach between stakeholders has secured necessary funding to deliver the 300 dwellings. During 2019 and early 2019, the Council, funded by the Scottish



Government's [Housing Infrastructure Fund \(HIF\)](#) has upgraded the Kirk Road which is the key point of access both to the Dunbeg development and to the European Marine Science Park. At the same time services and utilities have also been upgraded, thus allowing for the rapid delivery of the [LINK Housing Development](#), and regular updates to the local community have been maintained to appraise them of construction progress and disruption.

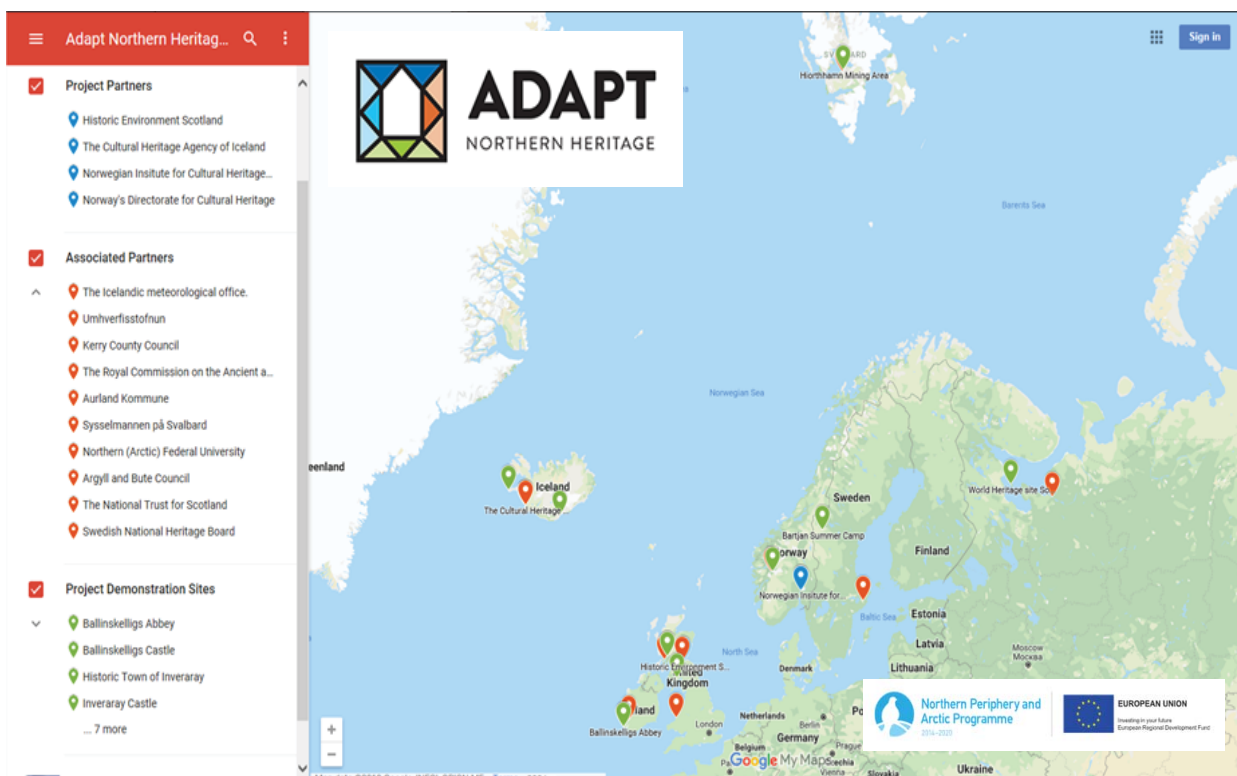
In January 2019 the Kevin Stewart, Minister for Local Government, Housing and Planning attended a formal turf cutting ceremony. Since that time the developers have made good on site progress, with the first phase of housing completions and occupation programmed for March 2020.

The sound relationships and trust built up through the strategic and operational boards and the Masterplan approval process has allowed positive discussions between Planning Officers and Link Group to identify early solutions and keep delivery on track. Discussions continue in the background to discuss delivery of further phases of the Masterplan in the medium term.



Case Study 6 Adapt Northern Heritage Programme

Argyll and Bute Council has continued to participate in the three year programme [Adapt Northern Heritage](#), running between 2017 and 2020, in relation to the sustainable adaption of historic places. Historic Environment Scotland is one of the project partners, along with [Minjastofnun Íslands](#) (THE Cultural Heritage Agency of Iceland), the Norsk institutt for kulturminneforskning (Norwegian Institute for Cultural Heritage Research) and Riksantikvaren (Norway's Directorate for Cultural Heritage).



The project includes consideration of how climate change will affect the historic town of Inveraray, particularly from coastal flooding, sea level rise and moisture related damage due to increased precipitation.

Argyll and Bute Council have participated in various stakeholder events throughout 2018/19, with future workshops arranged for 2019/20. Following an initial meeting in February 2018, workshops were held in Inveraray in March and August 2018, including presentations from Argyll and Bute Council, educational walks through Inveraray and community engagement events. At the workshop in August Historic Environment Scotland introduced the draft Place Assessment Guide which was tested, analysed and discussed by stakeholders.

In October 2018 Argyll and Bute Council attended a workshop funded by the programme in Reykjavic, Iceland which explored connections between climate change, conservation practice and heritage management. Argyll and Bute Council drew on experience from the completed Inveraray CARS work in terms of repair as well as a programme of training and events including sessions on keeping warm in older houses, dampness in traditional buildings and energy efficiency. Workshop sessions also covered assessing risk and reducing impacts from climate change, and sharing experiences with other delegates on strategies for adaption and mitigation of the effects of climate change on the historic environment.

In 2019 a summer workshop is to be held in Inveraray focusing on testing the practicability of the drafted Adapt Northern Heritage Risk Assessment and Adaptation Planning Guides, followed by an autumn event in Trondheim, Norway to draw together the experiences of the assessment tool and finalise it for use.

The aim of the programme is to lead to the implementation of better management practices in a manner which will mitigate the potential effects of climate change. Argyll and Bute Council will test the assessment method and develop a site specific action plan, to integrate into the [Inveraray Conservation Area Appraisal and Management Plan](#) and [A Guide for Homeowners in Inveraray](#). The assessment tool kit may then be applied to other historic environments to assess their robustness to the effects of climate change.

Case Study 7 Examples of High Quality Design 2018/19



The Columba Hotel, Tarbert

Change of use and alteration of former hotel to form 7 residential flats.

Key Issues: Sensitive conversion and alteration/extension which has secured the long term future of a derelict, category C listed building that occupies a prominent location within the Tarbert Conservation Area.

Added Value: Pre-application engagement provided the developer with sufficient comfort to purchase this derelict building and assistance in the development of detailed proposals which successfully obtained planning and listed building consent.

Image credit: https://bellingram.co.uk/property/flat-1-columba-house-pier-road-tarbert-pa29-6uf/#fndtn-panel_description



Image credit: <http://l-m-a.co.uk/work/play/premier-inn-oban/>



Premier Inn, Oban

Development of an 81 bedroom hotel

Key Issues: Redevelopment of a key site within Oban town centre; development is located on a location with a dual frontage.

Added Value: Pre-application engagement provided certainty on key matters relating to the acceptable scale of the development, key features of the building design and the palette of materials.

<https://www.argyll-bute.gov.uk/dunoon-regeneration-queens-hall-project>

Image credit: <https://www.hfm.co.uk/projects/queens-hall-dunoon/>



Queens Hall, Dunoon

Refurbishment and remodelling of auditorium to incorporate fitness suite, library, café and playzone, and improvement of urban realm

Key Issues: Council led project to renew and revitalise a tired and dated 1950's auditorium and improve the public realm forming the gateway to Dunoon town centre to create an exciting gathering place with indoor and outdoor spaces.

Added Value: Investment of £9m led by the Council's Economic Development team supported by input from the Planning Service as a key component in the [Dunoon Regeneration Project](#).

The Machrie Hotel, Isle of Islay

Alteration and Extension of Hotel

Key Issues: Transformation of a landmark at one of Scotland's best golf courses which had fallen into disrepair into a 47 bedroom boutique golf hotel with facilities including a cinema and private lodges which re-opened in Summer 2018.

Added Value: Significant input by the Planning Service to assist with the development of the project from pre-application discussions through to implementation. Development was shortlisted for 2019 RICS Award for Tourism and Leisure.

Image credit: <https://hudsonarchitects.co.uk/our-work/the-machrie-hotel-1>



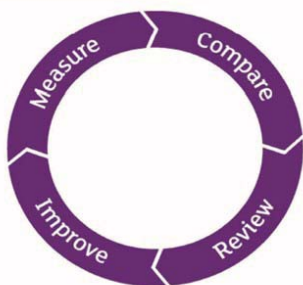
Case Study 8 Costing the Planning Service in Scotland

CIPFA The Chartered Institute of
Public Finance & Accountancy

Research and Analytics

Heads of Planning Scotland
costing the planning service

2018 – Argyll and Bute Council
Final Report



29/01/2019

aggregated up to an assumed 12-month position, and the fee income was derived from the performance information provided by local authorities relating to a 6-month period, averaged to an annual figure. The costs used in these figures include staff time and overheads such as premises, ICT, transport, postage and adverts and external advice.

The [Costing the Planning Service in Scotland Project 2018](#) was undertaken by the Heads of Planning Scotland with the aim of providing detailed information on the cost of delivering planning services, particularly development management. The 2018 study is a follow up to a project of the same name which ran in 2014 in which Argyll and Bute Council also participated.

The study findings are intended to assist Kevin Stewart, the Minister for Local Government, Housing and Planning, and the Scottish Government in their understanding of the totality of planning costs for providing planning services and to further inform on-going discussions at the High-Level Group on Planning Performance. They offer a good basis from which to understand the nature and relationship of planning costs and increased performance, and the potential for application fees and charges to achieve cost recovery.

12 Authorities participated in the 2018 Project. The methodology was developed by the Planning Advisory Service and CIPFA and is based on three main components – time recording, performance information, and detailed financial information. The data collection was carried out with results providing a snapshot of information based upon a 4-week time recording period (21st May to 15th June 2018), combined with financial and performance information from a 6 month period since the increase in Major Application fees (1st June 2017 – 1st December 2017). The 4-week period data was

The data from the survey is comprehensive and covers the following critical cost areas:

- Cost of handling applications
- Costs per application by category including: Major Non-Residential, All Dwellings, Local Non-Residential, All Others, Householders, and Heritage.
- Planning cost per hour
- Basket analysis – providing a comparison between local authorities of the cost to handle a 'standard basket' of applications.
- Performance analysis, which includes valid on receipt, zero fee applications, pre-application advice, appeals, speed of processing, and enforcement costs.
- Appendices cover recorded staff costs, staff hours and cost calculation, non-staff costs, and indirect costs.

The outputs from the study offers insight into the financial efficiency and effectiveness of an individual planning authority however sharing of data within the study group also allows this position to be benchmarked with other participating local authorities to ascertain where there are individual areas requiring improvement and collective areas where shared working to drive forward changes to working practices and/or legislative/procedural reform may be required.

The study will be utilised to inform the Council's budget proposals for 2020/21 onward and the key outcomes and lessons from the project have already been reported widely within the Council to the Departmental Management Team, the Strategic Management Team, and also to the elected Members of the [Planning, Protective Services and Licensing Committee](#).

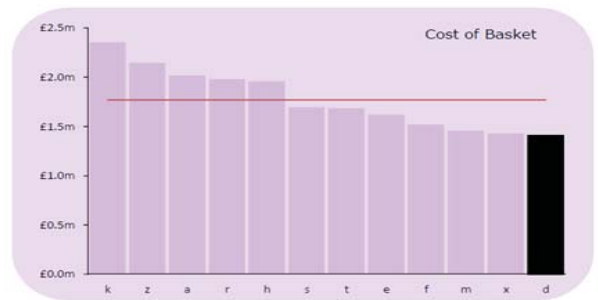
The key message for Argyll and Bute from the study was confirmation that, on a cost per application basis, our planning service is one of the most cost effective in Scotland and are heading in the right direction to deliver a cost neutral Development Management Service given that subsequent to the

study period further savings totalling £274k have been delivered through reduction in staffing levels, introduction of charging for pre-app advice, and Service Redesign. Benchmarking with 2014 study data has confirmed that the Council's Planning Service has become leaner in terms of its resource but that this is now more focussed on statutory service requirements than it has been in the past.

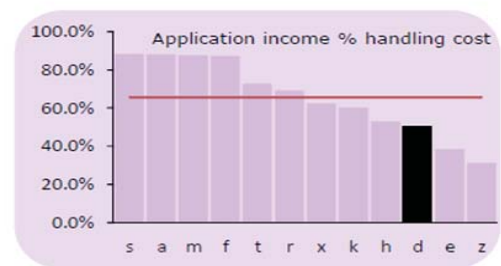
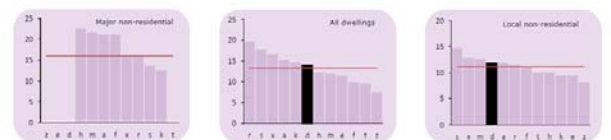
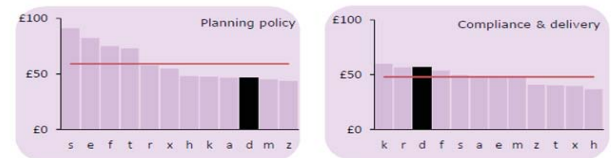
The study has however confirmed that within Argyll and Bute one consequence of improved cost effectiveness in application handling has been a reduction in performance levels with the Council having slipped from a position of being one of the leading rural authorities in terms of determination timescales to now being in line, or slightly worse than, the National average. This position has previously been recognised and a commitment to improve workflow processes to improve performance management through investment in the purchase of IDOX Enterprise was secured during 2018/19 for roll out during 2019/20.

The study has also reaffirmed the requirement for the Council to intervene in order to address low levels of applications which are valid upon receipt. Whilst validation levels had initially improved in 2017/18 following implementation of the [National Validation Standards](#) published by the Heads of Planning Scotland the study has confirmed that with only 34% applications received being valid on receipt that there is still considerable scope to improve both performance and cost efficiency of this aspect of the development management process and accordingly a Service Improvement to review validation processes and seek engagement with regular customers to improve the quality of their submissions has also been identified.

Analysis of data from the study has also suggested that there is a significant disparity between rural and urban authorities when reviewing the average value of planning application fees with applications submitted within Argyll and Bute receiving almost £200 less per application than the average for the study group. The study also highlighted that in addition to lower value of applications that rural authorities also appear to handle a significantly higher volume of 'zero-fee' applications which currently require to be processed at cost to the Council. These conclusions drawn from the study would support the position that reform of the permitted development legislation and planning fee regulations will be required if the Scottish Government's aspiration for full cost recovery for Development Management is to be achieved and will be utilised to inform the Council's response to any upcoming consultations on these matters.



Cost per Productive hour



Case Study 9 Elected Member Training

The Scottish Government's proposals on the future of the Scottish planning system, "[Places, People and Planning](#)" included a requirement to focus on "developing skills to deliver outcomes" recognising that "a strong and effective planning system requires to be operated by skilled and knowledgeable people".

Argyll and Bute Council have long recognised the importance of ensuring that parties participating in the decision making process have the appropriate skill sets and seek to achieve this not only by ensuring that its professional planning staff are appropriately qualified and eligible for RTP1 membership (or are supported in attaining this level) but has also supported quality in decision making through the delivery of a regular series of short training events for elected Members, and training events for Community Councils.

During May 2017 the Planning Service delivered a half day induction session on planning, and the planning process which was open to all elected members but mandatory for those sitting on the Planning, Protective Services and Licensing (PPSL) Committee. Since 2014 the Planning Service has also delivered a programme of monthly planning and related training sessions which are primarily geared toward the development requirements of elected Members sitting on the PPSL Committee. Training sessions are open to all elected members but are usually delivered in bite sized sessions of between 30-60 minutes prior to the commencement of the monthly PPSL committee meeting although on a couple of occasions throughout the year the format is expanded to provide for half day workshops and site visits to developments of interest. The training events are usually delivered by Council officers or by representatives from Statutory Consultees and other stakeholders in the planning process in order to minimise costs; however during 2017/18 Argyll and Bute Council took advantage of funding provided by the Scottish Government to deliver a consultant led, half day training session on flooding.



A [training programme](#) is prepared on an annual basis following input from both the Head of Planning, Housing and Regulatory Services and the Chair of PPSL. The proposed programme is [reported](#) to and approved by PPSL. During 2018/19 training included an insight into the planning application process and procedures which govern this activity, Local Review Bodies, Minerals, Simplified Planning Zones, an update on the Planning Bill, and a joint presentation on the historic environment by Historic Environment Scotland and the Council's Conservation and Design Officer.

In addition to delivering training to the elected members of Argyll and Bute Council, during September 2018 the Planning Service also delivered planning induction training for Community Council representatives following elections earlier in the year. The training events were delivered over a period of two weeks at five separate venues across Argyll and Bute with afternoon and evening sessions being run to maximise accessibility.

The training sessions were attended by over seventy Community Councillors and received very positive feedback on the delivery of sessions that covered an introduction to the Council's Planning Service, an overview of the Local Development Plan process and key dates for engagement in LDP2; an overview of the Development Management process and the role of the Community Council as a Statutory Consultee, an overview of Enforcement and Monitoring, and an update on the key elements of the Planning Bill and how Community Councils could engage in its development.

Case Study 10

HMNB Clyde Strategic Development and Delivery Framework

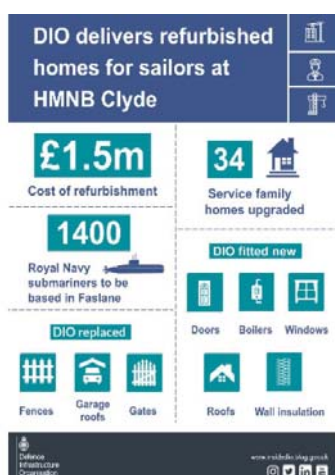
In Feb 2017, the Secretary of State for Scotland (endorsed by SofS Defence) along with the Naval Base Commander and the CEO of Argyll & Bute Council signed the [Strategic Delivery and Development Framework \(SDDF\)](#), a joint agreement authorising direct working-level cooperation across the two branches of Government and also OGD, Third Sector and the Private Sector. The SDDF agreed a simple mission statement to: “Provide the framework for an enduring and mutually supportive relationship between HM Naval Base Clyde and Argyll and Bute Community Planning Partnership to achieve maximum benefit for the Base and the wider community of Argyll and Bute.”

The SDDF arrangements are now firmly entrenched. A board meeting at senior level (Chief Executive, Commodore of the Base) has been held twice a year, and subsidiary senior management team meeting is held quarterly feeding reports back to the board meeting. The arrangements have helped to secure a regular communication framework between the HMNB Clyde, the Council and other stakeholders, and is particularly useful in providing continuity over time.

Following work over the previous two years to discuss housing demand and delivery in the Helensburgh area, the Future Accommodation Model pilot goes live in September 2019 and will give all forces personnel at HMNB Clyde a grant to buy and rent in the private sector. It is anticipated that this will encourage staff to invest in permanent accommodation for themselves within the local area, thus reducing the demand for on-base accommodation provided by the MoD, and crucially integrating staff and their families within the local communities. Going forwards every effort is being made to work in a coordinated fashion with the MoD, Navy, private and public housing sector to ensure there is a free and detailed flow of information made available to Navy personnel helping them to make informed choices within the local housing market. This is partly being delivered by establishing single points of contact for information both on the web, and physically on-base.

Customer Feedback:

The Royal Navy were happy to attend our Customer Service Excellence independent evaluation panel held in January 2019, and reported the invaluable assistance the Council's input and commitment to the SDDF has made in influencing MoD and Whitehall decisions to pursue HMNB Clyde as the pilot for the Future Accommodation Model.



Despite the Future Accommodation Pilot, the joint research carried out by the SDDF has shown there will be a shortfall in what is termed Single Living Accommodation on the base between now and 2022 because of the numbers of navy personnel being relocated to HMNB Clyde. The SDDF is working in a partnership approach to address this challenge. Some [initial conversions of existing married quarters](#)' stock have been carried out, and feasibility studies are underway to identify suitable sites off-base to deliver the required Single Living Accommodation. It is anticipated the shortfall in accommodation will be temporary in nature, and the SDDF in combination with the Defence Infrastructure Organisation is exploring a variety of delivery mechanisms including private sector provision through rent or sale, converting MoD property to alternative uses when it is surplus to requirement, and utilisation or upgrading of existing empty private rentals.

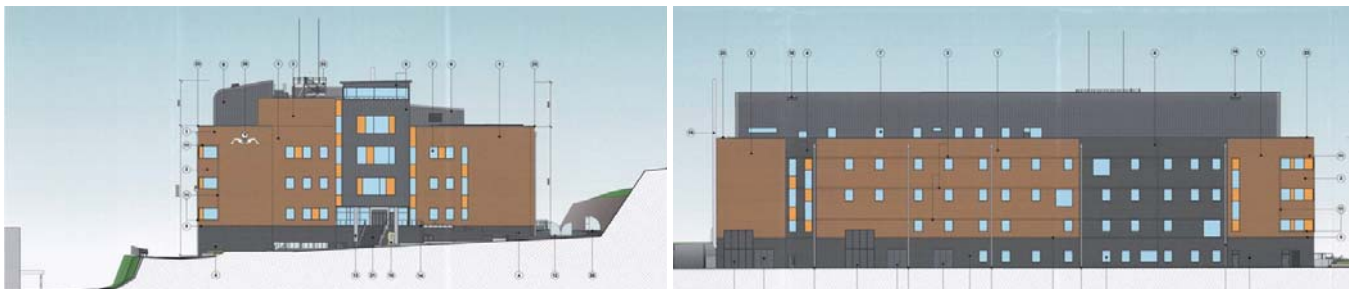
Supporting the work to ensure adequate housing supply in the area, Scottish Government Housing representatives are now attending the SDDF to ensure early communication regarding any emerging affordable needs.

A survey on the MoD estate has been carried out in partnership with the SDDF in order to establish the best utilisation of existing business and office space on the base, and identify any existing or projected shortfalls as new civilian support staff are also relocated to the base. In turn this will filter in to work carried out by Scottish Enterprise in partnership with the SDDF to identify future employment



opportunities and business land requirements, which will also be fundamental to drawing benefit from the base to the local community. It is anticipated Scottish enterprise will report back to the SDDF during the summer.

The SDDF continue to be engaged with consideration of the emerging demand for leisure, community and social needs resulting from the increasing size of the base population, and discussions are ongoing to deliver improved leisure and community facilities within the town. The MoD have recently re-opened a refurbished community centre within Helensburgh.



On-base continuing developments are occurring to facilitate the increased activity required. The new [Submarine Training Facility](#) was granted consent during the year and is now on site, and preparations are underway for a new multi-storey car park.

Part 2: Supporting Evidence & Performance Markers

Wherever possible weblinks have been provided within the body text of the report.

This report was compiled drawing on evidence from a variety of sources including:

- [Argyll and Bute Outcome Improvement Plan 2013-2023](#)
- [Argyll and Bute - Economic Development Action Plan 2016 - 2021](#)
- [Argyll and Bute Local Development Plan 2015](#)
- [Argyll and Bute Local Development Plan 2 Development Plan Scheme Feb 2019](#)
- [Argyll and Bute - Main Issues Report 2017](#)
- [Argyll and Bute Council Website](#)
- [Argyll and Bute Council Enforcement & Monitoring Charter 2018](#)
- [Argyll and Bute Houses in Multiple Occupation Technical Working Note 2019](#)
- [Argyll and Bute Council PPF 2017/18](#)
- Argyll and Bute Council, PPSL Committee Minutes
- [Argyll and Bute Council Scheme of Administration and Delegation](#)
- Argyll and Bute Council, Planning, Housing and Regulatory Services Service Plan
- A range of committee reports
- Customer feedback
- Reports from IDOX UNiform

Further Background Information on Case Study Submissions:

Case Study 1: APAGs

- https://www.eas.org.uk/en/home-energy-efficiency-programmes-for-scotland-heeps_50558/
- http://www.underoneroof.scot/articles/1542/Private_Landlord_Seminar_Resources/The_HEEPS_Equity_Loan_Scheme

Case Study 2: The Hill House: The Big Box Project

- <https://www.nts.org.uk/visit/places/the-hill-house/highlights/hill-house-box#>
- <https://www.bbc.co.uk/news/uk-scotland-48461850>
- <https://www.carmodygroarke.com/hill-house/>

Case Study 3: The Winter Gardens Discovery Centre

- <https://www.argyll-bute.gov.uk/news/2019/mar/rothesay-winter-gardens-discovery-centre-reopens-after-renovation-works>
- <https://www.pressandjournal.co.uk/fp/news/highlands/1690914/rothesay-gardens-centre-reopens-after-500k-renovations/>

Case Study 4: Customer Service Excellence Standard

- <http://www.customerserviceexcellence.uk.com/>
- https://www.argyll-bute.gov.uk/sites/default/files/planning_regulatory_cse_accreditation_2018.pdf

Case Study 5: Dunbeg Masterplan Update

- https://www.urbanrealm.com/news/6598/Elder_%26_Cannon_head_Dunbeg_corridor_masterplan.html
- <https://publicaccess.argyll-bute.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OI9YRJCH0FM00>
- <https://www.argyll-bute.gov.uk/moderngov/documents/s129350/18-00375-PP%20V4%20Dunbeg.pdf>
- <https://www.argyll-bute.gov.uk/news/2018/jan/first-phase-dunbeg-masterplan-set-begin>
- <https://www.scottishconstructionnow.com/article/green-light-for-300-affordable-homes-in-dunbeg>

Case Study 6: Adapt Northern Heritage Project

- <http://adaptnorthernheritage.interreg-npa.eu/>
- https://www.argyll-bute.gov.uk/sites/default/files/inveraray_caa_august_2017.pdf
- <https://www.argyll-bute.gov.uk/icars/guide-homeowners-inveraray>

Case Study 7: Examples of High Quality Design

- <https://www.buildingsatrisk.org.uk/details/928679>
- <http://l-m-a.co.uk/work/play/premier-inn-oban/>
- <https://www.hfm.co.uk/projects/queens-hall-dunoon/>
- <https://www.argyll-bute.gov.uk/dunoon-regeneration-queens-hall-project>
- <https://hudsonarchitects.co.uk/our-work/the-machrie-hotel-1>

Case Study 8: Costing the Planning Service in Scotland

- <https://hopsotland.files.wordpress.com/2019/03/hops-costing-the-planning-service-action-report-220219.pdf>
- <https://www.argyll-bute.gov.uk/moderngov/documents/s138769/Cost%20of%20Planning%202018%20Covering%20Report%20v%203.1%20PPSL%20finalised%20230519.pdf>

Case Study 9: Elected Member Training

- <https://www.argyll-bute.gov.uk/moderngov/documents/s125558/Member%20Training%20Report.pdf>
- <https://www.gov.scot/publications/places-people-planning-consultation-future-scottish-planning-system/>

Case Study Topics	Issue covered by Case Study No.	Case Study Topics	Issue covered by Case Study No.
Design	2, 5, 7	Interdisciplinary Working	1
Conservation	2, 3, 6, 7	Collaborative Working	5, 6, 10
Regeneration	1, 3, 7	Community Engagement	4
Environment	6	Placemaking	5, 7
Greenspace		Charrettes	
Town Centres	7	Place Standard	
Masterplanning	5	Performance Monitoring	8
LDP & Supplementary Guidance		Process Improvement	8
Housing Supply	10	Project Management	
Affordable Housing	5, 10	Skills Sharing	9
Economic Development		Staff Training	9
Enforcement		Online Systems	
Development Management Processes		Transport	
Planning Applications	2, 3, 5, 7	Active Travel	
Other: please note:			

PERFORMANCE MARKERS REPORT 2018/19

	PERFORMANCE MARKER	EVIDENCE / COMMENTS
1.	Decision-making: Authorities demonstrating continuous evidence of reducing average timescales for all development types.	Part 4—Table B & Part 5—Table A. Contextual commentary setting out factors affecting performance on decision-making are set out under Part 5 C.
2.	Project management: Offer of processing agreements (or other agreed project plan) made to prospective applicants in all major applications <u>and</u> availability publicised on planning authority website.	Part 1—1.3.11 Processing Agreements for major and 'locally significant' developments are promoted through pre-application discussion, user forums and online. Argyll and Bute Council - Processing Agreements
3.	Early Collaboration with applicants and consultees on planning applications: <ul style="list-style-type: none"> • Availability and promotion of pre-application discussion for all prospective applications. • Clear and proportionate requests for supporting information. 	Part 1—1.2.12 Case Studies 1, 2, 3, 7 The Development Management Service provides a <u>pre-application advice service</u> . This is promoted on the Council website, through user forums, and by officers when engaged by prospective applicants. Pre-application assessment of proposals seeks to identify all relevant issues which will be material to the determination of a subsequent application, and will involve engagement with consultees where appropriate. The report template issued to applicants was revised during 17/18 to include a dedicated section identifying the requirement for supporting information - this list is populated following a review of relevant planning constraints and the advice of consultees (including other Council Services) to ensure that any request for further information is specific and proportionate to the development proposed. Where applicants do not engage at pre-application stage a similar approach is undertaken to identify issues and any requirement for further information at an early stage in the handling of the application. Applications are validated against the <u>National Validation Standard</u> published by HoPS to ensure that submissions and requirements for supporting information are quality checked on a consistent basis. This document is also promoted and published on the Council website to assist applicants in the preparation of their application.
4.	Legal agreements: Conclude (or reconsider) applications within 6 months of 'resolving to grant'.	Part 1—1.3.13 & Part 5—Table A Applications subject to legal agreements were determined with an average time period of less than 6 months during 2018/19 with improved performance on the previous reporting period. Applications requiring a legal agreement are reviewed regularly and are highlighted on officers outstanding items case lists.

	PERFORMANCE MARKER	EVIDENCE / COMMENTS
5.	Enforcement charter: updated / republished.	Planning Enforcement and Monitoring Charter was been reviewed and updated in March 2018 to reflect revised service arrangements and subsequently adopted by the Council in June 2018. Planning Enforcement and Monitoring Charter 2018
6.	Continuous improvement: <ul style="list-style-type: none"> Show progress/improvement in relation to PPF National Headline Indicators; Progress ambitious and relevant service improvement commitments identified through PPF report. 	Part 4—Tables A, B, C and Context D Part 3 details previous and committed Service Improvements. Contextual commentary on delivery/identification of improvements is included within: Part 1—1.1.4, 1.2.4, 1.2.15,1.4.10, 1.3.9, 1.3.11, 1.3.13, 1.3.14, 1.4.15, Case Study 4, Part 5 Table A
7.	Local Development Plan: Less than 5 years from adoption.	The Local Development Plan was adopted in 2015. Argyll and Bute Local Development Plan 2015
8.	Development plan scheme: Demonstrates next LDP <ul style="list-style-type: none"> On course for adoption within 5 year cycle. Project planned and expected to be delivered to planned timescale. 	LDP2 is project planned with careful management and reporting of any adjustments, and is currently scheduled for adoption in early 2021. Argyll and Bute Local Development Plan Scheme 2019
9.	Elected members engaged early (pre-MIR) in development plan preparation:	During 2016 and 2017 all Members were engaged in the pre-MIR process through a series of seminars and workshops including Senior Management, which considered potential strategic options and identified and agreed Main Issues which would be presented in the MIR . Engagement has been ongoing in 2018/19 with Member and Senior Management seminars and business days considering potential allocations and content of draft LDP2.
10.	Cross sector stakeholders, including industry, Agencies and Scottish Government, engaged early (pre-MIR) in development plan preparation.	The Council chose to hold a call for sites exercise over a six month period in an attempt to engage all developers, landowners and other stakeholders pre-MIR. It consulted widely on the results of this exercise including with Key Agencies and Scottish Government. The Council has used the Place Standard Tool with the assistance of Scottish Government and collaboratively with Community Planning Partners as part of the pre-MIR consultation and engagement process and particularly targeting hard to reach groups.

	PERFORMANCE MARKER	EVIDENCE / COMMENTS
11.	Production of regular and proportionate policy, advice, for example through supplementary guidance, on information required to support applications.	<p>The Council website provides applicants with information that they need to consider before making an application.</p> <p>Argyll and Bute - Planning Application Info</p> <p>The Central Validation Team contributed to the development of and have subsequently adopted the National Validation Standard published by HoPS in 2017.</p> <p>HoPS National Validation Standard</p> <p>Technical Working Notes relating to Houses in Multiple Occupation, covering both planning and licensing regimes, were developed during 2018/19.</p> <p>Argyll and Bute Houses in Multiple Occupation Technical Working Note 2019</p>
12.	Corporate working across services to improve outputs and services for customer benefit (for example: protocols; joined up services; single contact; joint pre-application advice.)	Part 1—1.1.5, 1.2.1, 1.2.4, 1.2.5, 1.2.6, 1.2.9, 1.2.10, 1.2.11, 1.2.13, 1.2.14, 1.3.5, 1.3.6, 1.3.7, 1.4.3, 1.4.5, 1.4.6, 1.4.9, 1.4.12, 1.4.16, & Case Studies 1, 3, 4, 5 & 9
13.	Sharing good practice, skills and knowledge between authorities.	Part 1—1.3.8, 1.4.2, 1.4.7, 1.4.8, 1.4.11 & Case Studies 6, 8 & 10
14.	Stalled sites / legacy cases: Conclusion / withdrawal of planning applications more than one year old.	<p>Part 1—1.3.13, & Part 4—Table B.</p> <p>During 2018/19 16 legacy cases were cleared. At 31st March 2018 there were 34 'live' legacy applications remaining to be concluded.</p>
15.	Developer contributions: Clear expectations set out in development plan and in pre-application discussions.	<p>The adopted Local Development Plan sets out expectations in respect of Developer Contributions for affordable housing and green / play space and is supported by Supplementary Guidance which sets out that the Council will seek appropriate elements of planning gain proportionate to the scale, nature, impact and planning purposes associated with the development.</p> <p>Where Developer Contributions are required these will be flagged up at pre-application stage where applicable, or where no pre-application engagement is sought then officers will seek to make the developer aware of the requirement and justification for any developer contribution as soon as such a requirement is identified in the assessment process.</p> <p>The Council is continuing to review its approach to Developer Contributions in the production of LDP 2 and included consultation during 2017/18 on this issue within the Main Issues Report (Q11).</p>

Part 3: Service Improvements

SERVICE IMPROVEMENTS TO BE DELIVERED IN 2019/20

COMMITTED SERVICE IMPROVEMENT ACTIONS
1. Retain Customer Service Excellence (annual review required to retain award)
2. Deliver 2 pilot Simplified Planning Zones
3. Prepare 2 Conservation Area Appraisals
4. Engagement with regular customers and promotion of National Validation Standards to improve proportion of applications valid upon receipt.
5. Review and Update Customer Charters
6. Production of Hill Tracks Guidance
7. Implement improved workflow and performance management systems within the Development Management Service.
8. Run Sustainable Design Awards
9. Deliver LDP 2

DELIVERY ON SERVICE IMPROVEMENTS ACTIONS FOR 2018/19

SERVICE IMPROVEMENT	STATUS
1. Attain Customer Service Excellence	Complete
2. Deliver 2 pilot Simplified Planning Zones	Ongoing
3. Prepare 2 Conservation Area Appraisals	Complete
4. Engagement with regular customers and promotion of National Validation Standards to improve proportion of applications valid upon receipt.	Ongoing
5. Review and Update Customer Charters	Ongoing
6. Production of Hill Tracks Guidance	Ongoing
7. Improve Planning Application Timescales at Consideration Stage - Implement Project Management Approach for 'Major' and 'Locally Significant' developments and encourage increased use of Processing Agreements.	Complete / Ongoing
8. Run Sustainable Design Awards	Ongoing
9. Deliver improvements to the reliability of the Public Access system.	Complete

Part 4: National Headline Indicators (NHI's) 2018/19

A: KEY OUTCOMES—DEVELOPMENT PLANNING	2018/19	2017/18
Local and Strategic Development Planning		
Age of local / strategic development plan(s) at end of reporting period. <i>Requirement: less than 5 years.</i>	4 years	3 years
Will the local / strategic development plan(s) be replaced by their 5th anniversary according to the current development plan scheme?	No	Yes
Has the expected date of submission of the plan to Scottish Ministers in the development plan scheme changed over the past year?	Yes	No
Were development plan scheme engagement / consultation commitments met during the year?	Yes	Yes
Effective Housing Land Supply		
Established housing land supply ¹	5387units	5471 units
5-year effective housing land supply ¹	3742 units	3808 units
5-year effective land supply total capacity ¹	5106 units	4419 units
5-year housing supply target ¹	3725 units	3725 units
5-year effective housing land supply (to one decimal place) ¹	5.0 years	5.1 years
Housing approvals	909 units	539 units
Housing completions over the last 5 years	1080 units	1088 units
Marketable employment land supply	88.7 ha	88.7 ha
Employment land take-up during the reporting period	0 ha ²	0 ha
B: KEY OUTCOMES—DEVELOPMENT MANAGEMENT		
Project Planning		
Percentage and number of applications subject to pre-application advice	14.7% (191)	17.7% (229)
Percentage and number of major applications subject to processing agreement	0.8% (1)	0%
Decision Making		
Application approval rate	97.4%	97.6%
Delegation rate	97.7%	98.1%
Validation	23.4%	25.4% ³
Decision-making Timescales		
Major Developments	28.3 weeks ⁴	37.9 weeks
Local Developments (non-householder)	10.8 weeks	12.6 weeks
Householder Developments	7.1 weeks	7.9 weeks
Legacy Cases		
Number cleared during reporting period	16	20
Number remaining	34	23

C: KEY OUTCOMES—ENFORCEMENT	2018/19	2017/18
Time since enforcement charter published / reviewed	9 months	34 months ⁵
Complaints lodged and investigated	248	241
Breaches identified - no further action taken	123	139
Cases Closed	238	246
Notices served	48	36
Direct Action	0	0
Reports to Procurator Fiscal	0	0
Prosecutions	0	0

D: NHI KEY OUTCOMES COMMENTARY:

1. Figures derived from finalised HLA 2018 as the most up to date audit available.
2. It is noted that this NHI is not wholly reflective of the uptake of employment land within Argyll and Bute where the rural nature of the Council area and local economy stimulates demand for development in locations that are not readily addressed through take up of allocated land. The Council's settlement strategy seeks to promote sustainable economic development and focuses allocation of employment land in and around existing key settlements where there is demand of employment, existing housing provision and infrastructure to support new development. The LDP does however recognise that the requirements of traditional rural industries, particularly those which are island based including the whisky industry and aquaculture, will give rise to occasional demand for development in countryside locations - our settlement strategy is sufficiently flexible to accommodate this demand as is evidenced in Case Study 5 but also means that take up of land for employment purposes is not wholly captured in the NHIs.
3. It is noted that the Council adopted the [National Validation Standard](#) published by HOPS during 2017/18.
4. It is noted that the data subset for 'major' applications is small and easily skewed. Contextual commentary on other factors affecting decision-making timescales are set out within Part 5 C of the report.
5. It is noted that during 2017/18 the Enforcement Service staff has been reduced by a further 1fte, previously 1fte was also deleted in 2016/17. The Council delayed the planned review of the Enforcement Charter in FQ1 2018 in order to review the effectiveness of revised service delivery arrangements before finalising revised standards for handling of enforcement matters. The Enforcement Charter was reviewed and updated in March 2018 and formally adopted by the Council in June 2018.

Part 5: Official Statistics

A: DECISION-MAKING TIMESCALES (based on 'all applications' timescales)						
Timescales	2018-19		2018-19		2017-18	
	No of Cases (%)		Weeks		Weeks	
Overall						
Major developments	7		28.3		35.7	
Local developments (non-householder)	660		10.8		12.6	
• Local: less than 2 months	378 (57.3%)		6.8		6.8	
• Local: more than 2 months	282 (42.7%)		16.1		19.5	
Householder developments	355		7.1		7.9	
• Local: less than 2 months	284 (80.0%)		6.0		6.3	
• Local: more than 2 months	71 (20.0%)		11.5		15.3	
Housing Developments						
Major	2		18.1		33.4	
Local housing developments	339		10.9		13.6	
• Local: less than 2 months	181 (53.4%)		6.9		7.0	
• Local: more than 2 months	158 (46.6%)		15.4		20.2	
Business and Industry						
Major	1		7.3		32.7	
Local business and industry developments	22		10.0		12.1	
• Local: less than 2 months	14 (63.6%)		6.5		6.9	
• Local: more than 2 months	8 (36.4%)		16.0		18.0	
EIA Developments						
EIA Developments	3		9.3		-	
Other Consents	251		6.5		8.4	
Planning / Legal Agreements						
• Major: average time	0		-		-	
• Local: average time	6		18.5		25.9	
B: DECISION-MAKING: LOCAL REVIEWS AND APPEALS						
Type	Total Number of Decisions	Original Decision Upheld				
		2018-19		2017-18		
		No.	%	No.	%	
Local reviews	10	6	60.0	4	40.0	
Appeals to Scottish Ministers	5	2	40.0	4	57.1	

C: Context

Development Management Service:

Argyll and Bute Council's Development Management Service continues to process planning applications with the aspiration to deliver positive outcomes in all cases. This approach is reflected in our high approval rates but is often achieved by providing applicants with additional time beyond prescribed statutory determination periods where this is required to negotiate and address resolvable deficiencies in their submissions. Whilst it is recognised that this approach can have a negative impact upon performance in decision-making time periods it is contended that this is outweighed by the economic benefits of delivering on improved development proposals which might not otherwise have obtained permission had the Council sought to determine within prescribed statutory time periods; additionally resources required to handle amended applications, appeal and LRB work is minimised.

Overall 2018/19 has proven to be a year of improved performance for the Development Management Service and were reflective of increased capacity within the team compared to the previous reporting period where the service operated with a number of vacant professional positions for an extended period of time in order to minimise budget shortfalls arising from lower than expected planning fee income. Whilst planning fee income returned to expected levels during 2018/19 the Development Management Service required to deliver substantial budget savings of £169k and have undergone a Service Redesign which has rationalised the area management structure in order to deliver a further saving of £105k during 2019/20.

An improved staffing situation has been integral to the delivery of improved time periods for determination of planning applications in 2018/19 with there being a notable jump in performance across all categories of Major, Local and Householder developments.

Development Policy Service:

Production of LDP2 has been re-scheduled during the first six months of 2019. More time has been allocated for production of the Proposed PLDP2 in order to ensure greater confidence in the deliverability of housing land supply; allow for an enhanced detailed engagement with members and senior management in the development of the PLDP; and to schedule a PLDP consultation which avoids the summer months and therefore enhances the opportunities for maximising public engagement. The PLDP2 adoption is planned for early 2021. Re-scheduling of the PLDP2 has been reported through an agreed exception reporting system within the Council and to senior members. The 2019 Development Plan scheme was adjusted accordingly.

Part 6: Workforce Information (at 31.03.19)

	Tier 1 <i>Chief Executive</i>	Tier 2 <i>Director</i>	Tier 3 <i>Head of Service</i>	Tier 4 <i>Manager</i>
Head of Planning Service			☑	

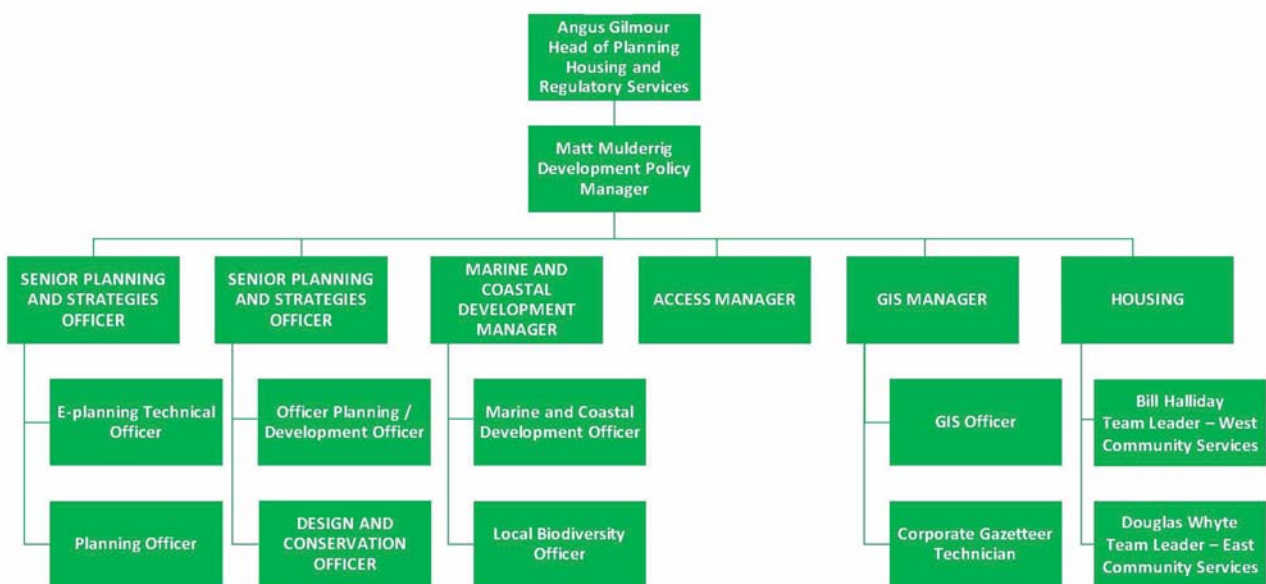
RTPI Qualified Staff	Number	Staff Age Profile	Number
Development Management	15	Under 30	1
Development Policy	4	30 - 39	7
Enforcement	2	40 - 49	10
Other	1	50 and over	21

Planning Services sit within the Development and Infrastructure Services Department, and within the portfolio of the Head of Planning, Housing and Regulatory Services.

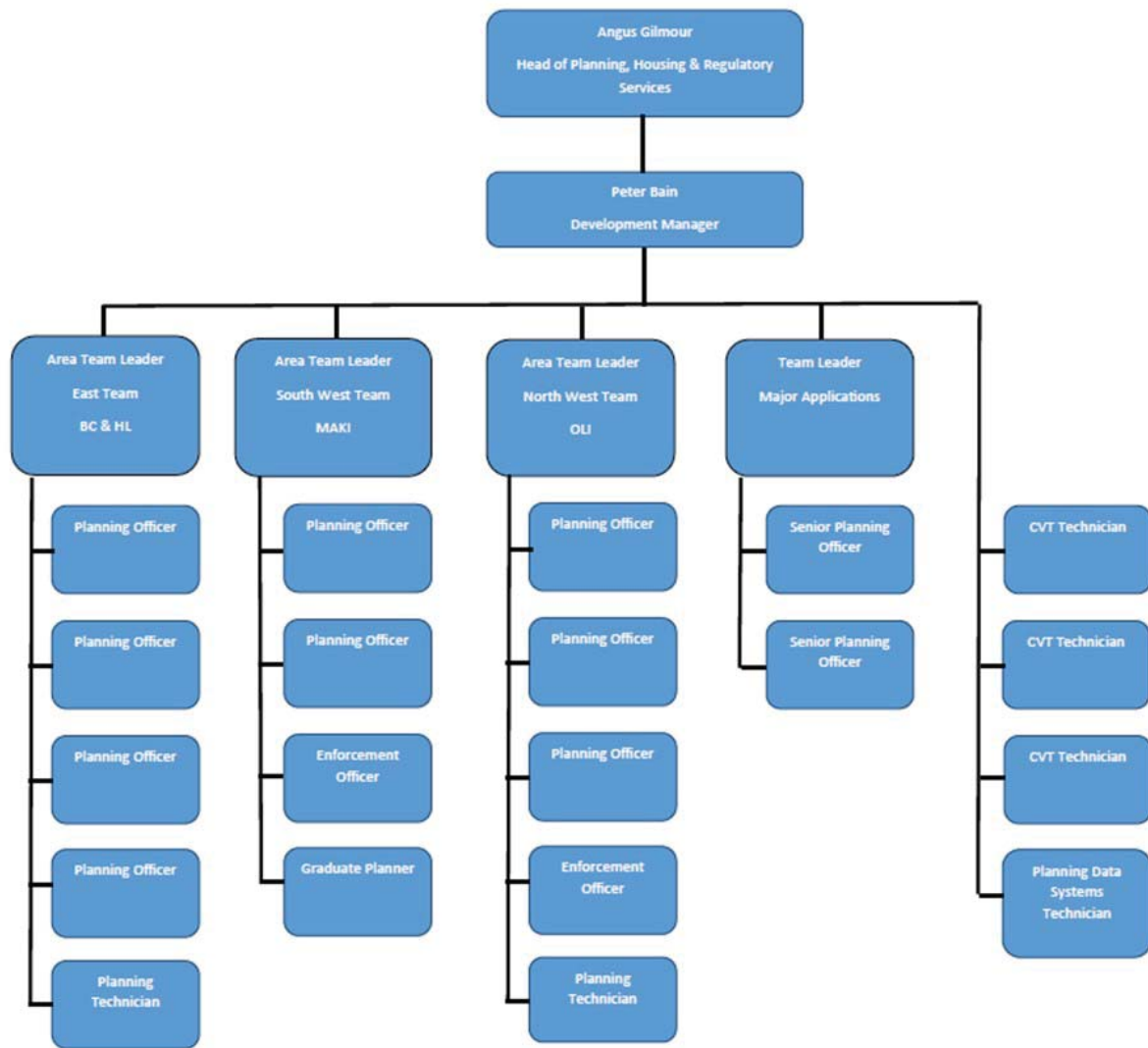
The service structure of the key teams which deliver the planning function are set out below, and on the following page.

Staff Structure diagrams as at 31.03.19

Development Policy & Housing



Development Management



Part 7 : Planning Committee Information

Committees & Site Visits	Number
Full Council Meetings	8
Planning Committees	14
Area Committees	20
Local Review Body	23
LRB Site Visits	1



Argyll and Bute Council
Development and Infrastructure Services
Director: Pippa Milne
www.argyll-bute.gov.uk
Chomhairle Earra-Ghàidheal is Bhòid

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