

**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**

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**Reference No:** 20/00940/PP

**Planning Hierarchy:** Local Development

**Applicant:** Argyll and Bute Council

**Proposal:** Extension to existing car marshalling area and formation of vehicular access

**Site Address:** Land North West of The Pier, Craignure, Isle of Mull

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## **DECISION ROUTE**

### **Local Government Scotland Act 1973**

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#### **(A) THE APPLICATION**

##### **(i) Development Requiring Express Planning Permission**

- Extension of vehicle marshalling area
  - Formation of new vehicle access
  - Closure of existing vehicle access and reinstatement of foot path
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#### **(B) RECOMMENDATION:**

Having due regard to the Development Plan and all other material considerations, it is recommended that **Temporary** planning permission be **Granted** as a minor departure from the Local Development Plan.

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#### **(C) HISTORY:**

No Recent Planning History

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(D) **CONSULTATIONS:**

Area Roads Officer

Response dated 04.07.20 advising that there are no objections to the development proposed, subject to conditions that the new vehicle access onto the A849 Salen-Craignure-Iona Ferry Road be formed in accordance with Operational Service Drawing SD08/001a, with appropriate visibly splays of 53 metres by 2.4 metres being formed north and south of the junction.

**Planning Authority Comment:** *Conditions to this effect have been recommended and appended to this report.*

Scottish Environmental Protection Agency (SEPA)

Letter received, dated 30.07.20 confirming no objections to the development proposed on flood risk grounds. SEPA confirms that the site is located within the medium likelihood (0.5%) annual probability or 1 in 200 year return period flood extent area, and may be at medium to high risk of flooding. However, as the application refers to an alteration and/or small scale extension to an existing building, these forms of development are generally outwith the scope of Scottish Planning Policy, provided they do not have any detrimental impact on the functional floodplain. Having reviewed the application in detail SEPA are satisfied the development will not represent a significant loss of floodplain storage, conveyance or increase in local flood risk.

**Planning Authority Comment:** *The development proposed is small scale and will not result in any above ground development which would alter the flow or storage of flood water, beyond what already exists. Whilst the formation of a new vehicle crossing and service lane will introduce an additional area of hard surface, the area of ground covered by this development is small and unlikely to have any impacts beyond the site. A significant part of the development (approximately 40% by area), will be retained as 'grasscrete', being a porous surface, thereby allowing natural drainage.*

Nature Scotland

Letter Received 26.08.20 stating that there are no objections to the development. The proposal does not meet our minimum criteria for consultation.

**Planning Authority Comment:** *No additional comments made.*

Local Development Plans

Email dated 28.08.20 – Confirmed to the Planning Authority that the area of ground, the subject of this application, is designated as being an Open Space Protection Area (OSPA). Local Development Plans further confirm that no records exist to demonstrate the exact purpose or reason for the original land designation. However, in their opinion, the purpose of the OPSA “is to provide protection to an area of greenspace amenity on the shore side of the A849. This area provides visual amenity functions for the settlement of Craignure as well as the recreational functions provided by Core Path route C022 and the slipway that are both just to the north west of the application site”.

**Planning Authority Comment:** *Policy LDP STRAT 1 of the Local Development Plan (LDP) sets out that in preparing new development proposals developers should seek to demonstrate amongst other matters, to avoid the loss of important recreational and amenity open space. Furthermore, supplementary guidance SG LDP REC/COM 2 provides that the development of formally established public or private recreational areas and areas of open space protection shown to be safeguarded in the LDP proposal maps*

*shall not be permitted except where it can be adequately demonstrated that there would be no loss of amenity through either partial or complete development and that an alternative provision of equal benefit and accessibility be made available.*

*The development proposed cannot fully meet policy SG LDP REC/COM 2 in that the Economic Development Unit has identified no alternative Council-owned land existing at Craignure which could be re-purposed to provide an alternative area of recreational or amenity space to offset the loss of part of this existing amenity land. This application must therefore be assessed a minor departure to the LDP. However, whilst the development does not technically comply with LDP Policy SG REC/COM 2, is it considered only a slight departure for the technical reason described. The development as a whole will not result in any permanent loss of landscape value, nor will there be any restrictions to the use of the land by the public. Changes in the appearance of the site will be temporary and will not significantly alter the level of amenity currently enjoyed from within the public domain.*

*In order for the Planning Authority to consider a minor departure from the LDP as being acceptable, material planning considerations must be weighed against any potential harm arising from the departure to planning policy. In this case, there is a clear operational need for the additional marshalling space to address a known road safety concern. As such, those matters in the opinion of the Planning Authority outweigh any potential negative impacts resulting from the temporary change to a small section of the OSPA. It has been confirmed to the Planning Authority that the development proposed is a temporary proposal only, subject to a 5 year term, at which time the ground area will be reinstated through the breaking up and removal of the service lane, new vehicle access junction and 'grasscrete', to be covered in topsoil and re-seeded.*

#### Marine and Coastal Development Policy Officer

Email response received, dated 09.09.20, No objections - the proposal is not likely to pose any obvious major marine or coastal issues.

***Planning Authority Comment:*** *Supplementary Guidance Policy SG LDP CST 1 seeks to support sustainable development by safeguarding the special coastal qualities within Argyll and Bute citing that the preferred location for development requiring a coastal location is within the Settlement Development Management Zone, excluding natural foreshore. The site is not natural foreshore and is located within the Settlement Zone. Furthermore, in this instance there is a clear operational purpose and need by Ferry operators to formalise additional marshalling space with or immediately adjacent to land already used for this purpose. There is no other land available within Craignure for this purpose without establishing a second remote additional marshalling space. Calmac Ferries Limited have confirmed that in order to establish a second remote marshalling area, this would require a doubling of staff at Craignure, additional space to permit traffic to move safely between marshalling areas if required, and depending on location and distance from each area (and how those areas were managed), delays would potentially occur during loading with traffic being required from both areas at different times. This would potentially impact operational services, and be unlikely to resolve existing road safety issues on the A849 public road, (discussed below), which have given rise to this application.*

#### Biodiversity Officer

Email response received 19.03.21 stating no objections to the development subject to further clarification on the points raised: 1) that in order to retain a greener site in terms of that amenity appeal, the applicant needs establish more resilience into the development design, and 2) Otters are known to frequent this coastal location and as a European Protected Species it will be necessary to complete an Otter Survey, prior to the

determination of this application, and the applicant will need to adopt any recommendations made to incorporate those into the application proposal.

**Planning Authority Comment:** *As a result of the comments received by the Biodiversity Officer the applicant has revised the proposal to include additional landscape details including in particular the use of 'grasscrete' within the area identified as "overflow marshalling", previously identified as including the use of Type 1 gravel only. This, once established, will significantly improve the overall appearance of the development from the public realm whilst retaining large areas of green space when not being used by marshalled vehicles. In addition an Otter Survey has now been completed, dated 23.03.21 which confirms that whilst Otters use this area regularly they are unlikely to be affected by this development. No Otter holts or rest ups have been found within 250 metres of the proposed development and there are no recommendations of this report. The Council's Biodiversity Officer has not raised any concerns with the conclusions of this report.*

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

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**(E) PUBLICITY:**

The proposal has been advertised in terms of Regulation 20 of the Development Management Procedures 2013 and Neighbour Notification procedures, overall closing date 07.08.2020.

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**(F) REPRESENTATIONS:**

17 objections from 11 households have been received regarding the proposed development. Objections have also been received from the Mull and Iona Ferry Committee, the Craignure Bay Community Group and the Mull Community Council.

Miss Laura Wilson, 15 Balvonie Street, Inverness, dated 15.02.21  
Mrs Lindsay Warner, 5 Leven Terrace, Ballachulish, 12.02.21  
Ms Fiona Langton, Pennygate Lodge Craignure, dated 12.02.21  
Ms Carol Perry, 5 Java Houses, Craignure, dated 12.02.21  
Mrs Rhona Wilson, The Old School, Craignure, dated 12.02.21  
Mr Anthony McGill, Caol Muile, Craignure, dated 12.02.21  
Mrs Annie Hickson, The Barn, Craignure, dated 11.02.21  
Mr Norman Hickson, The Barn, Craignure, dated 11.02.21  
Mr William McClymont, Linnhe View, Craignure, dated 17.08.20  
Mrs Fiona Stewart, Sheanbeg, Port Appin, Argyll, dated 18.08.20  
Mr Norman Hickson on behalf of the Craignure Bay Community Group, dated 18.08.20  
Mr Alex Crichton, by email, dated 18.08.20  
Mrs Nicola McClymont (on Behalf of David Roberts), Goldings, Craignure, dated 17.08.20  
Mrs Sandra Crichton, by email, dated 18.08.20  
Mr David Roberts, Goldings, Craignure, dated 19.08.20  
Mr Joe Reade, on behalf of the Mull and Iona Ferry Committee, dated 19.08.20  
Mr Nicholas Duffin, on behalf of the Mull Community Council, dated 20.08.20

**Summary of Issues Raised**

Landscape, Amenity and Overall Appearance

- The proposed re-aligned access and space for vehicles to queue before being checked in is a much-needed development, and we support the objective of the application, which will address a clear road-safety issue. However, we are disappointed that the development as designed will bring environmental blight to a small and confined village already dominated by the needs of the ferry pier. The majority of the development space will be devoted to 'overflow parking' and surfaced crudely with crushed rock. With no defined border between the surfaced lane and the overflow area, it is inevitable that cones, tape and other markers or moveable items will be needed to control vehicles, creating significant visual blight. The space is likely to be used for Calmac Staff vehicles and equipment and may adopt the appearance of undefined ground. There is no identifiable need for overflow parking, and I suggest it is instead a convenient designation for cost saving. Instead the area marked out for overflow parking should be used for landscaping and planting that will serve to enhance the village rather than degrade it.
- The plans do not include any form of landscaping and would be detrimental to Craignure Village. We would ask for further communication with both groups, as although we realise an extension is necessary, it could be achieved much more sympathetically for the village as a whole.

**Planning Authority Response:** *Following the receipt of the consultation response from the Council's Biodiversity Officer and a review of objections received, the Economic Development Unit has revised the site layout details to improve the overall appearance of the development. In particular, native planting has now been proposed to be incorporated along the north boundary to the site, and the overflow marshalling area, previously indicated as being covered in Type 1 gravel material only, will be more fully developed to include 'grasscrete' (a system of concrete mesh blocks designed to provide a hard running surface for vehicles but allowing grass to grow through, thus giving the appearance of a vegetated surface). This will allow for the formation of additional hardstanding, (required for use as 'overflow capacity space' for cars only), whilst incorporating greater resilience in the development to retain much of the green space appearance which is currently observed. The overflow capacity area will not be used for long-term vehicle parking, with clarification being provided by the Economic Development Unit to confirm that this space will only be used in instances where existing marshalling space cannot be utilised due to operational reasons, (discussed in more detail below), or in the event that additional un-booked vehicles arrive at the ferry terminal with a desire to travel. Rather than turn this "stand-by" traffic away the ferry, operators prefer that it be accommodated as at the time these vehicles arrive it is not known how much booked traffic may not turn up (no-show), and therefore allow the stand-by traffic to be shipped. Consequently, whilst additional landscaping in this open area of ground may further improve the appearance of the development, this must be balanced against the clear operational need to use this area at times by ferry operators. A condition has been recommended and appended to this report that the area only be used for operational purposes and not for general parking.*

#### Policy Issues and Integrity of the Council

- I believe there will be an attempt to make convenient use of the un-consulted, un-adopted draft LDP 2 policies to force through this development because this new document has made an attempt to remove the strong presumption against development within open space protection areas. If this application is not refused it will fundamentally undermine the current LDP and open the door to multiple applications within areas previously protected. This is opportunistic piecemeal development.

- This application is contrary to policy in the existing local development plan. It steals amenity land from the community and intrudes upon the adjacent residential properties. The design and quality of the proposal is not at all acceptable even as an interim measure. Once again it appears that Argyll and Bute Council project a Planning Strategy and standards that they do not follow themselves.

**Planning Authority Response:** *This application has been assessed as a minor departure to the LDP, notably Policies LDP STRAT 1 and SG LDP REC/COM 2. However, in the opinion of the Planning Authority, the operational need for the development at this location outweighs those negative impacts caused by the temporary change to a small section of the Open Space Protection Area. It is not considered that the development proposed will set a precedent for any further development at this location or other locations within Argyll and Bute due to the clear and site specific operational need as set out and discussed in the main body of this report below.*

### Loss of Greenspace and Amenity Land

- Craignure has limited amenity space and it is vital that this area is protected to stop Craignure from losing its village identity and turning into industrial sprawl. The land is readily accessible and useable for recreational purposes by the public. It is also a significant passive amenity space which contributes to the landscape character and setting of the built environment and biodiversity. As such it is a resource which cannot easily be replaced.
- It is the people of any community which make it, not the public transport infrastructure. This plan is further pushing out the needs of residents, with no thought or care to preserving our amenities.
- The ferry traffic lanes are already a 'nuisance neighbour' as it is, therefore we do not appreciate it encroaching further into our residential area, the village is already decimated by industry.
- My quality of life will be detrimentally impacted by having both heavy traffic queuing and parking directly in front of my home and if there are high sided commercial vehicles joining that queue, or parking, then I will have no view whatsoever, the thought of which distresses me greatly.

**Planning Authority Response:** *The area of ground covered by this application comprises a small flat section of land, approximately 54 metres in length, located adjacent to the foreshore at Craignure immediately to the north of the existing hardstanding vehicle marshalling area for the Craignure to Oban Ferry. The land is currently not maintained in any formal way and is currently covered in grass. The area provides direct access to the foreshore and a small slipway at this location. The land in total comprises approximately 5% of the total OPSA land area. Having regard to the temporary development proposed, the works being undertaken will not directly restrict the ability of the public to access the foreshore or existing slipway at this location, nor will it compromise the use of the rest of the OPSA, and specifically the core path recreational walkway (C022) located to the north of the development within the woodland area encompassing much of the rest of the OPSA between Craignure and the Craignure Hotel. Furthermore, any changes in amenity will not alter the existing levels of amenity currently enjoyed from within the public realm. That is, this development is not proposing any significant above ground development other than the relocation of ticket kiosk. As such view through and beyond the site will be retained. Ferry Infrastructure and appropriate access to the Islands by operators is essential to secure and promote economic development of the Islands and to tackle issues of falling populations. Therefore, the operational needs in this case are considered to outweigh any temporary negative impacts.*

### Impacts to Existing Services

- The area is also a site of Scottish Water Assets for the dwellings opposite, all of which do not appear on the visible layout document, this is greatly of concern.
- The current layout is detrimental to the CalMac visitor experience as you are pushing vehicles further from the commercial area of the village and public amenities. Which for many families travelling with children is problematic, particular during all weather conditions.

**Planning Authority Response:** *Much of the physical works being undertaken as part of this development are to improve the means by which vehicles are marshalled, and managed into the existing marshalling space, rather than seeking to move vehicles further away from existing public amenity services. Whilst some overflow or stand-by vehicles will be required to temporarily marshal further from Craignure Village, if space does not allow within the existing waiting area, this will only be during peak periods and for short periods of time. The additional distance being created by this temporary situation is considered minimal and acceptable in the context as a temporary proposal. Such matters will be better addressed as part of the wider full redevelopment in the future.*

*In terms of existing Scottish water assets located within the area of ground to be occupied by this development, this would be a matter for the Economic Development Unit to confirm and negotiate with Scottish Water outwith the planning process. It is not considered that the currently proposed and relatively small scale development will have any obvious impact on any existing water infrastructure.*

### Impacts to Wildlife and Biodiversity

- Mull is an area for wildlife enthusiasts and this development site may impact on those values.

**Planning Authority Response:** *The Council's Biodiversity Officer has reviewed this application and raised no objections. An Otter Survey has been completed which has confirmed that there are no otter holts or hold ups within 250 metres of the development site and whilst Otters do regularly use this area of coast, they will not be impacted by the development.*

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

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## **(G) SUPPORTING INFORMATION**

**Has the application been the subject of:**

<b>(i) Environmental Statement:</b>	<b>No</b>
<b>(ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:</b>	<b>No</b>
<b>(iii) A design or design/access statement:</b>	<b>No</b>
<b>(iv) A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc:</b>	<b>No</b>

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**(H) PLANNING OBLIGATIONS**

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

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

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

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

Argyll and Bute Local Development Plan, 2015

LDP STRAT 1 – Sustainable Development

LDP DM 1 – Development within the Development Management Zones (*Key Rural Settlement – Craignure*)

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

LDP 4 – Sustainable Development of our Coastal Zone

LDP 5 - Supporting the Sustainable Growth of our Economy

LDP 8 - Supporting the Strength of our Communities

LDP 9 - Development Setting, Layout and Design

LDP 11 - Improving our Connectivity and Infrastructure

Supplementary Guidance

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

SG LDP ENV 6 - Development Impact on Trees / Woodland

SG LDP ENV 14 – Landscape

SG LDP BUS 5 - Economically Fragile Areas

SG LDP REC/COM 2 - Safeguarding Sports Fields, Recreation Areas and Open Space and Protected Areas

SG LDP DEP - Departures to the Local Development Plan

SG LDP SERV 7 - Flooding and Land Erosion – The Risk Framework for Development

SG LDP TRAN 4 - New and Existing, Public Roads and Private Access Regimes

SG LDP TRAN 8 - Piers and Harbours

SG LDP CST 1 – Coastal Development

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

Argyll and Bute Sustainable Design Guidance, 2006

Scottish Planning Policy (SPP), 2014

Argyll and Bute Proposed Local Development Plan 2 (November 2019)

Consultation Responses

Third Party Representations

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

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

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

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**(N) Does the Council have an interest in the site: Yes**

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

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

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

17 objections from 11 households have been received regarding the proposed development.

It is the opinion of the Planning Authority that the representations received, together with officer assessment of the relevant planning issues contained within this report, provide all the information required to enable Members to make an informed decision based on all of the material planning considerations in this case, not least the fully adopted 'Argyll and Bute Local Development Plan' 2015 and the direct relevance of key planning policies contained within it.

In this instance it is not considered that the objections raise any complex or technical issues that have not been addressed in the current Report of Handling and it is not considered that a discretionary local hearing would add value to the planning process.

The determining factors in the assessment of this application are whether or not it is appropriate that the operational need arguments, and any other material planning considerations advanced by the Economic Development Unit, in support of the development proposal, should outweigh those temporary negative impacts resulting from a change to part of an Open Space Protection Area.

Whilst the development proposal in this case is small scale, it must be assessed as a minor departure from the Local Development Plan.

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

Temporary planning permission is sought by Argyll and Bute Council to extend the existing vehicle marshalling area at the Craignure Ferry terminal on the Isle of Mull. The works proposed will involve;

- The closure of the existing vehicle entrance to the marshalling area.
- The formation of a new vehicle junction onto the A849 Public Road.
- The formation of a new overflow capacity area for cars in circumstances where the existing marshalling area is at capacity on arrival, or in the event they are un-booked travellers seeking to be placed on stand-by should travel be permitted.

This application seeks a temporary resolution to a known road safety issue, principally arising because the existing vehicle marshalling area does not have the required capacity to accommodate queueing vehicles, particularly during peak usage periods, where vehicles are unable to enter the marshalling area or are forced to reverse out of the area and queue on the public road.

A permanent redevelopment of the ferry pier and wider terminal precinct area at Craignure is in the development stage at the present time but as yet no details are available to confirm when this redevelopment might be delivered.

This development proposal is being applied for as a temporary activity with a 5 year term of permission being sought. At the conclusion of this term a full restoration of the development site to its existing pre development appearance will be completed.

The determining factors in the assessment of this application are whether or not the operational need and road safety benefits set out are sufficient to outweigh any negative impacts arising from the temporary change to part of an open space protection area (OSPA) and the consequent objections raised by third parties and by the Community Council. The material planning considerations and mitigating factors advanced by the Planning Authority in support of this development proposal are;

- The development proposed is both small scale and temporary, and poses no significant above ground development, other than repositioning of a small ticketing kiosk. Whilst vehicles will be required to queue and at times temporarily park on this ground such instances will be short term and transient in nature.
- The development is to incorporate design details which will include some native planting and a significant amount of grasscrete blocks which will retain an area of greenspace within the site once fully established. This will help the development to better integrate within its wider setting.
- The development is a temporary activity with a 5 year term of permission being sought. At the termination of this 5 year period the new vehicle access, service lane and grasscrete will be removed with the area being dressed in topsoil and seeded with grass, thereby restoring the site to its pre development condition.
- The development will only impact approximately a 5% area of the OSPA and will not compromise any recreational values attributed to it. Access to foreshore, slipway and wider walking routes at Craignure will continue to be available for use by the public. The development will have no impact on the woodland area comprising the remaining part of the OSPA.

The negative impacts resulting from any temporary changes to part of the OSPA are considered acceptable in this instance, being outweighed by the operational needs demonstrated. Access to the islands by ferry operators is vitally important to promote and secure economic development and redress falling populations in these locations. .

It is recommended that planning permission be granted.

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

**No**

The development represents a minor departure from the Local Development Plan, specifically LDP STRAT 1 and Supplementary Guidance Policy SG LDP REC/COM 2.

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**(R) Reasons why planning permission should be granted**

- A reasonable and acceptable operational need for the proposal has been demonstrated with a requirement to be located on the land applied for;
  - The development is compatible with the scale of the adjacent settlement and will not compromise the wider setting in terms of scale and design;
  - Whilst there may be some minor changes to amenity, as assessed from within the public domain, those impacts are considered reasonable and will be outweighed by the clear operational need for the development;
  - The development requires a coastal location, will be set within an area of existing similar development, and will not compromise the character of the coastal zone at this location to any materially harmful extent.
  - The development will not materially compromise the existing recreational values attributed to the OSPA in which it is to be located, specifically access to the foreshore, slipway and wider walking routes will be wholly retained.
  - The development is proposed as a temporary activity with a 5 year term of permission being sought only. The ground will be reinstated to its pre-development condition at the conclusion of this term.
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**(S) Reasoned justification for a departure to the provisions of the Development Plan**

- Whilst the development represents a minor departure from the Local Development Plan, specifically LDP STRAT 1 and Supplementary Guidance Policy SG LDP REC/COM 2, it is considered that the operational needs and economic benefits of the development outweigh those negative impacts resulting from the temporary changes to part of the OSPA .
  - The development will not result in any above ground development (other than the relocation of a small ticketing kiosk) and as such will largely retain existing levels of amenity as assessed and observed within the public realm.
  - The area of land, the subject of this application, is considered to have relatively low amenity value in the context of the wider OSPA and as such development of this land for a 5 year temporary period, is unlikely to give rise to any significant adverse environmental effects.
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**(T) Need for notification to Scottish Ministers or Historic Scotland: No**

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**Author of Report: Jamie Torrance Date: 07.04.21**

**Reviewing Officer: Tim Williams Date: 07.04.21**

**Fergus Murray  
Head of Development and Economic Growth**

## CONDITIONS AND REASONS RELATIVE TO APPLICATION REFERENCE 20/00940/PP

### GENERAL

1. The development shall be implemented in accordance with the details specified on the application form dated **29/05/20**; supporting information and, the approved drawings listed in the table below 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.

<b>Plan Title.</b>	<b>Plan No.</b>	<b>Ref.</b>	<b>Version</b>	<b>Date Received</b>
Craignure Marshalling Area Extension – Location Plan	1 of 3			24.07.2020
Craignure Marshalling Area Extension – Proposed Works	2 of 3			25.03.2021
Photograph of existing kiosk to be relocated	3 of 3			24.07.2020

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

#### Note to Applicant:

- This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
- In order to comply with Sections 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start. Failure to comply with this requirement constitutes a breach of planning control under Section 123(1) of the Act.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.

Both the Notification of Initiation and Notification of Completion forms referred to above are available via the following link on the Council's website:

<https://www.argyll-bute.gov.uk/planning-and-environment/make-planning-application>

2. The development authorised by this permission shall endure for a period not exceeding five years from the date of this permission. Upon the expiry of this five year period (or sooner, should operational requirements so dictate), the use of the land as a temporary vehicle marshalling area shall cease and the new vehicle access shall be removed and the site reinstated in accordance with a scheme of restoration as described within Condition 3 below.

*Reason: In order to underpin the temporary planning permission applied for and to ensure the restoration of the part of the open space protection area affected by the development.*

3. Notwithstanding Condition 1, prior to the development first being brought into use, the developer shall submit to the Planning Authority a scheme of land reinstatement/restoration. Such details shall confirm how the site will be fully restored to its pre development state, including but not limited to: the dismantling, excavation and removal of the new vehicle crossing, service access lane and grasscrete blocks from the land and the reinstatement of the land and any vegetation. All agreed works shall be completed within three months of the expiry of this permission to the satisfaction of the Planning Authority.

*Reason: In order to secure an appropriate land restoration scheme and to ensure its timely implementation.*

## **ROADS**

4. Notwithstanding the provisions of Condition 1, the proposed access shall be formed in accordance with the Council's Roads Standard Detail Drawing SD08/001a and shall include visibility splays of 53 metres to point X by 2.4 metres to point Y from the centre line of the proposed access. The access shall be surfaced with a bound material in accordance with the stated Standard Detail Drawing. Prior to work starting on site the access hereby approved shall be formed to at least base course standard and the visibility splays shall be cleared of all obstructions such that nothing shall disrupt visibility from a point 1.05 metres above the access at point X to a point 0.6 metres above the public road carriageway at point Y. The final wearing surface on the access shall be completed prior to the development first being brought into use and the visibility splays shall be maintained clear of all obstructions thereafter.

*Reason: In the interests of road safety.*

### Note to Applicant:

- A Road Opening Permit under the Roads (Scotland) Act 1984 must be obtained from the Council's Roads Engineers prior to the formation/alteration of a junction with the public road.
- The access shall be constructed and drained to ensure that no surface water is discharged onto the public road.

5. Notwithstanding the effect of Condition 1, prior to the development first being brought into use, the existing marshalling area vehicle entrance shall be closed off and reinstated into a new footway suitable to match and connect into the existing path located to the north and south of the existing entrance.

*Reason: In order to integrate the development into its surroundings.*

## **AMENITY**

6. No development shall commence until a scheme of surface treatment and landscaping has been submitted to and approved in writing by the Planning Authority. The scheme shall include details of:
- i) Confirmation of the location, material type and finishing details of the 'grasscrete' surface to be used in the overflow area.
  - ii) Details of landscape planting within the site, including confirmation of planting density, species type and location.
  - iii) Any proposed re-contouring of the site by means of existing and proposed ground levels.
  - iv) Any other proposed hard or soft landscape works.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme during the first planting season following the commencement of the development, unless otherwise agreed in writing by the Planning Authority.

*Reason: To assist with the integration of the proposed development within its surroundings in the interest of amenity.*

#### **RESTRICTION OF USE**

7. The overflow marshalling area indicated on the drawings hereby approved shall only be used for the temporary parking for cars. Vehicles may only be parked in this identified area when marshalling for ferry departure. For the avoidance of doubt the defined overspill area shall not be used as a general parking area.

*Reason: In order to protect the amenity of the locale and to ensure that the grasscrete blocks do not become ineffectual in providing appropriate amenity value to the development.*

## **APPENDIX A – RELATIVE TO APPLICATION NUMBER: 20/00940/PP**

### **PLANNING LAND USE AND POLICY ASSESSMENT**

#### **A. Settlement Strategy**

In terms of the adopted 'Argyll and Bute Local Development Plan' (LDP) 2015, the application site is located within the Key Rural Settlement of Craignure where Policy LDP DM 1 gives encouragement to sustainable forms of development up to and including medium scale on appropriate sites, subject to compliance with other relevant policies and supplementary guidance (SG).

Policy LDP 3 assesses applications for their impact on the natural, human and built environment.

Policy LDP 4 supports onshore proposals for the sustainable development of our coastal zones, while LDP 5 supports the sustainable growth of the economy. Supplementary Guidance SG LDP CST 1 further expands on this policy by seeking to support the sustainable development of the onshore coastal zones by safeguarding the special coastal qualities. The preferred location for developments requiring a coastal location is the Developed Coast, which consists of coastal areas within the Settlement Development Management Zone. The proposed development has an operational requirement to be within the coastal zone and is within an area of 'developed coast'. The proposed development therefore complies with policy LDP 4 and SG LDP CST 1.

The spatial framework for coastal development notes that it is important that the character of the Argyll and Bute coast is protected from inappropriate development and that development which requires a coastal location is directed in the first instance to areas where development has taken place. The LDPs spatial strategy is set out in LDP Policy DM1, which alongside this policy aims to direct development requiring a coastal location to areas with existing development, or sites where the character of the coastal zone could accommodate such development.

This spatial framework is developed further in considering pier and harbour development set out within Policy SG TRAN 8. This provides that development of new or existing pier and harbour infrastructure, such as that currently proposed, is to be encouraged, provided that such development promotes the retention or expansion of commercial marine related uses. Development proposals should be consistent with Policy LDP 4 – Supporting the Sustainable Development of our Coastal Zone – and with all other relevant LDP policies and SG. Pier and Harbour development is encouraged in the first instance at locations where piers and harbour infrastructure already exists.

The proposed development is required to support an existing ferry pier and its associated infrastructure and therefore complies with the provisions of policy SG TRAN 8 and SG LDP TRAN 8.

Although the development site is within the settlement area and complies with the relevant key planning policies as summarised above, it also forms part of an open space protection area (OSPA) designation within the LDP.

Policy LDP 8 – Supporting the Strength of Our Communities - recognises the valued role open space, play space, gardens, sports and leisure facilities and key rural services have in providing an attractive place to live. Policy SG REC/COM 2 expands and provides additional detail on this policy by providing that the development or redevelopment of

formally established public or private playing fields or sports pitches or those recreational areas and open space protection areas shown to be safeguarded in the LDP proposals maps shall not be permitted except where: In the case of valued recreational areas (public or private), including OSPAs, it can be adequately demonstrated that there would be no loss of amenity through either partial, or complete development and that an alternative provision of equal benefit and accessibility be made available.

Policy LDP 9 seeks developers to produce and execute a high standard of appropriate design and ensure that development is sited and positioned so as to pay regard to the context within which it is located. The Sustainable Siting and Design Principles expand on this policy requiring all proposals, particularly those with a commercial purpose to consider landscape setting, to be compatible with neighbouring uses and to be of a scale and proportion that respects or complements a location.

The Development Policy section have confirmed in their opinion that the OSPA is to provide protection to an area of informal greenspace amenity on the shore side of the A849. This area provides visual amenity functions for the settlement of Craignure as well as the recreational functions provided by Core Path route C022 and the slipway that are both just to the north west of the application site. In seeking to carry out this development within this OSPA, the Economic Development Unit has confirmed that no other Council owned land exists within Craignure which might be repurposed to provide a substitute local amenity and/or recreation use.

Whilst, in the opinion of officers, the development will have only a small and temporary impact on the amenity value of a small part of the existing OSPA (as described below), the development proposed cannot fully meet all of the tests within Policy SG LDP REC/COM 2. This development must therefore be considered as a minor departure from the LDP.

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 expands on this policy seeking to ensure that developments are served by a safe means of vehicular access. The proposed development will secure an improved access and will, therefore, comply with policy LDP 11 and SG LDP TRAN 4.

## **B. Location, Nature and Design of Proposed Development**

Planning permission is sought to extend the existing vehicle marshalling area at Craignure, Isle of Mull. The area of land to be developed forms part of an OSPA (approximately 5% of the total protected area of land) which has been designated to provide amenity and recreational value to the settlement of Craignure.

An existing unmanaged grassed area is located adjacent to the foreshore, to the immediate north of the existing ferry terminal vehicle marshalling area. It is proposed that this area be utilised in part to form a new and temporary vehicle marshalling area, by installing a new vehicle crossing at the very northern end of this area with a new service lane providing access to the existing hardstanding marshalling area. This will increase capacity within the existing marshalling area by enabling better use of this space. It is also proposed that this ground be used to provide an overflow area for cars in the event that the marshalling area is already at capacity or if vehicles arrive which are un-booked for travel and are required to temporarily wait on stand-by.

The area of ground required for the proposed development and forming part of the OSPA does not appear to be managed in any way and is currently unkempt and covered in wild grass. Other than providing a small area of greenspace within Craignure, the area of ground does not appear to hold much amenity value in terms of its appearance. However, objections to this application do identify this area of ground as a valued recreational and passive amenity area. Owing to its undeveloped state, users of the public road or those within the public realm are able to view through this land to the foreshore and Sound of Mull beyond. To the immediate north of this ground is a significant area of woodland comprising much of the land along the foreshore between Craignure and Craignure Hotel to the north. This woodland comprises the remaining 95% of the OSPA. The A849 Public Road demarks the western boundary of this area of ground, with two dwellinghouses located beyond that directly opposite.

### **Temporary Development Status:**

The Economic Development Unit has set out within supporting evidence as part of its operational need justification (detailed below), that this development is intended as a temporary measure in order to resolve a road safety issue whilst wider redevelopment plans comprising the full redevelopment of the entire ferry terminal precinct within Craignure are developed and agreed. No exact dates or details are known as to when or how the full redevelopment plans will be agreed and implemented. However, an approximate date of between 5 and 7 years has been indicated. This application is seeking a 5 year term, following which the new vehicle crossing will be required to be closed and the land appropriately reinstated in accordance with details to be agreed by planning condition.

As a result of a Council consultation carried out in 2019 with wider stakeholders toward the provision of a permanent solution the following key summation points were raised:

- *It has been evidenced that currently, during busy periods, when vessel capacity is exceeded, or passengers arrive early for a sailing, vehicles can back up out of the marshalling area onto the A849 in both directions - this causes short periods of congestion within Craignure Village and delays for non-ferry users travelling along the A849.*
- *Although the fourth lane is used to marshal larger vehicles including HGVs, buses and other large commercial vehicles, it is the same width as the car marshalling lanes. Additionally, there is no formal arrangement for marshalling vehicles carrying dangerous goods. The fifth lane, the lane directly adjacent to the A849, is used as a standby lane for vehicles that have not made reservations for a particular sailing. It is noted that when this lane is full it often backs up onto the A849 even when there is still capacity in the marshalling lanes used for vehicles reserved on a particular sailing. This confirms the need for there to be contingency within the capacity of the marshalling area as, due to the frequency of the service to Oban from Craignure, it is common practice for passengers travelling with a vehicle to arrive early for a sailing, in some cases potentially hitting the 'back of the queue' for the previous sailing*
- *This has been evidenced by cars queueing onto the A849 in both directions and causing congestion within Craignure Village. As highlighted, due to the frequent nature of the service, passengers travelling by car often turn up early for their sailing or try to get onto an earlier sailing than they have booked. This results in the stand-by-lane reaching capacity prior to the marshalling area being full, thus exacerbating the congestion issue at the mouth of the marshalling area, leading to queuing onto the A849. Therefore, there may be justification for a greater degree of over provision of marshalling at Craignure i.e. >150% of the capacity of design vessels.*
- *Although it is noted that there have been no recorded accidents at the vehicle marshalling, with current traffic congestion issues, the risk of an accident occurring is high*

*and the probability of an accident occurring is likely to increase with increasing tourist numbers to the island.*

### **Operational Need:**

The existing marshalling area in Craignure has a capacity of approximately 92 'passenger car units' or 'pcus' (a homogenous unit used to express capacity by ferry operators). Whilst this represents approximately 130% of the MV Isle of Mull capacity or 115% of MV Clansman (being the two existing vessels used for the Mull Ferry serves), in reality marshalling capacity can't always be fully utilised, as shore staff need to segregate vehicles into different lanes to allow them to be called forward for boarding when required by the loading officer. Vehicles with low headroom are required for the mezzanine deck, vehicles carrying passengers with limited mobility require access to the lift on board the vessel, wider vehicles such as motorhomes goods vehicles take up more space on board, and they all need to be segregated into their own lanes. This in practice means some lanes within the marshalling area available at present become 'sterilised' and cannot be used to their full capacity. In addition to this normal 'full load' scenario, it is frequently the case that additional, un-booked, traffic will arrive at the port with a desire to travel. This 'stand-by' traffic needs to be accommodated rather than turned away, as at the time these vehicles arrive it is not known how much booked traffic may not turn up (no-show), and therefore allow the stand-by traffic to be shipped.

In order to account for the need to segregate different vehicle types, to accommodate stand-by traffic and to accommodate traffic numbers in the event of a cancellation, it is industry standard to aim to design marshalling areas with 150% capacity of the service vessel operating from the port. In the case of Craignure, and its two-vessel service in the summer, even this capacity is insufficient, as it is frequently the case that traffic for one sailing will arrive before traffic from the previous sailing has cleared the area. Indeed on a number of occasions this is unavoidable, as the latest check-in for the next sailing is prior to the departure time of the previous sailing. Given this, the marshalling area in Craignure is currently under-sized and frequently leads to vehicles queuing on the main road or being unable to enter the marshalling area. In addition to the capacity issue, the process of checking-in vehicles - which by necessity needs to take place at the entrance to the marshalling lanes - frequently exacerbates this, and means that on most sailings in the summer, and on many occasions in the winter, traffic will be queued out on the main road. During the Mull Rally season for example, traffic has frequently been queued on the main road all the way back to the Isle of Mull hotel junction. This presents a frequent and clear road safety hazard whilst also causing congestion for travellers on the A849 Public Road.

As part communications with the Economic Development Unit ferry operators considered the potential for providing additional marshalling space in a discrete location, remote from the existing marshalling area. It was noted that this could have a significant impact on the operation of the ferry service, and introduce new challenges. Marshalling areas should normally be designed with a single point of access, thus allowing traffic to be controlled by one (or two) members of staff. A separate marshalling area would require the same manpower thus doubling head count in this area. Depending on how the two areas were used (a different area for separate sailings, one area for booked traffic and a second for overflow, or one area for cars and a second for HGVs) additional space would be required to permit traffic to exit one area accessed in error and move to the second area if required. Lastly, and of particular importance to this service, depending on location and distance from each other (and on how the areas were to be used), delays could occur in loading, with traffic from different areas being required at different times.

Two separate marshalling areas would provide no operational benefit and, depending on design, location and use, could produce significant issues. Whilst it could help address the issue of capacity, it would do nothing to alleviate the issue with access and would not remove the existing problem of traffic backing up and queueing on the main road.

The Economic Development Unit therefore concludes that there is a clear operational need and benefit to increasing marshalling capacity at the location of the existing marshalling area, and in addition and particular to Craignure, the operational changes proposed by this development will resolve an evidenced road safety hazard.

### **Consideration of Alternative Locations:**

Ferry Operators in consultation with the Economic Development Unit have previously discussed the potential for providing additional marshalling space in a discrete location, remote from the existing marshalling area. Ferry operators confirmed that this option could have a significant impact on the operation of the ferry service, and introduce new challenges. Marshalling areas should normally be designed with a single point of access, thus allowing traffic to be controlled by one (or two) members of staff. A separate marshalling area would require the same manpower thus doubling head count in this area. Depending on how the two areas were used (a different area for separate sailings, one area for booked traffic and a second for overflow, or one area for cars and a second for HGVs) additional space would be required to permit traffic to exit one area accessed in error and move to the second area if required. Lastly, and of particular importance to this service, depending on location and distance from each other (and on how the areas were to be used), delays could occur in loading, with traffic from different areas being required at different times. This would potentially have a knock on effect in operational services in delays became frequent. Two separate marshalling areas would provide no operational benefit and, depending on design, location and use, could produce significant issues. Whilst it could help address the issue of capacity, it would do nothing to alleviate the issue with access and would not remove the existing problem of traffic backing up and queueing on the A849 public road. Consequently, there is a clear operational need to position any further marshalling capacity in proximity to the existing area designated for this purpose. Therefore, the solution proposed by this application will seek to resolve both the road safety issues whilst improving operational services.

### **Impacts to Amenity:**

The proposed development, with the exception of the relocation of a small ticket kiosk does not propose any above ground development and will therefore retain much of the existing levels of amenity as experienced from the public realm. Views and outlook from private domestic properties is not a material planning consideration and accordingly this assessment has only considered those impacts from the public domain. However, and notwithstanding this point, except when vehicles temporarily stop to be marshalled by ferry operator staff any existing views will be largely retained. Whilst it is true that some stand-by vehicles (cars only), may be required to temporarily park in this overflow area, outwith these times/periods the inclusion of grass concrete will retain much of the developed area with a grass appearance.

Following the review of objections (17 in total) as well as communications with the Planning Authority and the Council's Biodiversity Officer this application was revised to alter the surface material used within the new Overflow marshalling area, from Type 1 Gravel to grasscrete, in addition to setting a temporary 5 year term of permission. The combination of improved greenspace resilience within the development as well as the temporary term (with full ground reinstatement agreed following the end of the temporary term), are significant material planning considerations in the context of both the overall appearance of the development and the settlement strategy.

Having regard to the operational need for the development at this location, which serves to support economically important ferry services to the Isle of Mull, along with recommended conditions, which include a temporary term and reinstatement of this

ground to its pre development state, it is considered that the site represents a suitable opportunity for development which will have no significant adverse impacts on the setting of Craignure at this location.