

STATEMENT OF CASE

FOR

**ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY**

19/0007/LRB

**REFUSAL OF PLANNING PERMISSION IN
PRINCIPLE FOR THE ERECTION OF TWO
DWELLINGHOUSES**

**PLOT 5
LAND WEST OF GLEANN FIA
BALISCATE
TOBERMORY
ISLE OF MULL
ARGYLL AND BUTE**

01/11/19

STATEMENT OF CASE

The Planning Authority is Argyll and Bute Council ('the Council'). The appellant is Mrs Iona MacLean ("the appellant").

Planning permission in principle 19/01061/PPP for the erection of two dwellinghouses at Plot 5, Land West of Gleann Fia, Baliscate, Tobermory, Isle of Mull, Argyll and Bute (the appeal site") was refused by the Planning Service under delegated powers on 31/07/19.

This decision is the subject of referral to a Local Review Body.

DESCRIPTION OF SITE

The site is located within an extensive open and undeveloped area bounded to the south west by a private access track serving a small linear row of long established private dwellinghouses. The site the subject of this Review is gently sloping and set at a lower level than the existing development to the south west. The surrounding land to the north-east and north-west is open countryside which enclosed by trees and woodland. The Tobermory River is located further to the north-west and the public road is located to the south-east.

STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED

Section 25 of the Town and Country Planning (Scotland) Act 1997 provides that where, in making any determination under the Planning Act, regard is to be had to the development plan, and all other material planning considerations and the determination shall be made in accordance with the plan unless material considerations indicate otherwise. This is the test for this application.

STATEMENT OF CASE

Argyll and Bute Council considers the determining issues in relation to the case are as follows:

- *Whether the proposed development is acceptable within the designated Countryside Zone within which planning policies LDP DM 1 and SG LDP HOU 1 would seek to prevent new residential development in the open countryside where that development does not exploit an appropriate redevelopment opportunity or consist of the development of an acceptable and clearly defined 'infill' or 'rounding-off' opportunity site, or else is supported by an appropriate and clearly defined argument of 'exceptional case' based on a locational and/or operational need and supported by an Area Capacity Evaluation (ACE).*
- *Notwithstanding the above, whether the applicant has submitted sufficient evidence to enable the planning authority, in consultation with SEPA, to conclude that the proposed development will not result in any materially harmful and inappropriate flood risk, given that the proposed development site falls within the nationally defined 1:200 year 'medium flood risk' zone.*

The Report of Handling (Appendix 1) sets out the Council's full assessment of the application in terms of these key determining issues and concludes that, firstly, the site does not accord with policies LDP DM 1 and SG LDP HOU 1; that the proposed development

does not exploit any redevelopment, infill or rounding-off opportunity and that no appropriate claim of any 'exceptional case' has been demonstrated.

Secondly, that the applicant has declined to submit any detailed flood risk assessment in support of the proposed development and that, in the absence of this, the application is considered technically incompetent and contrary to policies LDP 3 and SG LDP SERV 7.

REQUIREMENT FOR ADDITIONAL INFORMATION AND A HEARING

It is not considered that any additional information is required in light of the appellant's submission. The issues raised were assessed in the Report of Handling which is contained in Appendix 1. As such it is considered that Members have all the information they need to determine the case. Given the above and that the proposal has no complex or challenging issues, and has not been the subject of any significant public representation, it is not considered that a Hearing is required.

COMMENT ON APPELLANT'S SUBMISSION

The appellant has submitted a supporting statement and a copy of the design statement which was submitted with their planning application. The following comments are made in relation to their submission.

- The appellant states that they were aware at the time of their application that the site and surrounding land was designated as sensitive countryside. They state that there are already 4 houses on this land (09/00976/DET and 10/00825/DET) and that planning permission has been granted for another 3 dwellinghouses (17/00751/PP and 19/00812/PP). They state that the site lends itself well to rounding-off an existing development. They state that small scale development may be acceptable subject to an ACE assessment. They also make reference to two other recent planning decisions

Comment: *When planning permission for the four houses referred to were approved, the local development plan in force at the time was the Argyll and Bute Local Plan 2009 and not the current adopted local development plan. The site originally contained a number of existing outbuildings and these were demolished and replaced with 3 dwellinghouses (09/00976/DET). This was granted as a redevelopment opportunity upon this specific site and in accordance with the development plan in force at that time. A subsequent planning application (10/00825/DET) for a single dwellinghouse was granted as an infill opportunity within the same linear development. Both of these development opportunities were supported by planning policy contained within the adopted local plan at that time.*

Similarly, the more recent permissions referred to for a further three dwellinghouses (17/00751/PP and 19/00812/PP) were also assessed and accepted as appropriate rounding-off and infill opportunities; all within this same linear roadside development and all in accordance with planning policy.

The proposed two dwellinghouses the subject of this current Review are, by contrast, located within an area of open and undeveloped land not forming part of the existing extended linear development and not in accordance with planning policy for the

detailed explanation contained within the published report of handling and summarised below:

In terms of the current adopted Argyll and Bute Local Development Plan (LDP) 2015 in force at present, the site lies within the designated Countryside Zone wherein Policy LDP DM 1 gives encouragement to appropriate infill, rounding-off and redevelopment and changes of use of existing buildings. In exceptional cases development in the open countryside up to and including large scale may be supported on appropriate sites if this accords with an Area Capacity Evaluation (ACE). Contrary to the assertions made by the appellants, the application site does not present any opportunities for infill, rounding-off, redevelopment or change of use of existing buildings and no exceptional case has been presented for consideration. The principle of development is therefore contrary to the settlement strategy of the LDP and cannot be supported. Planning permission was therefore refused entirely in accordance with adopted policy. The requirement for an ACE is only triggered if an overriding claim of 'exceptional case' has been successfully demonstrated and accepted by the planning authority.

The Local Review Body (LRB) should also note that the appellant was provided with pre-application advice (16/02718/PREAPP) on the 25th November 2016 which explained that the site was within the countryside zone and that it did not present any opportunities for infill, rounding-off, redevelopment and change of use of existing buildings and therefore the principle of development could not be supported at the site.

- The appellant states that their site has good physical characteristics for development and that services are readily available and that it is located 'next to' sites which have been granted planning permission.

Comment: *This is both irrelevant and inaccurate. Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) states that planning applications must be determined in accordance with the development plan unless material planning considerations indicate otherwise. The proposal is contrary to Policy LDP DM 1 of the adopted LDP and there are no material considerations which would warrant the application being determined otherwise in accordance with the LDP.*

The proposed development site lies within the nationally defined medium flood risk area and has been the subject of an objection by SEPA. The appellant has declined to provide information sufficient for either SEPA or the planning authority to determine that the specific circumstances of the site are such that the flood risk concerns may be set aside in this case.

- The appellant states that they did not make a submission in relation to the LDP 'call for sites' process as the "window of opportunity was too narrow".

Comment: *This is not a material planning consideration in terms of the determination of the planning application or this associated local review.*

- The appellant states that "Alasdair" is local, plans to retire, works as fisherman and has no immediate pension plan and therefore plans to employ crew to work his boat. It is stated that Tobermory is lacking in affordable housing and employment opportunities for young families.

Comment: *The appellant has not actually clarified who Alasdair is and has inferred that these dwellinghouses can be used to house workers who will operate his boat. No details of this business has been presented and no justification has been advanced as to why these dwellinghouses are actually required to support it in terms of location/operational need. No evidence has been submitted which supports the appellants claim that Tobermory is lacking in affordable housing. In terms of Supplementary Guidance SG LDP HOU 1, there is no requirement to provide for affordable housing in this case. Tobermory has the highest concentration of affordable homes on Mull and the LDP has made provision for specific housing allocations, including for affordable housing, and there is no evidence that these are at capacity or are undevelopable.*

- The appellant states that at the time of the division of the land, they had no idea that this parcel of land would have such diverse designations and that the plot they had accepted would be redundant in terms of use.

Comment: *The appellant's lack of knowledge of the designation of the land in the LDP is not a material planning consideration in terms of the determination of the planning application or this associated local review.*

- The appellant states that objections submitted to the application subject of this review were from family members and that there is an ongoing family dispute. They also make reference to the inclusion of a septic tank on their land without permission.

Comment: *This is not a material planning consideration in terms of the determination of the planning application or this associated local review. Representations which raise material planning considerations must be taken into account.*

CONCLUSION

Section 25 of the Town and Country Planning Act 1997 (as amended) requires that all decisions be made in accordance with the development plan unless material considerations indicate otherwise.

In this case, as detailed in the Report of Handling appended to this submission, the site does not represent an appropriate opportunity for infill, rounding-off, redevelopment or change of use of building development within the Countryside Zone as required by Policy LDP DM 1 of the LDP and there has been no claim of an 'exceptional case' for the development based upon any locational or operational site requirement. The other sites in the locality to which the appellant refers are materially different and were granted planning permission as they were in accordance with LDP policy as detailed in their respective Reports of Handling.

Notwithstanding this, the applicant has declined to submit any detailed flood risk assessment in support of the proposed development and therefore, in the absence of this, SEPA have objected to the proposed development and the application is considered technically incompetent and contrary to policies LDP 3 and SG LDP SERV 7.

The Review Body should note that, should they be minded to approve planning permission, this would be contrary to an objection by SEPA and, therefore, before a determination can be made, the matter must be referred to Scottish Ministers having regard to the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009.

Taking account of the above, it is respectfully requested that the application for review be dismissed.

APPENDIX 1 – REPORT OF HANDLING

Argyll and Bute Council
Development & Infrastructure Services

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

Reference No: 19/01061/PPP
Planning Hierarchy: Local
Applicant: Mrs Iona MacLean
Proposal: Site for the erection of dwellinghouse
Site Address: Plot 5, Land West of Gleann Fia, Baliscate, Tobermory, Isle of Mull, Argyll and Bute

DECISION ROUTE

Section 43 (A) of the Town and Country Planning (Scotland) Act 1997 (as amended)

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Site for erection of dwellinghouse
- Upgrading of vehicular access
- Installation of septic tank and soakaway

(ii) Other specified operations

- Connection to public water supply
-

(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) CONSULTATIONS:

Area Roads

No objection subject to conditions. Report dated 5th June 2019

Scottish Water

No objection. Letter dated 29th May 2019

SEPA

Objection re lack of information. Letter dated 10th June 2019

(D) HISTORY:

19/00057/PP

Erection of 2 No. dwellinghouses and formation of access. Granted 7th March 2019

16/02718/PREAPP

Erection of dwellinghouse. Applicant advised that development is unlikely to be supported, 25th November 2016

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20 procedures, closing date 27th June 2019.

(F) REPRESENTATIONS:

Six objections have been received regarding the proposed development from:

Mrs S. Braid, Ben Hiant View, Baliscate, Tobermory, Isle of Mull, PA75 6QA (27.06.19)

Daniel Braid, Gleann Fia, Baliscate, Tobermory, Isle of Mull, PA75 6QA (no date)

Joanne MacLean, Gleann Fia, Baliscate, Tobermory, Isle of Mull, PA75 6QA (no date)

Yvonne MacLean, Traigh-Bhi, Baliscate, Tobermory, Isle of Mull (27.06.19)

Malcolm MacLean, Traigh-Bhi, Baliscate, Tobermory, Isle of Mull (27.06.19)

Dr Norman C MacDonald, Baliscate Industrial Estate, Tobermory, Isle of Mull, PA75 6QA (25.06.19)

Summary of Issues Raised

- The site is in the countryside zone, where there is a presumption against new development unless it is an infill and rounding off site. This application is clearly neither of these and should therefore be refused.

This application site does not comply with infilling, rounding-off or redevelopment of existing buildings, and is seeking to extend the existing settlement pattern. Therefore concluding, this application is contrary to policy and should be refused accordingly.

Comment: The site lies within the designated Countryside Zone wherein Policy LDP DM 1 of the Adopted Argyll and Bute Local Development Plan (LDP) 2015 gives encouragement to appropriate infill, rounding-off and redevelopment and changes of use of existing buildings. In exceptional cases development in the open countryside up to and including large scale may be supported on appropriate sites if this accords with an Area Capacity Evaluation (ACE). In this case the site does not present any opportunities for infill, rounding-off,

redevelopment or change of use of existing buildings and no exceptional case has been presented for consideration. The principle of development is therefore contrary to the settlement strategy of the LDP and cannot be supported. Additionally, Supplementary Guidance SG LDP HOU 1 states that there is a presumption against small-scale housing development in the open /undeveloped areas of the Countryside Zone. It is therefore recommended that planning permission be refused.

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

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: No

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

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

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

Policy

LDP STRAT 1 – Sustainable Development

LDP DM 1 – Development within the Development Management Zones

LDP 3 – Supporting the Protection Conservation and Enhancement of

our Environment
LDP 8 – Supporting the Strength of Our Communities
LDP 9 – Development Setting, Layout and Design
LDP 10 – Maximising our Resources and Reducing Our Consumption
LDP 11 – Improving our Connectivity and Infrastructure

Supplementary Guidance

SG LDP ENV 14 – Landscape
SG LDP HOU 1 – General Housing Development including Affordable Housing Provision
SG LDP SERV 1 – Private Sewage Treatment Plants and Wastewater (i.e. drainage) Systems
SG LDP SERV 2 – Incorporation of Natural Features/Sustainable Drainage Systems (SuDS)
SG LDP SERV 7 – Flooding and Land Erosion – The Risk Framework for Development
SG LDP TRAN 4 – New & Existing Public Roads and Private Access Regimes
SG LDP TRAN 6 – Vehicle Parking Provision
SG LDP – ACE 1
Sustainable Siting & Design Principles

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

Scottish Planning Policy (SPP) 2014
Consultation Responses

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

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

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

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

(O) Requirement for a hearing: No

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

This is an application for planning permission in principle for the erection of two dwellinghouses on Plot 5, Land West of Gleann Fia, Baliscate, Tobermory, Isle of

Mull.

The site lies within the designated Countryside Zone wherein Policy LDP DM 1 of the Adopted Argyll and Bute Local Development Plan (LDP) 2015 gives encouragement to appropriate infill, rounding-off and redevelopment and changes of use of existing buildings. In exceptional cases development in the open countryside up to and including large scale may be supported on appropriate sites if this accords with an Area Capacity Evaluation (ACE). In this case the site does not present any opportunities for infill, rounding-off, redevelopment or change of use of existing buildings and no exceptional case has been presented for consideration. The principle of development is therefore contrary to the settlement strategy of the LDP and cannot be supported.

The site was also subject to previous pre-application advice which also advised that the development of the site would be contrary to the LDP. There has been no change in circumstance and no exceptional case has been advanced.

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.

Policy LDP 8 supports new sustainable development proposals that seek to strengthen communities. Supplementary Guidance SG LDP HOU 1 gives general support to new housing provided there is no unacceptable environmental, servicing or access impact and seeking to ensure the appropriate provision of affordable housing units.

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 expand 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 application is seeking planning permission in principle with no detailed layout, design or infrastructure details having been submitted. The purpose of this application is to establish the principle of development with the matters of layout, access, servicing and design to be addressed by way of future application(s) for approval of matters specified in conditions.

The site is located to the north-east of a linear row of existing dwellinghouses on the opposite of the access track on sloping piece of land set at a lower level. This is contrary to the established pattern of development. The surrounding land to the north-east and north-west is open countryside. Whilst this application is for planning in principle only, the applicants have advised that the design of the dwellinghouses would reflect those on the opposite side of the road.

The applicants have submitted a supporting statement, which states, inter-alia:

“The proposed housing is a strategic fit with sustainable development, in that it utilises existing services and existing access road, without causing any adverse effects on the environment or the natural/heritage resources of the surrounding area. The proposed dwellings are in keeping with the houses on the plots across the road, and will provide at least one house as affordable local housing.”

- a) *Maximise the opportunity for local benefit – there are very few plots available for sale locally and at a reasonable rate for local residents. It also provides the opportunity to make the houses available for employees or crew members of the applicant's business.*
- b) *Make efficient use of vacant or derelict land – this land is available and otherwise redundant, and the proposed application is in keeping with the existing housing.*
- c) *Maximise the use of existing infrastructure & services – this site lends itself perfectly to housing of this kind, with existing access road and access to services being utilised.*

...This small scale proposal has been designed to try to minimise visual impact as much as possible and to be sympathetic to its rural context within sensitive countryside.

The application should be supported for the following reasons:

- *Whilst the development is within the Countryside Zone, there has previously been planning permission granted for 4 houses opposite, and there is no loss of better quality agricultural land or access to such land.*
- *The site already has a suitable access road and access to existing services.*
- *The proposed development is in accordance with LDP 9, SG LDP Sustainable.*
- *The site has good natural light and solar gain, with minimal overlooking or loss of amenity to the neighbouring residential sites as it is situated at a lower level.*
- *There is a lack of suitable and affordable housing and development sites available in Tobermory and this site lends itself to the criteria.*
- *Planning permission will ensure an excellent opportunity to provide housing for employees and crew members of the applicant's business.*
- *Plot 5 is the same size as Plot 4, which was granted planning permission for a second dwelling in recent years (2014) and now has a live application for a third house of a much larger scale."*

In terms of Supplementary Guidance SG LDP HOU 1, there is no requirement to provide for affordable units in this case. The applicants also state that the dwellinghouses could be made available for employees of the applicants or otherwise however no specific details of claim of locational/operational need has been put forward. Tobermory has the highest concentration of affordable homes on Mull and the LDP has made provision for specific housing allocations, including for affordable housing, and there is no evidence that these are at capacity or are undevelopable.

A new septic tank and total ground soakaway is proposed. This will be regulated via the building standards and SEPA as appropriate licencing authority. However, the proposed dwellinghouses are located on a piece of land which already has planning permission for a septic tank to serve two other dwellinghouses which have yet to be constructed (Our ref: 19/00057/PP). As such the currently proposed development raises potential conflicts with this previously approved development. The applicant has been alerted to this potential conflict as has the (different) applicant for the existing planning permission on the adjacent plot. It is considered that this constitutes a civil matter at this stage.

The site is served via an existing private access track which is in turn accessed from the unclassified public road. The area roads engineer has not raised any objections subject to conditions. The proposal is considered to comply with Policy LDP 11 and Supplementary Guidance SG LDP TRAN 4 and SG LDP TRAN 6 of the LDP.

The site is located within close proximity to the Tobermory River and accordingly SEPA were consulted. SEPA have commented that, contrary to the information submitted in the applicant's supporting design statement, the proposed development site, or parts of it, falls within the identified 1 in 200 year 'medium flood risk' zone. Consequently, SEPA require the submission by the applicant of either a detailed flood risk assessment (FRA) or else some other appropriate information sufficient to enable SEPA to make a detailed evaluation of the development and its potential to result in materially harmful flood risk. Without this information and the subsequent assessment of it by SEPA and the Council as flood risk authority, the currently submitted planning application is considered technically incompetent at the current time and therefore contrary to Policy LDP 3 and Supplementary Guidance SG LDP SERV 7 of the Local Development Plan.

It is recommended that planning permission in principle be refused.

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

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

1. The site lies within the designated Countryside Zone wherein Policy LDP DM 1 of the Adopted Argyll and Bute Local Development Plan (LDP) 2015 gives encouragement to appropriate infill, rounding-off and redevelopment and changes of use of existing buildings. In exceptional cases development in the open countryside up to and including large scale may be supported on appropriate sites if this accords with an Area Capacity Evaluation (ACE). In this case the site does not present any opportunities for infill, rounding-off, redevelopment or change of use of existing buildings and no detailed and/or acceptable exceptional case argument has been demonstrated. Additionally, Supplementary Guidance SG LDP HOU 1 states that there is a presumption against small-scale housing development in the open /undeveloped areas of the Countryside Zone. The principle of development is therefore contrary to the settlement strategy of the LDP and cannot be supported. The local settlement pattern comprises of a linear row of properties on north-west to south-east axis. This is fairly distinctive and the proposed development sites are to be located on the opposite side of the road, contrary to this pattern of development.
2. Notwithstanding Reason 1 above, the proposed development site is located within close proximity to the Tobermory River and accordingly SEPA have been consulted. SEPA have commented that, contrary to the information submitted in the applicant's supporting design statement, the proposed development site, or parts of it, falls within the identified 1 in 200 year 'medium flood risk' zone. Consequently, SEPA require the submission by the applicant of either a detailed flood risk assessment

(FRA) or else some other appropriate information sufficient to enable SEPA to make a detailed evaluation of the development and its potential to result in materially harmful flood risk. Without this information and the subsequent assessment of it by SEPA and the Council as flood risk authority, the currently submitted planning application is considered technically incompetent at the current time and therefore contrary to Policy LDP 3 and Supplementary Guidance SG LDP SERV 7 of the Local Development Plan.

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

N/A – the development is recommended for refusal

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

Author of Report: Andrew Barrie **Date:** 30th July 2019

Reviewing Officer: Tim Williams **Date:** 30th July 2019

Fergus Murray
Head of Development and Economic Growth

REASONS FOR REFUSAL RELATIVE TO APPLICATION REF. NO. 19/01061/PPP

1. The site lies within the designated Countryside Zone wherein Policy LDP DM 1 of the Adopted Argyll and Bute Local Development Plan (LDP) 2015 gives encouragement to appropriate infill, rounding-off and redevelopment and changes of use of existing buildings. In exceptional cases development in the open countryside up to and including large scale may be supported on appropriate sites if this accords with an Area Capacity Evaluation (ACE). In this case the site does not present any opportunities for infill, rounding-off, redevelopment or change of use of existing buildings and no detailed and/or acceptable exceptional case argument has been demonstrated. Additionally, Supplementary Guidance SG LDP HOU 1 states that there is a presumption against small-scale housing development in the open /undeveloped areas of the Countryside Zone. The principle of development is therefore contrary to the settlement strategy of the LDP and cannot be supported. The local settlement pattern comprises of a linear row of properties on north-west to south-east axis. This is fairly distinctive and the proposed development sites are to be located on the opposite side of the road, contrary to this pattern of development.
2. Notwithstanding Reason 1 above, the proposed development site is located within close proximity to the Tobermory River and accordingly SEPA have been consulted. SEPA have commented that, contrary to the information submitted in the applicant's supporting design statement, the proposed development site, or parts of it, falls within the identified 1 in 200 year 'medium flood risk' zone. Consequently, SEPA require the submission by the applicant of either a detailed flood risk assessment (FRA) or else some other appropriate information sufficient to enable SEPA to make a detailed evaluation of the development and its potential to result in materially harmful flood risk. Without this information and the subsequent assessment of it by SEPA and the Council as flood risk authority, the currently submitted planning application is considered technically incompetent at the current time and therefore contrary to Policy LDP 3 and Supplementary Guidance SG LDP SERV 7 of the Local Development Plan.

APPENDIX 2 – SITE PHOTOGRAPHS

