

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE held in the MAIN HALL, QUEENS HALL, ARGYLL STREET, DUNOON on WEDNESDAY, 28 AUGUST 2019**

**Present:** Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor Donald MacMillan
Councillor Robin Currie	Councillor Jean Moffat
Councillor Lorna Douglas	Councillor Alastair Redman
Councillor Audrey Forrest	Councillor Sandy Taylor
Councillor George Freeman	Councillor Richard Trail
Councillor Graham Archibald Hardie	

**Attending:** Iain Jackson, Governance, Risk and Safety Manager  
Howard Young, Area Team Leader for Bute & Cowal and Helensburgh and Lomond  
Brian Close, Planning Officer  
Marina Curran Colthart, Local Biodiversity Officer  
Alan Fitzpatrick, Associate Planning Partner, Montague Evans – Applicant's Agent  
Allan Campbell, Argyll Holidays – Applicant  
Jackie McBurney, Argyll Holidays Ecologist - Applicant  
Iain MacNaughton, Sandbank Community Council – Consultee  
Juliette Gill, Hunters Quay Community Council – Consultee  
Bronwyn Hosie, Objector  
Fiona Wright, Objector  
Jenifer Cousins, Objector  
Ruhi Thallon, Objector  
Margaret McMurtrie, Objector

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Rory Colville, Mary-Jean Devon and Roderick McCuish.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. ARGYLL HOLIDAYS: USE OF LAND FOR THE SITING OF 40 NO. HOLIDAY CARAVAN PITCHES, FORMATION OF ACCESSES AND ASSOCIATED INFRASTRUCTURE WORKS: HUNTERS QUAY HOLIDAY VILLAGE, HUNTERS QUAY, DUNOON, ARGYLL (REF: 18/02596/PP)**

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

## PLANNING

Howard Young presented the application on behalf of the Head of Development and Economic Growth.

He advised that this was an application for Argyll Holidays for 40 new static caravan pitches on a site within the Camas Rainich Wood. At the May PPSL Committee the application was continued until today's hearing. He advised that Members were on site today and he then referred to a power point presentation which had been before the Committee at their May meeting. He highlighted the site in the context of the Local Development Plan and pointed out the site edged in red which related to 3.8 hectares within Camas Rainich Wood and was 500 metres long and 100 metres wide. He then highlighted various photographs which gave various views of the site. He advised that the original proposal was for 45 caravans and that this was reduced to 40, with the top part where the other 5 were originally proposed, now acting as an extra buffer to the development.

He pointed out that Planning Officers were required to assess all applications in terms of Section 25 of the Town and Country Planning (Scotland) Act 1997 and against Local Development Plan policies and other material considerations. He advised that two reports had been prepared with the report of handling including an Appendix covering an Area Capacity Evaluation (ACE). Supplementary report number 1 advised of additional representations both for and against the proposal which had been received since the May Committee along with consultee responses from Sandbank Community Council and Scottish Water. He confirmed that in assessing the application it was considered that there were 3 key issues that needed to be addressed: the scale of the development; the impact of the development on trees and biodiversity; and the impact on the character and amenity of adjacent residential properties.

He advised that policy LDP DM 1 indicated different scales of development for different development management zones. He pointed out that the site was within the countryside zone where policy LDP DM 1 was in favour of small scale developments. For caravans this would be up to 10 caravans, with medium scale over 10 and up to 50 caravans. He confirmed that this was a medium scale development and that policy LDP DM 1 allowed for medium and large scale developments subject to an ACE which in this case was set out in Appendix B of the report of handling. He advised Members that when they came to deliberate the application they would be required to assess the ACE and decide whether or not to support it. He advised that supporting the ACE would not mean support for the application, but it would become a material consideration in the determination of the application. The purpose of the ACE is to establish the capacity of the wider countryside containing the application site to successfully absorb the scale of development proposed. It involves an assessment of landscape sensitivity to the type and scale of development being proposed and is very detailed. He referred to the key characteristics of the ACE compartment (Hunters Holiday Village in its entirety) set out at section C of Appendix B. The ACE concluded that the receiving landscape had the capacity to accommodate the proposed development as it was considered appropriate in nature and scale and that this was for the Committee to agree with or not.

He then referred to the second issue relating to trees and biodiversity and advised that a tree survey had identified 860 individual trees on site consisting of a mixture of

plantation Scots Pine, Birch, Alder, Oak, Beech, Larch and Spruce; mostly mature and in variable condition. The proposed development would involve the removal of 88 trees in total, 27 of which were classified as “good”, 32 “fair” and 29 “poor”. Of the 88 trees to be removed, 54 were coniferous evergreen trees (46 of which were plantation Scots Pine where 31 were under a height of 500 mm). The proposal has been the subject of extensive pre-application discussions. The area has been cleared of *Rhododendron ponticum* which was choking the site. Clearing the site was not about opening gaps in the woodland to allow caravans to be added. He advised that the site was covered by a Tree Preservation Order (TPO). He said that there were substantial weaknesses in the TPO legislation advising that there was no requirement for a landowner to maintain a TPO woodland or trees. He advised that if there was no maintenance and a site became a health and safety risk then Health and Safety legislation would overrule unsafe trees. He advised that there were substantial benefits in trees being taken out as this allowed for regrowth and for new trees to be planted. It is considered the development would have no impact on the woodland.

He then referred to the character and amenity of the area and advised that the nearest property was 51 Cammesreinach Crescent which was approximately 90 metres from the site edged red. He advised that there had been no objection from the Area Roads Officer and no objections from Scottish Water or the Flood Adviser. He said that SNH considered the development too small to comment on. He advised that in terms of amenity, given the separation distances, replanting and nature of the development he did not see this development having a detrimental impact on the properties to the east of the site. As such, assessing the proposal against policies and material considerations, he advised that he considered that the scheme should be supported. He acknowledged that there was always tension between economic development and the natural built environment. He confirmed that he was happy to recommend approval of the application subject to the conditions set out in the report.

Marina Curran-Colthart gave the following presentation:

My role as the Local Biodiversity Officer is to provide advice to Development Management on planning applications.

In terms of my presentation today, I will cover the proposed site, the habitats and species, site designations and associated policies and statutory consultee advice. But firstly I would like to commence with the Councils policy on Biodiversity from the current Local Development Plan:

#### SG LDP ENV 1— Development Impact on Habitats, Species and our Biodiversity

This policy provides additional detail to policy LDP 3 Supporting the Protection, Conservation and Enhancement of our Environment of the Adopted Argyll and Bute Local Development Plan.

When considering development proposals Argyll and Bute Council will give full consideration to the legislation, policies and conservation objectives, contained within the following:-

- a) Habitats and Species listed under Annex I,II & IV of the Habitats Directive;

- b) Species listed under Annex I & II of the Birds Directive and Red and Amber status 'Birds of Conservation Concern';
- c) Article 10 Features under the Habitats Directive;
- d) Wildlife and Countryside Act 1981; (and as amended by the Nature Conservation (Scotland) Act 2004);
- e) Species listed on Schedules 1, 5, 7, 8, 9 and 14;
- f) Wildlife and Natural Environment (Scotland) Act 2011. A Code of Practice on Non-Native Species supports this Act.
- g) Protection of Badgers Act 1992

When considering development proposals the Council will also seek to contribute to the delivery of the objectives and targets set by the Local Biodiversity Action Plan (LBAP) and the Scottish Biodiversity Strategy. Proposals that incorporate and safeguard existing site interests within the design wherever possible will be encouraged. Applications for medium and large scale developments will be required to complete a biodiversity checklist.

Where there is evidence to suggest that a habitat or species of European, national and/or local importance exists on a proposed development site or would be affected by the proposed development, the Council will require the applicant, at his/her own expense, to submit a specialist survey of the site's natural environment, and if necessary a mitigation plan, with the planning application.

The proposed application site extends to some 4.2 Hectares in Camas Rainich Wood, which is predominately former woodland plantation, dominated by Rhododendron Ponticum that has recently been cleared. It sits to the east of the main holiday centre building, and extends some 480m to the south and 120 to the east. The eastern most boundary of the site is defined by an existing forestry track, as is the northern boundary. To the south and east lies an existing plantation with an understory of dense Rhododendron Ponticum. The woodland is covered by a blanket TPO and is part of the Ancient Woodland Inventory.

### Habitats

- a) Woodland mix- Scots pine (*Pinus sylvestris*), Alder (*Alnus glutinosa*), Birch (*Betula pendula*), Norway Spruce (*Picea abies*), Beech (*Fagus sylvatica*), Larch (*Larix decidua*) and a number of poorer specimens of Oak (*Quercus robur*) and Rowan (*Sorbus aucuparia*).
- b) There is an impoverished ground layer largely dominated by patches of *Calluna vulgaris* and *Vaccinium myrtillus*
- c) Small water course through the spine of the site
- d) Peatland-BAP habitat
- e) Reedbed- BAP Habitat
- f) Wetland area adjacent to the water course at the upper end of the site – see map.

### Species

Surveys for Bats, Birds, Red Squirrel, Otter and Badger. Deer are ubiquitous throughout the woodland, in most places regeneration is evident.

In terms of my involvement I have under taken a number of site visits to the proposed development with planning colleagues since 2011 and with this application since 2017 where two site visits on 24 April and 7 July 2017 in order to gather biodiversity information about the site in order to assess the interest.

Subsequently I provided commented on the Screening 17/01985/SCREEN for a Environmental Impact Assessment-

- a) The woodland is dominated by Scots Pine, some Sitka Spruce, Oak, Beech, Birch, Alder and Willow and is covered by a blanket Tree Preservation Order and is on the Ancient Woodland Inventory which I will cover later in my presentation
- b) Some woodland management works ( permission having been granted by the Planning Authority) was carried out notably, Rhododendron ponticum (Rp) clearance- an Invasive non-native species and the removal of some windblown trees (which would be deemed as dangerous) along with some trees that had suffered damage as a result of the Rp. removal.
- c) The clearance of the Rhododendron ponticum has revealed a peaty soil in a low-lying area situated in the centre of the site which is prone to water logging.
- d) There is a reedbed at the eastern end of the site in a ditch and in a low-lying area.

During the Pre- App process the following surveys with mitigation were requested:

- a) An Ecological survey with mitigation was requested and carried out about a suitably qualified person to focus on Bats (European Protected Species), ornithological interest for both the woodland and reedbed habitats along with Red Squirrel- as the latter is known in the area.
- b) A Tree survey was also requested to assess the number and condition of each of the trees. Post Rp control works
- c) As Peatlands are a national habitat priority, I required further information on the depth of and treatment of the peat during construction and post development if the Planning Authority is minded to grant permission.  
This information was subsequently supplied in the form of a Peat Depth survey and included in the Peat Management Plan.

All these surveys were to inform the placement of the lodges in terms of a full planning permission application; I advised that the location of the lodges needs to be overlaid to identify where the existing trees are and to assess additional landscape work to support the integrity of the woodland as well as avoiding deep peat- which is more than 50cm deep

- a) The trees in relation to informing the position of the proposed holiday lodges were a key factor in terms of survey and mitigation so as to avoid damaging them, their roots and canopy and include wetland areas.
- b) A Re- planting plan was requested so that species were in keeping with the existing landscape allied with the retention of the Reedbed as this is both a local and national priority habitat.

### Designations

The site is subject to a blanket woodland TPO; is on the Ancient Woodland Inventory and part of the Dunoon Green Network.

TPO 08/91 - Land at Hafton, Kennel Wood, Camas Rainich Wood. Listing in Ancient Woodlands Inventory as Long-established woodland of plantation origin.

In Scotland, Ancient Woodland is defined as land that is currently wooded and has been continually wooded, at least since 1750. Ancient Woods are important because:

- They include all remnants of Scotland's original woodland; their flora and fauna may preserve elements of the natural composition of the original Atlantic forests.

- They usually have much richer wildlife than that of more recent woods.
- They preserve the integrity of soil ecological processes and associated biodiversity
- Some have been managed by traditional methods for centuries and demonstrate an enduring relationship between people and nature.
- Woods and veteran trees are ancient monuments whose value to the local community and historians may be as great as that of the older buildings in a parish.
- Once destroyed, they cannot be recreated.

However, the advisory note does allow for development provided mitigation is in place, *'If a development would result in the severing or impairment of connectivity between important woodland habitats, workable mitigation measures should be identified and implemented, potentially linked to the creation of green networks'.*

In relation to the proposed site for this application, the woodland is part plantation and part native species and was in very poor condition due to the influence of the *Rhododendron ponticum*, an INNS which has compromised the woodland integrity and biodiversity.

It has been proven that *Rp* as an INNS is responsible for the destruction of many native habitats and the abandonment of land throughout the British Isles. The reason for this is simple. Where conditions are suitable, *Rhododendron* will out compete most native plants. It will grow to many times the height of a person, allowing very little light to penetrate through its thick leaf canopy. This effectively eliminates other competing native plant species which are unable to grow due to insufficient light. This in turn leads to the consequent loss of the associated native animals.

This site is currently within the Dunoon Green Network. Extract from LDP:

SG LDP ENV 8 – Protection and Enhancement of Green Networks. This policy provides additional detail to policy *LDP 3 Supporting the Protection, Conservation and Enhancement of our Environment* of the Adopted Argyll and Bute Local Development Plan.

Argyll and Bute Council will encourage developments to contribute towards the creation, retention and improvement of Green Networks within and surrounding the Main Towns of Campbeltown, Dunoon, Helensburgh, Lochgilphead/Ardrishaig, Oban and Rothesay. Within defined Green Networks, development proposals will be expected to demonstrate that they safeguard and enhance the environmental integrity and functionality of the Green Network.

### Justification

- a) Within Argyll and Bute a Green Network, describes the connectivity of areas of open space, natural habitats and pathways linking together natural, semi-natural and man-made corridors including leisure/recreational space, creating an interconnected network that provides opportunities for physical and recreational activity, enhancing biodiversity, the movement of species and the quality of the external environment and increasing accessibility within settlements and to the surrounding countryside.
- b) Argyll and Bute has identified Green Networks within and surrounding the Main Towns of Campbeltown, Dunoon, Helensburgh, Lochgilphead/Ardrishaig, Oban and Rothesay on maps that accompany this guidance.
- c) Development proposals affecting these Green Networks are expected to safeguard their integrity and improve the quality of these green networks in a manner that is proportionate to the scale and impact of the development proposed.

- d) The purpose of this policy is to ensure that Green Networks within and around Argyll and Bute's main towns increasingly form attractive settings for daily life, distinctive local identities for places, enhancing access to civic spaces, parks, playgrounds, and natural open space, and improving health and well-being within the wider community, enhancing bio-diversity and the movement of species, helping to mitigate against climate change, encouraging tourism and promoting sustainable use of scarce land resources.

This SG conforms to:

- NPF3
- SPP
- PAN 60 (Planning for the Natural Heritage)
- UK Biodiversity Action Plan
- Green Networks in Development Planning – SNH (2012)
- LDP Key Objectives A, E & G

In terms of Biodiversity Interest: the applicant has carried out the following surveys:

Tree and Ecological Survey- woodland management plan and includes a replanting scheme- All trees within the proposed development have been tagged and marked on Topographic Survey-Tree Health Schedule where 861 trees were assessed with 88 proposed for removal.

There is a Woodland Management plan 2018-2023 for this site- the current plan is acceptable.

Ecological Survey- Bats, Red Squirrel, Otters and Badgers – the results are outlined below.

### Bats

At the time of the tree survey, trees were assessed for possible bat roosts. No obvious signs were evident within the area surveyed. The most likely trees to contain roosts would be the mature beeches and oaks to the north, bordering Islay Village and to the southeast, bordering the track to Cowal Golf Club. The nearest roost known is situated in the small building to the west of the Leisure Centre NGR. NS 1763 7937, which houses the T.V. system for that area of the park. This is a long established roost of *Pipistrellus pipistrellus*, with at least 12 years continuous use. Bats are known to forage throughout the park and the surrounding area. It is known that there are Common pipistrelle, (*Pipistrellus pipistrellus*), Soprano pipistrelle (*Pipistrellus pygmaeus*) and Brown long eared (*Plecotus auritus*) bats in the area. This has been established by using bat detectors and sighting over a number of years.

### Red Squirrel. - Carried out from 6th - 9th May 2017

Camas Rainich Woodland as a whole hosts a healthy population of Red Squirrel and in general, there are signs of squirrel activity however, during the four day period of 6th to 9th May, there was little sign of activity observed within the survey area.

The majority of the trees in this area are Scots pine with an open canopy however, the trees most likely to contain dreys would be the Norway spruce with a dense

canopy which are scattered throughout the site. That being said, the majority of them are stand-alone trees. This, in combination with the recent removal of the understory of *Rhododendron ponticum*, would mean squirrels would have to come down from the canopy and cross open ground to reach the nearest stand of trees. This is unlikely as it would expose them to predation each time they left or returned to the canopy.

There is also a number of Norway spruce at the north end of the survey site which is in close proximity to the stand of mature Beech trees. The area has an understory of smaller trees and shrubs which would allow squirrels remain within the arboreal layer rather than come down to ground level.

In addition, the owners of caravans within Islay Village to the north of the survey site supply a regular food source for the squirrels.

#### Otter (*Lutra lutra*) - Carried out from 6th-9th May 2017

The survey area lies within the grounds of Hunters Quay Holiday Village. The site is a large holiday village containing 831 holiday homes, Leisure centre and auxiliary buildings and has been operating for 22 years. The park, in its entirety, borders Hafton House to the north and Cowal Golf Club to the south, Hunters Quay to the East and Kennel Wood to the West.

There is one watercourse within the survey site. This runs from the south and is fed from the wooded area NGR: NS 181 791, bordering Cowal Golf Club. It runs north to the Holy Loch and discharges into the loch at Hunters Grove NGR: NS 181 798

From the Cowal Golf Club, the water course is no more than a series of ditches cut through a boggy section of woodland/scrub. It then runs north through Camas Rainich Wood. From this point it flows to the showground east of the main Leisure Centre. This section has recently been cleared of *Rhododendron ponticum*. It then flows between showground and survey site, then down through the wood East of Islay holiday village, passing under the footpath leading to Hunters Quay then through four gardens at Hunters Grove it then passes under the A815 road and discharges onto the shore at the holy Loch NGR. NS 180 798.

The holiday park in its entirety is heavily used by holiday makers and locals from the surrounding area. Neither group has reported any sightings or submitted any photos of otters. There is no physical evidence of otters on the site, no spraint, no paw prints at any point along the water course. Due to the lack of physical evidence and no sightings/photographs, it must be assumed that there are no otters on the site.

#### Badger (*Meles meles*) - Carried out from 6th-9th May 2017

The survey area lies within the grounds of Hunters Quay Holiday Village. The site is a large holiday village containing 831 holiday homes, Leisure centre and associated auxiliary buildings and has been operating for 22 years. The park borders Hafton House to the north and Cowal Golf Club to the south, Hunters Quay to the east and Lochan Wood to the West.

The site is heavily used by holiday makers and locals from the surrounding area. None of these groups have reported any sightings or submitted any photos of badgers. There is no physical evidence of setts, dung pits, latrines or runs. It must be assumed that with lack of physical evidence and no sightings or photos submitted that there are no badgers on this site.

Birds: the site was checked for nesting birds at the time of the tree survey. None were recorded.

Deer- recorded on site.

#### Peat Management Plan (informed by a Peat depth survey)

Note that Peat is a priority habitat and is important for carbon sequestration. The survey informed the peat depth which revealed that 46 of the 64 depth points measured between 125 mm and 1760 mm with ... with 42 depth points over 500mm and considered deep peat.

The Plan is acceptable in terms of management retention of turves, use of peat in re-instatement, protecting the resource during construction- use of Bog Mats and engineering access routes to float.

Scottish Forestry have provided advice on woodland removal and on the proposed re-planting scheme which the applicant has followed.

Wet areas planting -species suggested for these areas are: Alder, Goat Willow, White Willow; Swamp Cypress and Aspen.

Higher Ground – species suggested for these areas are: Birch, Beech, Oak, Rowan, Hawthorn, Cherry, Scots pine and Western Hemlock.

#### Water feature and wetland areas

Extension of wetland area to a pond will facilitate a drainage ditch and help manage seasonal flooding, it will add an additional feature in terms of biodiversity and the wet woodland landscape. By installing this feature, it will assist in the reduction of water flow and ensuring that the Reedbed a Biodiversity Action Plan Habitat further down the site is not compromised by torrents of water.

A Construction Environment Management Plan has been conditioned with the work overseen by an Ecological Clerk of Works. Details of species, habitat and tree protection and Tool Box talks will be covered in the document by the ECoW.

In summary the site has been subject to woodland management relating to *Rhododendron ponticum* – an invasive non- native species allied with the removal of dead and damaged trees. Removal of such INNS is deemed as responsible management of any site as these species affect the quality and extent of the any habitat, in this case woodland; INNS compromise natural re-generation. This work has provided an opportunity for the applicant to develop a proposal for additional holiday units within the existing holiday site. This approach has been supported by statutory consultees.

Replacement planting has been agreed and natural regeneration of trees and ground cover as part of the TPO and will assist in the restoration of the woodland.

This application is supported by a number of surveys including ecological, tree, topographic and peat. The results of the species survey revealed that there is Bat roost potential and are known to forage in the area; Red Squirrel known in the area with regular sightings with visitors feeding them.

No signs or sightings of Otter or Badger were recorded.

In terms of the woodland in its current state and the proposal includes a number of measures to protect and enhance the site and its species during construction are in line with best ecological practice- albeit that permission is granted. A draft CEMP has been agreed in principle with Tool Box talks included for construction workers; this approach of protecting and enhancing (including timing of operations) is embedded in the proposed development.

The statutory consultees have provided additional information in terms of woodlands and their uses and in particular fitting such a development into a mix of plantation and natural woodland that not only will benefit visitors but with the recommended choice of tree species and natural re-generation will benefit biodiversity. The creation of a pond is a welcome addition to the site which will not only support wildlife and enhance a wetland habitat but add to the overall visitor experience.

The retention of the reed bed to the lower part of the site will continue its function as a habitat that supports related species i.e. dragon flies, damsel flies and bird species along with acting as a water filter.

In conclusion the site has been assessed according ecological standards which includes mitigation, retention of existing habitat allied with the addition of a pond; the applicant has used the clearance of the *Rhododendron ponticum* and removal of trees assessed as being in poor condition as an opportunity to expand and embrace the woodland setting for his tourism business whilst maintaining the integrity through a replacement planting and enhancement with an additional wetland habitat thus making a valuable contribution to the biodiversity of the woodland.

## **APPLICANT**

Alan Fitzpatrick spoke on behalf of the Applicant and gave the following presentation:

Hunter's Quay Holiday Village is an award winning Holiday Park that is long established within Dunoon. The park employs 240 workers and also contributes significantly to the local area in terms of tourism economy. Argyll Holidays works closely with local businesses within the Argyll area which contributes further to the sustainability and growth of the local economy.

The holiday village has had a David Bellamy Gold environmental award for environmental sustainability for the last 14 years.

My name is Alan Fitzpatrick, I am an Associate Planning Partner with Montague Evans. I have 14 years' experience and have worked with Argyll Holidays on a number of planning applications since 2006.

I am here today to let you know why planning permission should be approved for the use of land at Camus Rainich for the siting of 40 holiday caravan pitches, formation of accesses and associated infrastructure works.

Pre-application discussions have been held with the Council since 2015 with a formal Proposal of Application Notice submitted to the Council in June 2017. The application for planning permission was then submitted to the Council in December 2018.

The proposals have been landscape led in order to maintain and enhance the diversity of the existing woodland. The proposed development is not visible from any aspect outside the holiday park. A number of reports have been submitted with the application including a Tree and Ecological Survey, Woodland Management Plan, Visual Impact Statement and Peat Management Plan. Currently the application site is in poor diversity but the proposals can increase the habitat for wildlife in the area.

An Area Capacity Evaluation (ACE) was prepared for the site and justifies that the site has capacity to accommodate a maximum of 40 holiday caravan stances. A significant portion of the woods will remain untouched and a natural visual and privacy buffer will be retained between the Holiday Village and residential properties at Cammesreinach Crescent and Victoria Road.

During the consultation period of the application, comments were received from a number of statutory consultees including Scottish Natural Heritage, The Woodland Trust, the Forestry Commission Scotland and Hunters Quay Community Council. SNH have no objections to the proposal with the Forestry Commission noting that compensatory planting to offset the permanent woodland loss due to the proposal.

There have been 39 objections received to the application and also 23 letters of support which recognise the importance of Hunters Quay Holiday Village particularly in terms of tourism, job creation and the local economy.

While we have sympathy with many of the comments which have been provided to the application, the proposed development is in accordance with the Argyll and Bute Local Development Plan, particularly policy LDP 5.

In summary, the Applicant has worked closely with Argyll and Bute Council since initial pre-application discussions began in 2015.

The proposed development will bring further tourism to the area and also further economic development benefits. Argyll Holidays are one of the largest employers within the area, who purchase supplies locally and encourage visitors to the area to shop and visit attractions locally. The proposals will provide a unique opportunity, enhance the existing wildlife and the proposed development will also result in the positive regeneration of Camas Rainich Wood. If planning permission is granted then a number of conditions will need to be discharged prior to development commencing.

We therefore respectfully request that you approve our planning application in accordance with the Planning Officer's recommendation of approval.

Thank you very much for your time.

## **CONSULTEES**

### Roads

Howard Young read out the following statement from Paul Farrell, Traffic and Development Officer, who was unable to attend the hearing.

The additional 40 units within the expanse of HQHV will not cause a significant increase in traffic movements when considering the overall scale of this recreation and leisure development. There are 2 parking spaces proposed for each new pitch, the geometry of the access road is acceptable. As the proposal will be for owner/occupier for these new caravans there should not be an increase of vehicles exiting at any prescribed checking out time, therefore not creating an increased peak to traffic movements. The traffic flows and queuing in the area especially the A815 Marine Parade Hunters Quay in the vicinity of Western Ferries have not been typical of past year due to the upgrading of terminal. During the course of the works the available queuing space in the Muster area has been reduced and only one link span serviceable both of which have reduced the service. Given the fact that by now or in the very near future the operation of all four link spans will not be tide dependent, this should provide a more efficient service in both directions.

#### Sandbank Community Council

Iain MacNaughton confirmed that he represented Sandbank Community Council in respect of this matter. He advised that given that Holyrood Parliament had recently declared a climate change emergency, it seemed astonishing that this proposal would involve the felling of 90 mature trees. He said that recommending approval of this development was surely not in keeping with the Scottish Government's intention to mitigate climate change. He advised that as this area was recognised and designated as an Ancient Woodland it should be protected. He suggested that the felling of 90 or so trees was vandalism of the first order. He advised that this could be a precedent for further intrusions into the forest. He said that Argyll and Bute Council needed to decide if it wanted to nurture and protect the Ancient Wood or facilitate its demise. He advised that the economy argument for the proposed scheme was flawed. He referred to caravans being exempt from Council Tax and said that the Holiday Park made sure there was no direct contribution to the local economy. He advised that the Holiday Park had very cleverly and successfully ensured the retention of visitors within its boundary with its restaurants, bars, sauna and children's play area all on the site. He said that local business, other the two supermarkets, received marginal benefit. He asked the Committee to reflect on these points and refuse the application.

#### Hunters Quay Community Council

Juliette Gill advised that her own position was that she was against this development even although she used to have a caravan at Hunters Quay Holiday Park. She advised that Hunters Quay Community Council was against this proposal for the same reasons as Sandbank Community Council. She said that they were concerned about the environment. She advised that it did not matter how well you tried to look after the wildlife, the amount of destruction would seriously affect it and that there was no way round that. She said that they also had concerns about human impact and the impact on the village. She advised that although they may not be able to see the development, they would be able to hear it. She referred to the increase in traffic and said this would be significant. She referred to people living on un-adopted roads and said the increase in traffic would cause serious disruption. She referred to Police reports which came to the Community Council and advised that even although crime levels were low in Hunters Quay, the majority of crime came from the Holiday Park. She advised that the closer the park got to the people that lived there, they more concerned they were. She also advised of concerns about the sheer volume of the park. She said that Hunters Quay was a small and quite village and that the

number of caravans was quite overwhelming. She referred to people not contributing to the local economy and advised that when they came off the ferry they turned right to the Holiday Park, with many only coming down to shop at Morrison's supermarket maybe once a week. She said that there was a need to have more diversity with tourist accommodation. She advised that they did not want caravans and chalets dominating the environment at the expense of bed and breakfast accommodation and holiday lets in the area. She said that they needed a wide range so that tourists had a genuine choice. She advised that the Community Council were not against the Park as such, but they were against its expansion. She said that the Applicants may have got on better if they had consulted with the community directly and if they had approached the Community Council and arranged a meeting in the hall. She asked for the views of the 900 people living in the village to be sought before any future planning.

## **OBJECTORS**

### Bronwyn Hosie

Bronwyn Hosie referred to a copy of a book which she wrote and had asked to be sent to Members before the meeting. She explained that it was fictional but outlined the problems faced by wildlife and the flora and fauna where she lived. She advised that she has lived at Victoria Road for 29 years. She said that she wished to highlight the practical problems she has encountered since attempts have been made to extend and redevelop the site. She explained that her house had a large back garden which backed on to Camas Rainich wood. She advised that over the years she had seen quite a few changes which have affected her house and the way she lived. She said that a number of years ago when a number of trees were removed before a previous proposal was accepted, and in fact was not accepted after all, all of a sudden her back garden was turned into swamp land and weeds grew to 6 feet high. A stream developed down the side of her house from the back to the front and led to flooding of her basement. She advised that other houses were also affected despite being reassured that this would not happen. She also advised that their gardens were convenient for people on foot to take a short cut from the holiday camp through the woods and through their gardens down to the ferry. She said that there has been numerous occasions where people from the holiday camp have been wandering around her back garden. She also advised of people parking their cars in front of her house and leaving them there for over a week at a time. She suggested that these cars belonged to people visiting their friends who were staying at the holiday camp. She advised that these were some of the practical problems which she was putting forward as a resident in the area. She also expressed her concern about the effect of the development on the wildlife.

### Fiona Wright

Fiona Wright advised that a lot of what she was going to say had already been said by Iain MacNaughton. She said that tourism was a vital part of the economy of Scotland and for Argyll and Bute in particular. She advised that she worked for a tour operator and that she had nothing against the development of tourism. However, she advised that the ancient landscape had to be protected and said that so much already had been lost to development. She referred to the destruction of the Amazon rainforest and said that Scottish ancient woodland was being destroyed in the same way for commercial gain. She said that the badgers, bats and squirrels needed a voice and that we were constantly learning more about the natural world.

She advised that we were just visitors to this planet and that it was incumbent on us to protect it for future generations. She referred to the Rhododendron not being a native species and said that mankind had brought in the Rhododendrons to this area. She questioned what we would do once the last tree was cut down and the last fish was eaten. She advised that she was astonished and dismayed that Argyll and Bute Council were allowing the destruction of ancient woodlands and asked the Committee to refuse this application purely on the grounds of preventing the destruction of this natural landscape.

#### Jenifer Cousins

Jenifer Cousins advised that she also lived on Victoria Road and that she had problems with drainage in her garden. She also advised that recently it had been appalling trying to get out onto the main road due to cars waiting in queues for the ferry. She said that coming off the ferry you were meeting cars were coming along on the wrong side of the road from Sandbank. She referred to there being two bad corners and advised that another ferry would not make a difference.

#### Ruhi Thallon

Ruhi Thallon advised that her career was in tourism. She said that she commended the Holiday Park for all the tourism it had brought into Hunters Quay and Argyll but questioned where it would stop. She said that to her it looked like over the last 20 years while she has lived here that the park had got larger and larger. She said that they were not Mr Trump and that they needed their woodlands, that the planet needed the woodlands. She asked the Committee to reject this proposal.

#### Margaret McMurtrie

Margaret McMurtrie said that she had not really planned to speak but felt strongly that the Council needed to understand what was happened at Camas Rainich Woods. She advised that her house was right on point where she had wood on the side and the back right at the top of Victoria Road and that she had stayed there for 20 years. She said that in the past 18 months she had watched a lovely flock of pipistrelle bats coming down to nearly 5 or 6, certainly single numbers. She suggested that something was going on that had caused this. She advised that her fear was she was seeing the dying of the local fauna. She said that she had also had 3 red squirrels come into her garden to get fed and play but within the last 6 months that had all stopped with only the odd one coming in now. She said that she did not really know what was going on but said that something dangerous was happening in Camas Rainich Woods and the surrounding area. She advised that her house used to be surrounded by woods and that this had all disappeared in the last 20 years along with the red squirrels and bats. She said that development had caused this and that was the only reason she was standing here now. She advised that it was so important that the Committee were made aware of what she has watched. She said that it was getting worse and she asked the Committee to listen to what was being said.

### **MEMBERS' QUESTIONS**

Councillor Redman sought and received confirmation from Mr Fitzpatrick on what the economy gain would be as a result of this development. Mr Fitzpatrick referred to the rent and rates paid by the company and also advised that they worked with 25

local suppliers. He advised that he did not have up to date figures on residents that came to the park but said that they did contribute to the local economy.

Councillor Redman sought more information on the compensatory replanting of trees. Ms McBurney advised that in respect of the proposed planting scheme 400 trees were specifically picked that would thrive in the local ground conditions and encourage more biodiversity in the woodland and also address water logging issues. She confirmed that 88 trees were proposed to be felled and advised that the woodland in that section of the wood was in poor condition due to the Rhododendron invasion and ground conditions. She referred to micro management of the site and confirmed again that 400 trees would be planted specific to the ground conditions so that they would have a chance of survival and raise the biodiversity of the area as it was poor at the moment.

Councillor Blair sought and received confirmation from Ms McBurney that the 400 trees would be planted within a section of the development site. She confirmed that the capacity of that area would be able to sustain that amount of trees and generally you would expect between 10% and 15% losses. She advised that there was more of a success rate planting smaller trees on mass rather than planting fewer, larger trees.

Councillor Blair referred to drainage and low water rates and asked Ms McBurney if she was happy with the response from Scottish Water. Ms McBurney replied yes. She explained that the trees proposed to be planted would soak up a lot of water. She advised that trees like the Alder were happy to have their feet in water. She confirmed that the trees they had chosen to plant would survive in that area.

Councillor Blair referred to the number of caravans and asked if 20 caravans would have been economically viable. Mr Campbell advised that after discussions with Planning Officers the number of caravans had been reduced from 45 to 40 and that was the number they went with in the application.

Councillor Blair referred to the TPO and concerns raised at Community Council meetings about TPOs being breached. He sought comment on the overall forward plan for that area as it was an Ancient Woodland. He asked if an Ancient Woodland would be a good selling point for a modern, vibrant caravan park. Ms McBurney said that they hoped to put people into that environment. She referred to comments about TPO breaches and advised that they have always worked closely with Argyll and Bute Council. She said that not a leaf in that park was touched unless it had gone through the planning process. She confirmed that any works carried out in the park by contractors always went through Argyll and Bute Council and that their applications were listed on the Council's website. She advised that Planning Officers always looked at their proposals before any work was carried out. She advised that she would let Argyll and Bute Council know if any tree fell over. She confirmed that all works went through the TPO process.

Councillor Trail referred to concerns about the absence/reduced numbers of red squirrels and bats. He advised that it was his understanding that red squirrels could live quite close to humans without undue concern. He said that he had noted from the report that no roosts for bats were found on the development site. He sought comment from the Biodiversity Officer on why one of the objectors was experiencing reduced numbers. Mrs Curran-Colthart advised that in terms of bats she had noted reports from all over Scotland that there were reduced numbers of bats but they had

not identified specific areas. She said that she monitored bats at her own house and they had reduced there. She advised that habitat disturbance would not be the only answer and that it was common to go through different cycles. She referred to unusual weather over the summer which had been a hot and rainy one and she also referred to climate change. In terms of red squirrels, she advised that they were a very social animal and if you were going to feed them they would return. She said that if food was provided for them they tended not to forage elsewhere. She advised that they were a fairly versatile animal and if you consistently fed them they should come back consistently.

Councillor Taylor sought and received confirmation from Mr Campbell that the caravans would be for sale on a holiday licence. He said they would be owned and used for holiday use only.

Councillor Taylor referred to surface water drainage and asked what the proposals were for that in light of the current problem. Ms McBurney advised that during the process drainage was looked at and it was proposed to extend an area to the south end of the site to make an informal pond. She said that the spine drainage would remain in the area as this was a natural feature within the site which sank under the road to the northern section and into a natural area of weed bed. She advised that the provision of an informal pond would enhance the biodiversity.

Councillor Freeman sought and received confirmation from Mr Young that the 88 trees to be removed were covered by a TPO. Mr Young advised that a TPO did not prevent the removal of trees.

Councillor Freeman asked Mr MacNaughton when Sandbank Community Council first discussed this application and took the decision to object. Mr MacNaughton explained that he did not find out about this development until May this year when he had read something about it in the local paper. He advised that they checked back and found that it had been on the planning list on 4 January 2019. He suggested that it went on the list at a time of the year when people were maybe not paying full attention to the lists. He advised that their objection came late in the day as they had not been aware of the application at first. He advised that it was also under the major application list and said this was another reason why it was missed.

Councillor Freeman commented that he was sure all Community Councils received copies of the list and that normally someone within the Community Council was designated as the person to get the list. He said that Sandbank Community Council should have received the list. Mr MacNaughton confirmed that the list was received but he had been away abroad in early January.

Councillor Freeman sought and received confirmation from Mr MacNaughton that the Community Council discussed the application and decided to submit an objection in May.

Councillor Blair commented that he had made a special request at the PPSL Committee meeting in May that a Roads Officer attend this hearing. He referred to the report read out by Planning on behalf of the Roads Officer and said that no reference had been made regarding traffic congestion at Western Ferries. He referred to meeting with Roads Officers on 3 or 4 occasions to look at that road side. He referred to damage to walls with cars crashing into them. He asked how many accidents had occurred over the last 5 years at Hunters Quay. He also referred to

traffic management issues raised over the last few years. Mr Young referred to the PPSL Committee meeting in May and confirmed that concerns raised at that time were passed on to Mr Farrell and that he had been asked to contact Councillor Blair direct to discuss these further. Mr Young commented that the Council has had no Roads Officer in the Helensburgh and Lomond area since Mr Divertie left and that this led to pressures on roads colleagues having to cover a bigger area. Mr Young advised that he could not give Councillor Blair an answer to his queries but he had asked Mr Farrell to contact him direct.

Councillor Forrest referred to concerns about disturbance to the wildlife and said that she failed to see how any construction could go ahead without disruption. She asked what specific measures would be taken to mitigate any distress to the wildlife during construction. Ms McBurney advised that should the application be approved a Construction Environment Management Plan and Method Statement would detail the measures that would be taken. She confirmed that construction would take place outside the breeding season in order to reduce the impact. She advised that biodiversity was quite low within that section of woodland and that most of the squirrels and bird life tended to be further up the hill towards the residential dwellings. She confirmed again that construction would be out with the breeding season and that checks would be done prior to any works carried out. She said that they would not be right next to the trees when putting anything in place.

Councillor Taylor referred to concerns raised about the extensive development and further intrusion into the woodlands. He asked the Planning Officer what the capacity would be for applications in the future. Mr Young said there would be limited opportunities for further development but each application would have to be judged on its own merits. He said that Planning were considering designating the rest of the area as an Open Space Protection Area (OSPA) which would give the woodland additional protection. He advised that there was no guarantee this would be included in LDP2 as it would have to go through a process.

Councillor Trail referred to hearing a lot about squirrels and trees and bats and other things in the wood. He commented that he was not sure who was looking after the human beings. He asked the Applicant how many people were employed on the site and how many would be employed if the development was approved. He asked if this development would help sustain jobs and help sustain economic development. Mr Fitzpatrick confirmed that 240 people were employed at present and that another 5 members of staff would be employed if the application was approved. He advised that during construction jobs would be created at that point too. He said that the development would help sustain the longer term future of the site and said that it would attract more visitors to the area.

Councillor Douglas referred to concerns about the management of the woodland if this development went ahead. She referred to the caravans being stationary there and said she was worried about what could happen if there was a storm. Ms McBurney said that any works done with the park covered by the TPO would go through the proper channels. She said trees would only be removed for horticulture reasons. She said that sometimes trees did fall down. She said that when discussions took place regarding the placement of the units it was agreed at that time that it was important to make sure that any proposed unit put there was out with any green canopy. She agreed that trees needed management. She advised that things did happen like broken branches which had to be taken back to ensure that tree life continued. She said that a tree would die if it was not managed. She

confirmed that no stealth would be involved and that any works always went through the proper channels.

Councillor Douglas sought clarification from Planning about the ACE. She referred to Scottish Government advice and Scottish Planning Policy and commented that she thought it was very vague and said a lot of different things. She referred specifically to page 33 of the main agenda pack. She asked why it was okay to remove trees to allow development and to move away from small scale to a medium scale development. Mr Young acknowledged that there was a lot of Scottish Government advice which was sometimes contradictory. He advised that Planning were required to support economic development and protect the natural built environment. He advised that if this was a scheme for the blanket felling of the woodland it would be totally unacceptable. He said there had to be a balance to the various sides of the case. He advised that there was a requirement for a development to protect economic development but equally in a sustainable way. He advised that the developers have tried to work with Planning Officers to reduce the environmental impact. He advised that they could walk away from the site with no management of the trees at all and that they would just fall down. He said that they have tried to balance it by extending the park into the woodland to give a difference experience in a way that was sustainable. He pointed out that of the 46 Scots Pine, 31 were only 40 cm high and it was not known if they would have survived in the long term. He advised that economic development and the protection of the natural built environment was a tension very much in the National Park. He confirmed that they have tried to reach a compromise that is acceptable and reasonable.

Councillor Kinniburgh referred to the earlier site inspection and comments made about Japanese Knotweed. He advised that he had noted from the report that it was only at the lower part of the site and asked if it had been totally eradicated. Ms McBurney advised that the only part within their grounds was right behind 37 Eccles Road and that it was coming in from that area. She said that it was quite a small section and that quite a few gardens down there had Japanese Knotweed. She said that there was a seed source there which they were dealing with out with the development site. She confirmed that the plan for the eradication of Japanese Knotweed covered the whole park.

Councillor Kinniburgh sought and received confirmation that there was no Japanese Knotweed within the application site. Ms McBurney confirmed that under their Woodland Management Plan they were dealing with it out with the site.

Councillor Kinniburgh referred to Mr Young advising that Planning were looking to designate the rest of the site as an OSPA via the emerging new LDP2. He asked, given that this had still to come to Council and had still to go out to consultation, how much weight the Committee could give to that in respect of this proposal. Mr Young advised that there was no guarantee that this would go ahead but he was flagging it up as an issue for the longer term. Mr Young confirmed that the Committee could give little weight to this at the moment as there was no guarantee the OSPA would be there as there was a process that had to be gone through first. He advised that Planning were looking at an OSPA as an option and that he would take on board what had been said at this meeting.

Councillor Kinniburgh referred to the formation of a pond and asked how safe it would be considering there would be a lot of children about in the park. Ms McBurney said it would not be a terrible deep pond. She confirmed that it was already

a reed area and wet land area. She said that the pond was for biodiversity and that it would not be for paddling in.

Councillor Kinniburgh sought and received confirmation from Ms McBurney that the pond would be covered in natural weeds and would help raise biodiversity in the area.

Councillor Kinniburgh referred to comments about people taking short cuts through gardens. He referred to the earlier site visit and commented that there appeared to be a quite distinct boundary line where the site was and the woodland. He asked if there were any natural paths through the wood that enabled people to access the gardens. He said that seeing the site today it was his view that it would be quite difficult. Ms McBurney advised that sometimes deer came through and locals from Hunters Quay would walk their dogs there. She said that this area was not highlighted as a section for walks. She advised that everyone had access to the woods but it was not highlighted as a section where people could access Hunters Quay. She said that a more natural route was to head over the golf course or down towards the ferry. She advised that she has seen a lot of locals in the wood walking their dogs and picking fungi. She said again that they would not be highlighting that section of the woodlands to visitors.

Councillor Kinniburgh sought comment from Ms Hosie. She said that it was natural for people to walk onto the golf course and to then come down through her garden rather than onto the road. She said that it did happen and that during the summer it tended to happen quite a lot every week. She advised that during the winter it was a different story. She advised that there were natural trails in the woods which were easy to follow. She said that she was aware of dog walkers and deer trails and advised that it was not inaccessible to walk through the woods.

Councillor Kinniburgh asked Ms Hosie to confirm how often people parked their cars outside her house. Ms Hosie advised that during the summer this was quite a few times. She said it was not often and that there was more of a problem with people using the back of her house as a short cut. She said the water was terrible too.

Councillor Kinniburgh acknowledged that people parking in front of a house was not a planning consideration but asked the Applicant if he was aware this was happening and that if he was aware would he take any measures to stop it. He commented that at the site visit he could see there was ample parking on the site. Mr Campbell said he was not aware of this happening and that he found it hard to believe. He advised that it was more likely that people were parking there in order to go on the ferry. He confirmed that they supplied 2 parking spaces per unit and that there was ample parking for hundreds of people in the park. He advised that they could try to discourage parking outside the houses but he was not sure how they could control it in public areas.

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

The Committee reconvened at 1.30 pm.

## **MEMBERS' QUESTIONS (CONTINUED)**

Councillor Douglas referred to development of the site and the woodland and the clearing of the Rhododendrons. She asked why it was cleared. She asked why it could not just be cleared in order to preserve what was there as an asset for people using the park as well as people round about. Ms McBurney explained that it was part of the Woodland Management Plan to remove the Rhododendrons. She advised that they were an invasive species which blanketed everything else out and caused biodiversity to drop like a stone. She said that there were a lot of trees not in good condition due to ground conditions. She advised that the development would not stop people walking through the woodland and that they would be encouraged to walk through and enjoy this natural resource

## **SUMMING UP**

### **Planning**

Howard Young referred to the 3 key issues which he had highlighted in his presentation: the ACE; the impact on trees; and the impact on the amenity of residential areas. He advised that the ACE had concluded that the landscape could accommodate the additional 40 units. He pointed out that 88 trees would be coming out with 400 going back in. Of the 88 trees being felled, 30 of these were Scots Pine of less than 40 cm in height. He confirmed that condition 2 stated that the units would be used for holiday use only and not as a principle main dwelling. There was also a SUDs scheme required through condition, a Proposed Planting Scheme and Woodland Management Plan. A Construction Environmental Management Plan was also required to be submitted before works commenced. He confirmed that he was happy to recommend this application for approval subject to the conditions detailed in the report of handling.

Marina Curran-Colthart summed up as follows:

Camas Rainich Woodland has been subject to the removal of Rhododendron ponticum an Invasive non-native species with agreement from Argyll and Bute Council as this woodland is covered by a blanket Tree Preservation Order. This removal of the Rhododendron ponticum provides an opportunity for this planning permission proposal. Of the 861 trees, 88 will be subject to removal with 400 trees in a variety of species to be planted as part of a restoration plan.

The proposed planting scheme is a landscape led proposal and has been produced with the long term future of the woodland and proposed development in mind. The idea of the development fitting into the nature landscape is important in order that guest can experience a unique feeling of being immersed into the natural woodland. Careful consideration to the existing woodland and ground conditions has been taken when producing the choice of species and layout design. The planting scheme has been designed to maintain the natural woodland throughout the proposed development area, with extra care being taken to fit mitigating planting into the existing landscape and enhance the woodland biodiversity. To that end it is also suggested that the majority of trees are of native species and/or high biodiversity value.

## **Applicant**

Mr Fitzpatrick confirmed that they had worked extensively with Argyll and Bute Council since 2015 in terms of this proposal and that changes had been made. He advised that he thought this was an excellent development. He acknowledged that there were objections to the proposal but pointed out that there was also support. He requested that the Committee approve the application. He advised that Hunters Quay Argyll Holidays were one of the biggest employers in the local area. He said that the proposal would give a unique opportunity to bring additional tourism and economic development to the area. He also advised that the woodlands would be enhanced through the biodiversity proposals.

## **Consultees**

### Hunters Quay Community Council

Juliette Gill advised that there had been a lot of talk about trees and the wildlife and said that this was rightly so as they needed to be protected. She said that not enough consideration had been given to the human cost. She advised that she was all in favour of tourism for Dunoon and that she would like to see more of that. She said that there had to be the right type and there was a need to be mindful of the people that lived around about. She said there needed to be a balance with bed and breakfasts, hotels and self-catering. She suggested Yurts and eco houses and said that Planning should be encouraging that type of tourist facility rather than being over reliant on caravans with 2 car parking spaces at each unit. She said that the Community Council were all in favour of tourism but objected to this application. She asked the Applicant to think again about how they could be more mindful of the locals and eco-friendly.

## **Objectors**

### Fiona Wright

Fiona Wright advised that she wondered how much the holiday park would make from the sale of the units and wondered about the conditions that would ensure they would be for holiday use and not for permanent residence.

### Ruhi Thallon

Ruhi Thallon said this proposal was not environmentally friendly. She commented that she believed the Biodiversity Officer had said the lack of bats was due to climate change. She said that she understood that the amount of jobs that would be created was 5. She commented that trees would be chopped down and replaced with smaller trees and asked how long they would take to grow. She asked the Committee if they were prepared for their children, grandchildren and great grandchildren to suffer from climate change. She asked that this proposal be stopped in its tracks as she said it would go on forever. She asked, on behalf of the residents, who she advised paid their Council Tax, to stop this development in its tracks.

Everyone present who had spoken confirmed that they had received a fair hearing.

## **DEBATE ON THE ACE**

The Chair advised that first of all there was a need for the Committee to debate the ACE and he asked if any Members had anything to say about that.

Councillor Douglas advised that she had concerns about this development moving from small scale to medium scale which, she said was substantially more and would have more of an impact.

Councillor Kinniburgh moved that the Committee agree the conclusions of the ACE and approve it as a material consideration in the determination of this application. This was seconded by Councillor Freeman.

Having moved an Amendment, which was ruled not competent, Councillor Douglas withdrew her Amendment and the Committee agreed to the conclusions of the ACE and approved it as a material consideration in the determination of this Application.

## **DEBATE ON APPLICATION**

Councillor Currie advised that he would be very brief. He said that taking account of the Local Development Plan and all other material considerations, he had no hesitation but to approve the application.

Councillor Redman confirmed that he mirrored what Councillor Currie had said. He advised that there was often talk about the welfare of squirrels, bats and trees. He said that economic development was also very important as it brought jobs to the area. He said that the planting trees would address the loss of those cut down. He advised that there was a need for the maintenance of trees in order to keep them healthy. He confirmed that he was happy to approve the application.

Councillor Moffat thanked everyone for taking the time and trouble to make their presentations and advised that the Committee would not be able to come to a decision without their input. She said that at the meeting in May it was clear cut that a hearing was required. She confirmed that she had also learnt a lot from the site visit. She said that she was surprised by her own decision to recognise this application and to let it go through. She commented that there may not be a huge number of new jobs but said that the development would ensure the longevity of existing jobs. She advised that the welfare of woodland was prime as far as commercial development was concerned and said that this company was working hard to keep this wood as well conserved as they could. She said that she was surprised to learn that they had their own Conservation Officer and advised that they should be proud of that. She advised that unfortunately there had to be a decision that went one way or another. She said this was a difficult one but without hesitation she voted for the development to go ahead.

Councillor Trail said that he shared the views of the public in respect of their concerns for the trees and wildlife and said that everyone should be in this day and age. He advised that he did not share their assessment that the addition of 400 trees to the area would constitute damaging the forest. He said this was a good sign of refreshing the forest for years to come. As far as the type of tourism, he said that we did not have a choice which tourism organisation wished to set up in Dunoon as a private enterprise business and part of their remit was to come forward with ideas. He confirmed that he would approve the application today.

Councillor Freeman said that as far as he was concerned this was an easy decision. He advised that having visited the site and listened to all the representations, he agreed with the Planning Officer's assessment 100% and that he was more than happy to support the application.

Councillor Hardie said this was a very difficult decision for him due to weighing up the matters of economic development and the natural built environment. He thanked everyone for coming. He advised that one of the main goals of Argyll and Bute Council was economic development and in this case he said economic development overrode any environmental considerations so he would like to approve the application.

Councillor Taylor said that he was very keen to have this hearing when he saw the number of representations received from the public. He advised that over the course of the day he had taken comfort from the advice given by Officers regarding roads, ecology and the TPO, ensuring the wellbeing of the woodland going forward. He advised that he was keen to see Officer support for an OSPA on this site and that he was minded to approve the application. Referring to businesses of this size and the impacts on people living in the vicinity, he said they should have a duty of respect and that he would like to see more engagement with the community as a whole which they said they did not get this time round. He asked for greater community engagement in future.

Councillor Douglas advised that she had taken on board everything that had been said today. She referred to her visit to the park this morning and said that it looked well run and tidy. She said that she had a problem with the development moving into the Ancient Woodland. She said that she was aware of what Planners had said about tension. She advised that she would be against this proposal in principle but could see that everyone else here would not share that view.

Councillor Blair advised that as a resident of Cowal for 25 years, this area was indebted to Argyll Holidays Hunters Quay Holiday Park for employment and the developments that had taken place. He said that it was a pleasure to be on this Committee. He confirmed that he had listened to the professional advice of Officers and that he had listened to the community. He advised that as one of three Cowal Members he was keen to reflect the voices of the people here. He said that he knew many of the workers at Hunters Quay. He referred to the Ancient Woodland which he thought had to be protected. He said that he had concerns about transport issues and said it was clear there was a need for openness and transparency at meetings with Officers. He advised that taking on board all that had been said and all the issues raised he wanted to refuse the application.

Councillor Moffat said that it was not within the Committee's remit to insist on an OSPA but if it was she would most assuredly insist on that for all the surrounding woodlands. She implored Planning Officers to do all they could when looking at an OSPA for this area in LDP2.

Councillor Forrest said this was the most on balance she has ever been at a hearing. She thanked everyone for their representations. She said that it was always difficult putting economic development up against serious ecological issues. She said this was a hard decision to make but in this instance she was going to approve.

Councillor Kinniburgh thanked everyone for their contributions today. He said that everyone had made relevant points. He referred to there being a lot of debate about the Ancient Woodland etc but personally, what he saw here was a completely different site from the rest of the Holiday Park. He advised that he thought what was being proposed was well balanced. He referred to discussions that have been ongoing between the Applicant and Planning Officers and noted that the number of units had gone down from 45 to 40, with the area the 5 vans were being left to break the site up. He said that what he saw here was vans randomly situated rather than regimentally and that he saw this being an advantage. He said that when it came to the trees, he had noted what the Planning and Biodiversity Officers had said. He advised that he thought that the trees proposed to be removed would have needed to be removed anyway in the near future due to their condition. He advised that he thought the compensatory measures to plant another 400 trees would be more than adequate to address the concerns about the biodiversity of the area

### **Motion**

To agree to grant planning permission subject to the conditions and reasons detailed in the report of handling and subject to the advisory notes numbered 3 – 8 being changed to be numbered 1 – 6.

Moved by Councillor David Kinniburgh, seconded by Councillor Alastair Redman

### **Amendment**

To agree to continue consideration of this application in order to seek advice on a competent motion to refuse the application.

Moved by Councillor Lorna Douglas, seconded by Councillor Gordon Blair

The Motion was carried by 10 votes to 2 and the Committee resolved accordingly.

### **DECISION**

The Committee, having earlier accepted the conclusions of the ACE and approved it as a material consideration in the determination of this application, agreed to grant planning permission subject to the following conditions and reasons and advisory notes:

1. The development shall be implemented in accordance with the details specified on the application form dated 4<sup>th</sup> December 2019 and the approved drawing reference numbers: L002 RevS, GJ564/DCL/22 RevA, L003 RevE, L004 RevC, L005 RevB, L006 RevB, unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

2. Caravans sited on the caravan stance(s) hereby approved shall be used for holiday occupancy only and shall not be used as a principal or main dwelling. The applicant shall maintain a register of occupancy to be made available to the planning authority upon request.

*Reason: In order to define the permitted occupancy having regard to the existing lawful use of the site, and in order to comply with the provisions of policies LDP SG HOU 4 and SG LDP TOUR 1 of the Argyll and Bute Local Development Plan.*

3. For the avoidance of any doubt, the 40 caravan stances hereby approved shall be set out with the footprints shown on the approved drawings. No caravan stances, associated decking areas or parking areas shall be located in alternative positions, unless otherwise agreed in writing by the Planning Authority.

*Reason: In the interests of visual amenity, the overall integrity and setting of the development within the area and to ensure that no damage is caused to trees or their root systems.*

4. Notwithstanding the submitted details, all caravans to be located on the stances approved shall be a dark recessive colour, to be agreed in writing by the Planning Authority.

*Reason: In the interests of visual amenity, the overall integrity and setting of the development within the area*

5. Notwithstanding the approved drawings, no works shall commence until full details of surface water drainage (which shall be designed in accordance with CIRIA C753 and Sewers for Scotland) have been submitted to and approved in writing by the Planning Authority. Any remedial works required as may be detailed in the approved surface water drainage system(s) shall be fully implemented prior to the occupation of the first caravan, or other timescale as may be agreed in writing with the Planning Authority. Such details shall also include further details on the proposal to use SUDs in conjunction with the existing Reed bed and proposed pond feature.

*Reason: To clarify surface water drainage arrangements and ensure that there is no potential for flooding at the site.*

6. Notwithstanding the supporting information (Proposed Planting Scheme and Woodland Management Plan), no works, including any works to trees, shall commence until a detailed scheme of native tree planting and native shrub planting for the application site and fringes has been submitted to and approved in writing by the Planning Authority. The planting scheme, as may be approved shall indicate the siting, numbers, species and heights (at the time of planting) of all trees, shrubs and hedges to be planted and shall ensure:
  - (a) Completion of the scheme during the planting season next following the completion of the stances or such other date as may be agreed in writing with the Planning Authority.
  - (b) The maintenance of the landscaped areas for a period of ten years or until established, whichever may be longer. Any trees or shrubs removed, or which in the opinion of the Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

*Reason: To ensure the implementation of a satisfactory scheme of tree planting and landscaping to successfully integrate the proposed development within the immediate woodland surroundings and wider area.*

7. No works shall commence until full details of tree protection for the existing trees in close proximity to the site of the caravan stances and associated accesses have been submitted to and approved in writing by the Planning Authority. All trees which are to be retained within or adjacent to the approved caravan stances and associated infrastructure, shall be protected by fences or chestnut palings or steel scaffolding not less than 1.0 metre in height. The fences shall be placed at the edge of the crown of the trees, unless otherwise agreed in writing. No materials shall be stored within such areas and all fences shall be retained until completion of the development on adjoining land. No material, spoil or fires shall be placed within such protected areas during any construction works and such measures shall be put in place for the visual inspection and the written approval by the Planning Authority before any construction/land engineering works begin at the approved development site.

*Reason: In the interests of visual amenity, the overall integrity and setting of the development within the area and to ensure that no damage is caused to trees or their root systems during development operations.*

8. No development (including any land engineering works or any associated operations) shall commence until a full site specific Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Planning Authority in consultation with the Council's Local Biodiversity Officer. The CEMP shall specifically include full details of :
  - *Surface water management;*
  - *Site waste management;*
  - *Watercourse engineering;*
  - *Peat management;*
  - *Borrow pits (if appropriate);*
  - *The appointment of an Ecological Clerk of Works to ensure that the mitigation is implemented carry out toolbox talks which should be detailed in the CEMP;*
  - *Mitigation measures for Protected Species and habitats - The working area should be minimised as much as possible to reduce the requirement for felling mature trees.*
  - *Working areas should be limited as far as possible and all works should adhere to pollution prevention guidance provided by SEPA;*
  - *Temporary construction areas should be restored by using turves set aside from ground clearance work or using a suitable acid grassland seed mix to establish open habitats. Details of the required mitigation measures including those set out above should be detailed in the CEMP of pre-construction ecological surveys,*
  - *Excavation should separate turf and subsoil and replace these in the correct sequence with no loss of material from the site.*
  - *The route should be micro-sited to avoid felling trees with dreys, or bat roost potential (where necessary surveys may be required);*
  - *A tree protection plan should be written to ensure mature non-plantation trees and woodland are protected where these are located within 50m of the proposed development area.*

In addition to all of the above requirements, good practice in construction should be carried out during the construction phase of this development. All works shall be carried out in accordance with the approved CEMP and any supporting documentation.

*Reason: In order to minimise the impacts of necessary demolition/construction works on the environment.*

9. No works shall commence until a detailed phasing plan for the proposed 'holiday village' has been submitted for the prior written approval of the Planning Authority.

*Reason: In order to consider the phasing impacts on the surrounding environment.*

10. Notwithstanding the submitted information, no works shall commence until a detailed specification of the proposed access tracks, footpaths and hardstandings have been submitted for the prior written approval of the Planning Authority. All vehicular accesses, footpaths and hardstandings shall be constructed as per engineer's specification, or as otherwise agreed in writing with the Planning Authority.

*Reason: In the interest of visual amenity and to help integrate the proposal into its surroundings.*

11. Prior to the occupancy of the caravans hereby approved, the applicant shall submit a parking plan detailing a minimum of two vehicles for each caravan. This plan shall detail how and where these parking spaces shall be provided and seek to minimise impact on existing trees. This plan shall be approved in writing by the planning authority with the development undertaken as per the approved details unless otherwise agreed in writing.

*Reason: To comply with car parking standards contained in Policy SG LDP TRAN 6 of the Argyll and Bute Local Development Plan.*

12. No development shall commence (including works in relation to trees) until such time as details of the provision of a number of bird boxes and bat boxes within the application site (including the design and location of the bat boxes and bird boxes) and a management regime for the maintenance of this accommodation have been submitted to and approved in writing by the planning authority in consultation with the Council's Local Biodiversity Officer, unless otherwise agreed in writing by the planning authority.

*Reason: In the interests of nature conservation and to ensure that there are sufficient alternative bat roosts and bird nesting opportunities within the development.*

13. Prior to work starting on site, full details of any external lighting to be used within the site or its access point shall be submitted to and approved in writing by the Planning Authority. Such details shall include details of the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any glare or light spillage outwith the site boundary. All lighting shall comply with the Institute of Lighting Engineers Guidance Notes for the Reduction of Light Pollution.

*Reason: In order to avoid the potential of light pollution infringing on surrounding land uses/properties*

14. Pursuant to Condition 1 – no development shall commence until details of agreement with Scottish Water for the connection to the public sewerage network for the means of foul drainage to serve the development have been submitted to and approved by the Planning Authority.

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

## **ADVISORY NOTES TO APPLICANT**

1. This planning permission will last only for **three years** from the date of this decision notice, unless the development has been started within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
2. In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
3. In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.
4. The attention of the applicant / developer is drawn to comment made by Scottish Water in their response dated 4<sup>th</sup> January 2019 and comments regarding connection to public water supply, foul drainage arrangements, surface water drainage and general advice. The applicant/developer is advised to contact Scottish Water directly concerning connection to public water supply - Planning and Development Services, The Bridge, Buchanan Gate Business Park, Cumbernauld Road, Stepps, Glasgow G33 6FB; Development Operations, Tel. 0800 3890379 or at [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk) quoting ref. 771237.
5. Public Protection advises that the applicant will require to apply to this Service for an amendment to the existing Caravan Site Licence to take into account the extended season for use as a holiday site.

Public Protection also advises that in order to comply with Caravan Site Licence conditions for Holiday purposes (i.e. not for permanent residential use) the units must be a minimum of 6 metres apart if timber clad and 5 metres apart if metal clad.

The applicant is advised to contact Jo Rains, Environmental Health Manager – East Team, tel. 01546 605519 extension 7124, directly on these licensing matters.

6. The applicant/developer is generally advised by Scottish Natural Heritage (SNH) that all bats and their roosts are legally protected in Scotland by the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) - "the Habitats Regulations" (for details of this protection, see Protected mammals - Bats and Regulations 39-41 and 44-46 of the Habitats Regulations).

If bats are found to be roosting in any trees to be removed as part of this proposed development, under the Habitats Regulations the developer will need to apply to the Scottish Government for a licence to disturb/destroy bat roost(s) before works can commence. Any licence would need to be in place prior to any works affecting the roosts taking place. SNH can provide further advice as necessary.

(Reference: Report of Handling dated 9 May 2019 and supplementary report number 1 dated 26 August 2019, submitted)