

**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:** 21/02190/PP

**Planning Hierarchy:** Local

**Applicant:** Mr David Blair

**Proposal:** Change of Use of Land for Siting of Timber Ark Sculpture (Retrospective)

**Site Address:** Land to the North West of Coill Beag Woodland, Tighnabruaich, Argyll

---

**DECISION ROUTE**

**(i) Local Government Scotland Act 1973**

---

**(A) THE APPLICATION**

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

- Change of Use of Land for Siting of Timber Ark Sculpture (Retrospective)

**(ii) Other specified operations**

- N/A
- 

**(B) RECOMMENDATION:**

Having due regard to the Development Plan and all other material considerations, it is recommended that Planning Permission be **granted** subject to the condition and reason set out in this report.

---

**(C) CONSULTATIONS:**

**NatureScot Operations Officer** (e-mails dated 8<sup>th</sup> December 2021 and 31<sup>st</sup> January 2022)

As the type of application did not meet the criteria for consulting with NatureScot, they initially had no comments to make. Subsequent correspondence took place and the development has now been examined.

Their detailed comments advise that the ark structure has been viewed from key viewpoints within the Kyles of Bute National Scenic Area (NSA) including from along the A8003, B866 and A886 roads. However, views from Bute (e.g. the West Island Way) are not included in the assessment of impacts as the officer did not visit the island.

It was found that the structure was only visible on the immediate approach to and from Tighnabruaich on the A8003 road. Crucially, it is not visible at all from the National Trust for Scotland viewpoint at Creagan Dubh. Given this, combined with the nature of the building materials used (open trusses made from non-reflective larch wood that will dull with time) and design features (open and curved), it is not considered that visual impacts will be significant.

In terms of landscape impacts, given the nature of the structure and its relatively small scale (compared to the adjacent telecommunications mast at Creag Rubha Bhain, for instance), it is not considered that it adversely affects the landscape character of the area.

In summary, NatureScot do not consider that the existing structure will have an adverse effect on the special qualities nor integrity of the NSA.

#### **Area Roads Engineer**

Written comments awaited but verbal advice is no objections.

---

#### **(D) HISTORY:**

There is none pertaining to the application site.

---

#### **(E) PUBLICITY:** Regulation 20 Advert (closing date: 7<sup>th</sup> January 2021)

---

#### **(F) REPRESENTATIONS:**

An objection has been received from Mr Paul Paterson, 2 Manor Way, Tighnabruaich (received 10<sup>th</sup> December 2021)

The points raised can be summarised as follows:

- i. The objector considers the structure to be a political statement; it attacks various forms of political thoughts; and the applicant/builder (Mr David Blair) is known for his political views on the environment as well as setting up the local Extinction Rebellion group. It is contended that Extinction Rebellion is greeted as an extremist fringe group that has courted many recent legal and court rulings, especially vandalism; breaching court orders; and creating frustration within local and central government. It is mentioned that the same applicant/builder was ordered by the Planning Authority to remove a political symbol which he placed on top of a hill cairn within Tighnabruaich.

The objector considers that there is a huge element of civil disobedience from the applicant/builder, which the latter seems to relish. COP26 has ended and the applicant/builder states that the wooden structure is temporary until 2045 but, in truth, whilst the structure is a political statement, it also blights the skyline and does not fit within the local area and local buildings let alone meet with the local authority and Scottish definitions of a building.

**Comment:** The visual and landscape impact of the development will be assessed in Appendix A of this report. The other issues set out above do not have a material bearing upon the Planning aspects of the case.

- ii. Some types of building work and development don't need Planning Permission as long as they are within defined thresholds and this is called '*permitted development*'. The wooden structure does not fall within the scope of the Town and Country Planning (General Permitted Development) (Scotland) Order in relation to agricultural development or temporary structures and, therefore, needs Planning Permission.

**Comment:** The department considered that the use of the land for the siting of the timber framework benefitted from '*permitted development*' rights for the period of 28 days between 25<sup>th</sup> August 2021 and 22<sup>nd</sup> September 2021 but that its continued use after the latter date without the benefit of Planning Permission constituted a breach of Planning control.

The current application has been submitted with a view to regularising this breach of Planning control.

- iii. The wooden structure plans lack Environmental Impact Assessment (Scotland) Regulations 1999 (Scottish Statutory Instrument 1999 No. 1), as amended (the EIA Regulations).

**Comment:** The development does not constitute either Schedule 1 or Schedule 2 development as defined in the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. As such, it does not require being the subject of Environmental Impact Assessment.

- iv. The objector, although not referring to the source material, appears to include a number of comments from '*Planning Advice Note 39: Farm and Forestry Buildings*' (April 2008). These relate to assessing the visual impact of a new building, including considering the impact of the development from a number of viewpoints both in the immediate surroundings and in the wider countryside; seeking to locate the development near to existing buildings; seeking to avoid a hilltop position but, if this is unavoidable, siting the development close to woodland and carefully choosing the external colour; aligning a building parallel with the contours on sloping sites; and choosing an appropriately-scaled development.

**Comment:** The visual and landscape impact of the development will be assessed in Appendix A of this report.

- v. The objector provides links to media reports and includes quotes attributed to the applicant/builder in relation to the relationship of the development and the issue of climate change.

**Comment:** The information contained in the media reports is noted.

- vi. The objector expresses concerns that, despite having no risk assessments, no COVID-19 assessments, no health and safety audits, no disabled access or conformance to the Equality Act and a failure to abide by the regulations on COVID-19, the applicant/builder had primary school pupils and delegates from the COP26 attend the development. The objector contends that it was noted by the community council, local residents and tourists that no-one knew of this and a deep seat of anger then built up whereby answers were not given by the applicant/builder.

**Comment:** The above issues do not have a material bearing upon the Planning aspects of the case.

- vii. The objector contends that it had also been noted that Dunoon Grammar School were invited but that, due to no Planning Permission; a lack of risk and Health and Safety at Work (HASAW) assessments; and COVID-19, the Grammar School declined. Overall, the objector contends that there is a deep feeling of the applicant/builder doing as he so pleases while others have to abide by the rules.

**Comment:** The above issues do not have a material bearing upon the Planning aspects of the case.

- viii. The objector states that Scottish Ministers deal with a variety of casework in relation to the planning system and have a role in confirming various legislative orders and directions. Applications for Planning Permission, Listed Building Consent and Conservation Area Consent are dealt with firstly by the Local Planning Authority but Scottish Ministers can intervene in the determination of a planning application where a matter of genuine national interest may be at stake. The objector requests that this application is put before Ministers.

**Comment:** There can be circumstances where a development raises issues of such national importance that it is reasonable for Scottish Ministers to call-in a planning application from the local authority but it is at Ministers' discretion whether to do so. This could be where a Government agency has expressed strong concerns about the impact of development on their national interests or where the possible impacts or benefits of a proposed development extend well beyond the area of the local authority to the extent that they become of national importance.

It is not considered that the particular circumstances of this application qualify for a call-in by Scottish Ministers.

- ix. The objector contends that the wooden structure is intended to have the public walk on, sit and climb within it and is querying whether a variety of assessments have been carried out in relation to the minimum and maximum weight and load bearing capacities of each beam, wooden part, bolt, screw and pillar.

**Comment:** The above issues do not have a material bearing upon the Planning aspects of the case.

- x. The applicant/builder has stated that he will undertake to give an annual inspection of the structure to ensure it remains structurally sound for the duration and, if it is found to be weakened or failing in any way that is beyond repair, he will close off the site and take it down. The objector considers this to be unacceptable and that it requires an independent and suitably qualified structural engineer to make such a qualifying recommendation.

**Comment:** The issue of the structural stability of the ark sculpture does not have a material bearing upon the Planning aspects of the case. Its potential visual deterioration is assessed in Appendix A of this report.

- xi. The wooden structure sits on top of a steep hill on the road entering and leaving Tighnabruaich and sits next to the parking area on the A8003. However, the objector points out that this is directly opposite a new access road that has been created in relation to timber extraction, which will be in place for the foreseeable future whilst the timber is removed and replanted. The objector expresses concern that this will create substantial safety risks to any person parking their vehicle and walking to the wooden structure.

**Comment:** The access referred to by the objector is located on the opposite side of the A8003 across from the north-eastern end of the layby. Planning Permission (ref: 21/01578/PP) was granted on 9<sup>th</sup> November 2021 as it was considered, in consultation with the Area Roads Engineer, that the access was acceptable subject to conditions regarding the standard and design of the bellmouth as it meets the public road and the clearance of appropriate visibility splays.

Vehicles entering and exiting this access in a safe and proper manner will not create a hazard to the users of the layby across the public road.

---

## **(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 supporting statement:**

Yes

The applicant/builder has submitted the following statement in support of the application:

*“The Ark was built to raise awareness of the scale and urgency of the climate and ecological emergency, it was designed to start conversations and inspire action. I propose it stands until 2045 when the Scottish Government have committed to Scotland achieving net zero carbon emissions. Built at a scale that reflects the purpose of an Ark, it is 22m long 8m wide including the supporting structure and 6m high. The Ark is built from locally milled European Larch which is a naturally durable timber that should remain structurally sound for over 20 years. It will change colour with exposure to UV light from honey/orange to a silver/grey.*”

*The Ark is designed to be viewed from the parking area on the A8003 to the North of Tighnabruaich though some people may choose to walk up to it from there or from the Tighnabruaich back road.*

*I am an engineer (and the Arkitect) and undertake to give an annual inspection of the structure to ensure it remains structurally sound for the duration. If it is found to be weakened or failing in any way that is beyond repair I will close off the site and take it down."*

- (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 obligation required:**

No

---

- (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:**

No

---

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

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

Argyll and Bute Local Development Plan 2015

LDP STRAT 1 – Sustainable Development  
LDP DM1 – Development within Development Management Zones  
LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment  
LDP 9 – Development Setting, Layout and Design  
LDP 11 – Improving our Connectivity and Infrastructure

Supplementary Guidance (March 2016)

SG LDP ENV 12 – Development Impact on National Scenic Areas (NSAs)  
SG LDP ACE 1 – Area Capacity Evaluation  
SG LDP Sustainable Siting and Design Principles  
SG LDP TRAN 6 – Vehicle Parking Provision

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

Consultee Responses

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

The unchallenged policies and proposals within pLDP2 may be afforded significant material weighting in the determination of planning applications at this time as the settled and unopposed view of the Council. Elements of the pLDP2 which have been identified as being subject to unresolved objections still require to be subject of Examination by a Scottish Government appointed Reporter and cannot be afforded significant material weighting at this time. The provisions of pLDP2 that may be afforded significant weighting in the determination of this application are listed below:

Policy 26 – Informal Public Outdoor Recreation and Leisure Related Development

---

**(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 (PAN41 or other):**

Having regard to the approved guidelines for hearings, it is considered that a hearing would not add value to this assessment for the following reasons:

- The application has attracted an objection from only one person
- The land-use planning related issues raised are not considered to be unduly complex and a fully informed assessment and determination can be made with reference to this report
- The development is consistent with the relevant provisions of the Local Development Plan and there is no policy conflict with the recommendation
- The recommendation is consistent with the consultation responses from NatureScot's Operations Officer and the Area Roads Engineer

---

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

Planning Permission has been sought in retrospect for the siting of an ark sculpture on an elevated area of ground approximately 135 metres to the east of a car parking layby adjacent to the A8003 road and to the north west of Coill Beag woodland in Tighnabruaich.

The site is located in '*Countryside*' for the purposes of the Argyll and Bute Local Development Plan 2015, in which only certain scales and types of development gain immediate support. In this case, an '*exceptional case*' requires to be demonstrated but it is not considered that the undertaking of a full Area Capacity Evaluation would '*add value*' to the assessment of the application.

The applicant, Mr David Blair, has stated that the sculpture was created to raise awareness of the scale and urgency of the climate and ecological emergency; that it was designed to start conversations and inspire action; and was located so that it could be viewed from the car parking layby (which is on the same side of the public road as the development) with the possibility of people choosing to walk up to it.

It is considered that the above points (and other factors), when taken cumulatively, represent a form of '*exceptional case*'. This in itself, however, is not of such overriding significance that it would justify support for any form and scale of development in any location.

The visual impact of the development is relatively confined given that it can be seen only over a relatively short stretch of the A8003 road leaving Tighnabruaich in a north-easterly direction. In addition, the nature of the building materials that have been used (open trusses made from non-reflective larch wood that will dull with time) and its design features (open and curved) further mitigate its presence.

Although located within the Kyles of Bute National Scenic Area and in the '*Craggy Upland – Argyll*' Landscape Character Type, it does not impinge to a significant degree on either the special qualities of the NSA or the key features of the Landscape Character Type that have been identified by NatureScot and its predecessor, Scottish Natural Heritage.

The principal road safety issue relates to the extent to which the development would lead to vehicles parking on the public road network where they may impede traffic flow or cause a hazard. It is considered that there is sufficient vehicle parking in the existing layby to accommodate those persons wishing to either view or visit the ark sculpture and that the type of development is unlikely to be as intensively used as a leisure facility, which is the closest equivalent in the list of Parking Standards. These conclusions allow the development to be viewed favourably in relation to the relevant Supplementary Guidance in the LDP.

An objection has been received from one source but many of the points that have been raised do not have a material bearing upon the Planning aspects of the case. All of the issues that are material in nature have been fully examined.

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

Yes

---



**(R) Reasons why Planning Permission or Planning Permission in Principle Should be Granted:**

The development is considered to be acceptable in regard to all relevant material considerations including national and local planning policy and supplementary guidance. There are no other material considerations which would warrant anything other than the application being determined in accordance with the provisions of the development plan.

---

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

N/A

---

**(T) Need for notification to Scottish Ministers or Historic Scotland:**

No

**Author of Report:** Steven Gove

**Date:** 2<sup>nd</sup> February 2022

**Reviewing Officer:** Howard Young

**Date:** 3<sup>rd</sup> February 2022

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

## **CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 21/02190/PP**

1. This permission shall cease on or before 1<sup>st</sup> March 2027 other than in the event of a further Planning Permission for continued use having been granted upon application to the Planning Authority. Within one month of the cessation of the use, the ark sculpture shall be removed from the site and the land shall be restored in accordance with a reinstatement scheme to be submitted to and approved in writing in advance by the Planning Authority.

Reason: In order that the Planning Authority may review the circumstances pertaining to the development within a reasonable period of time and in the interests of visual amenity.

2. Notwithstanding the requirements of condition 1, in the event that the condition of the structure falls into serious disrepair, the ark sculpture shall be removed from the site and the land shall be restored in accordance with a reinstatement scheme to be submitted to and approved in writing by the Planning Authority.

Reason: in the interests of amenity and public safety.

## **NOTES TO APPLICANT**

The applicant / landowner should make appropriate arrangements to ensure that the structure is maintained in a safe condition and may wish to ensure that they have appropriate public liability insurance.

## APPENDIX A – RELATIVE TO APPLICATION NUMBER: 21/02190/PP

### A. Background to Current Application

A written enquiry was received by the Planning Department on 26<sup>th</sup> August 2021 as to whether any permission had been sought or obtained for an ark structure that was being assembled on an elevated area of ground approximately 135 metres to the east of a car parking layby adjacent to the A8003 road and to the north west of Coill Beag woodland in Tighnabruaich.

It was confirmed that the Planning Department had not been approached regarding this installation and an investigation commenced. It was subsequently established that the structure had been assembled by Mr David Blair for the purpose of raising “*awareness of climate change and the extinction crisis*” in advance of the COP26 summit that was being held in Glasgow in November 2021.

The department considered that the use of the land for the siting of the timber framework benefitted from ‘*permitted development*’ rights for the period of 28 days between 25<sup>th</sup> August 2021 and 22<sup>nd</sup> September 2021 but that its continued use after the latter date without the benefit of Planning Permission constituted a breach of Planning control.

Mr Blair elected to submit an application for the continued use of the land for the siting of the structure and this report relates to the assessment of this retrospective application.

### B. Settlement Strategy

The development is located within ‘*Countryside*’ wherein the provisions of Policy LDP DM 1 of the Argyll and Bute Local Development Plan (LDP) 2015 would ordinarily only encourage ‘*small scale*’ development on appropriate infill, rounding off, redevelopment and change of use of existing buildings. However, in exceptional cases, development in the open countryside may be supported on appropriate sites if this accords with an Area Capacity Evaluation (ACE).

In this particular case, the development relates to the change of use of land for the siting of a timber ark sculpture. As such, it doesn’t necessarily fall neatly within the more typical forms of built development whose scale is quantified by the number of units; floorspace; etc. However, its location clearly does not represent any of the recommended types of site that would elicit support in principle from Policy LDP DM 1 i.e. it is not ‘*infill*’, ‘*rounding off*’, ‘*redevelopment*’ or ‘*change of use of an existing building*’.

On this basis, it is reasonable to expect that an “*exceptional case*” needs to be demonstrated and this is explored in detail later in this report with the conclusion that such a case has been justified. Consideration then should be given as to the requirement for an ACE to be carried out.

#### Requirement for an ACE

In terms of the ACE process, Supplementary Guidance policy SG LDP ACE 1 mentions that this is “*a tool to assess planning applications in the relevant development control zones, in order to establish the capacity of the wider countryside containing the application site to successfully absorb that particular development*”.

It goes on to state that “*the aim should not be to identify a definitive quantity or how much development can be accommodated in a landscape but to explore landscape ‘sensitivity’ to the particular development ... under consideration.*”

In terms of type of development, the Supplementary Guidance explains that “*an ACE should never be carried out for renewable energy related developments which are the subject of environmental impact assessment or temporary buildings or proposals*”.

Whilst the applicant seeks permission for a period of approximately 23 years, it is considered that such a length of time could not reasonably be regarded as “*temporary*” in the context of the use of that term in the preceding paragraph.

However, it is equally clear that the application relates to a type of development that is relatively unusual in terms of its form and purpose. In these circumstances, it is justifiable to consider whether the carrying out of an ACE would ‘*add value*’ to the process of determining the application, particularly where the visual and landscape impacts of the development are being assessed in detail.

In taking all of the above factors into account, it is not considered necessary to undertake an ACE in relation to this application.

In summary, this application constitutes an ‘*exceptional case*’ for a particular type of development whose landscape and visual impact is considered to be acceptable. **As such, it is consistent with the Settlement Strategy set out in Policies LDP STRAT 1 and LDP DM 1 and Supplementary Guidance policy SG LDP ACE 1 of the Argyll and Bute Local Development Plan 2015.**

### **C. Location, Nature and Design of Development**

The application site is in a relatively elevated and exposed field located approximately 70 metres to the south-east of the A8003 public road on the approach to the village of Tighnabruaich from the north-east. Upon this area of ground, a timber framework has been assembled in the shape of an ark, which has a length of 22 metres; a width of 8 metres; and a height of 6 metres. Two lengths of curved benching have been incorporated into the sides of the framework that allow persons to sit within its interior.

There is a layby for the parking of cars directly adjacent to the A8003 road and this is approximately 135 metres due east of the ark sculpture and at a lower level. A one metre high gate has been installed in the fence adjacent to the layby from which people can walk up to the ark sculpture although no footpath has been physically created to specifically facilitate such access.

### **D. Exceptional Case**

In order for a development to qualify as an “*exceptional case*”, there are certain principles that can reasonably be applied, including the following:

- Exceptional cases should be fairly rare occurrences and should not become a matter of routine
- Specific locational requirement - i.e. the proposed development has a clearly demonstrable need to be located upon a specific site or within a specific area rather than elsewhere and within a more appropriate development management zone

- Exceptional cases could represent a significant economic or community benefit that outweighs other Policies of the Local Development Plan and is agreed with and acceptable to the Planning Authority

As stated elsewhere in this report, the ark sculpture presents issues that are relatively unusual in the assessment of an application and the ‘*exceptional case*’ scenario is no different. The more typical situations might involve a dwellinghouse on an agricultural unit or tourism-related development to support or diversify an existing business.

In this case, the applicant has stated that the “*Ark was built to raise awareness of the scale and urgency of the climate and ecological emergency, it was designed to start conversations and inspire action*” and “*is designed to be viewed from the parking area on the A8003 to the north of Tighnabruaich though some people may choose to walk up to it from there or from the Tighnabruaich back road*”.

These statements serve to partly explain the reasoning behind the location of the sculpture in the sense that it is visible to a certain extent (thereby attracting attention) and is within walking distance of a safe parking area.

The timing of the assembling of the timber framework in August 2021 was also influenced by the approaching COP26 climate change summit that was to be held in Glasgow during November last year and Mr Blair was quoted in an article in ‘*The Guardian*’ at the time that the ark design related to “*the story of Noah and the great flood from nursery school, and I wanted to make that deep connection with people*”. Finally, it is understood that the ground in question is leased out to the applicant on an annual basis so there is also an element of land availability in relation to the choice of the site.

The preceding paragraph sets out the context for the development and it is considered that the various elements, when taken cumulatively, represent a form of ‘*exceptional case*’. This in itself, however, is not of such overriding significance that it would justify support for any form and scale of development in any location. The visual and landscape impact of the ark sculpture is of equal importance and is addressed in the next section.

## **E. Landscape and Visual Impact**

In assessing the landscape effects of the development, it is important to establish the landscape character of the area. In this case, the application site is located within the Kyles of Bute National Scenic Area (NSA).

Having regard to Scottish Natural Heritage’s ‘*Landscape Assessment of Argyll and the Firth of Clyde*’ (1996) and the more recent review of Landscape Character Types (LCTs) carried out in 2019, the development is located within the ‘*Craggy Upland – Argyll*’ LCT.

This LCT extends northerly to the junction with the road to Tighnabruaich from the A886 road and incorporates the land to the north of Colintraive; the north part of the Isle of Bute; and the land to the north and north-west of Tighnabruaich. Although not having exactly the same boundaries as the LCT, the Kyles of Bute NSA occupies the majority of the same area.

The key features set out in the ‘*Craggy Upland – Argyll*’ Landscape Character Type insofar as they relate to this particular area are as follows:

- Upland moor with irregular, rather amorphous landform

- Rounded knolls, rock outcrops and numerous lochs in low-lying hollows and glens
- Open moorland predominates, but extensive conifer plantations camouflage the landscape pattern in some areas
- Oak-birch woodland on lower slopes

The special qualities of the Kyles of Bute NSA are highlighted by NatureScot's predecessor, Scottish Natural Heritage, in a report from 2010 and these are as follows:

- **The drama of the Kyles** – the narrow Kyles dominate this landscape of wooded slopes and rough hills.
- **Verdant woodland on the enclosing hills** – the enclosing hillsides coming down to the sea are clothed in extensive areas of mature, mixed woodland.
- **Rocky outcrops punctuating the wooded slopes** – rocky hill tops, numerous rock outcrops and rocky shores punctuate the tree cover and hill slopes to give contrast in colour, texture and form
- **Small fields between the water and the woods**
- **The juxtaposition of human settlement and a wider undeveloped landscape of sea and hills** – human habitation, where present, is confined to a narrow coastal strip, comprising in most part domestic-scale housing and well-maintained gardens.
- **A peaceful landscape of constant movement** – the surrounding landscape of woodland, hills and promontories provides a peaceful setting but the waters are also a centre of movement. In spite of this activity, the area remains a tranquil place which is evidently enjoyed by many
- **The ever-changing vistas** – the views over the Kyles continually change travelling through the NSA. Some roads follow the shore, providing close-up views of the sea, while others are well above the coastline, affording distant panoramas. Hence intimate views of small bays and local settlements vie with large scale, distant views south to Arran or east to the hilly moorland and coastal settlements of North Ayrshire. The road north from Tighnabruaich provides particularly spectacular panoramic views over the Kyles to the undeveloped moorland of northern Bute and beyond
- **The gradual transition from land to sea in Loch Ruel** – the head of Loch Ruel shows one of the best transitions in the west of Scotland from woodland, through extensive shingle, sand and mud to open water

It is considered that the development in question has minimal or no effect upon the majority of the above special qualities. However, there is further detail in the report from 2010 in terms of '*ever-changing vistas*':

- The continuous changes in the morphology and topography of the coastline give a constantly changing visual impression of the landscape. The roads through the NSA - mainly the A886 and especially the A8003 – frequently change direction and altitude, to give a wide range of vistas in terms of scale

- Views reach as far afield as Arran and the North Ayrshire coast. The large scale views provide a sense of orientation in the complex interweaving of land and water in the Argyll and Firth of Clyde landscape
- There are several viewpoints along the A8003. The National Trust for Scotland's panoramic viewpoint at Creagan Dubh overlooks the three arms of water. Further south, another good viewpoint is at Creag Rubha Bhàin. This hill is a key landscape feature in the vicinity of Tighnabruaich. It encloses the settlement and marks a clear transition between the Rocky Mosaic landscape in the south and the start of the Craggy Upland landscape to the north.

It can be argued that, to a certain degree, the application site illustrates the “*constantly changing visual impression of the landscape*” referred to above. When travelling in a vehicle (particularly in a north-easterly direction away from the village of Tighnabruaich), the skyline position of the ark sculpture and its proximity to the A8003 road mean that it is visible but only over a relatively short stretch of the public road. This, combined with the nature of the building materials that have been used (open trusses made from non-reflective larch wood that will dull with time) and its design features (open and curved), result in a development whose current visual impact is not significant.

If one is stationary and parked in the layby close to the site, the principal view is in a south-easterly direction looking over the West Kyle and taking in the coastal strip of development that characterises the southern part of Kames; the eastern Ardlamont peninsula; the north-western end of the Isle of Bute; and beyond to Arran. By virtue of its location further eastwards, the ark sculpture does not interrupt views over this vista.

In terms of key viewpoints within the road network of the wider Kyles of Bute NSA (including the A8003 and also the B866 and A886 roads to the east), the sculpture is essentially only visible on the immediate approach to and from Tighnabruaich as described above. Importantly, the development is not visible at all from the National Trust for Scotland's panoramic viewpoint at Creagan Dubh.

Whilst potential viewpoints within the NSA on the Isle of Bute have not been visited (e.g. the West Island Way), it is considered to be highly unlikely that the ark sculpture would be readily visible having regard to the distance involved (approximately 3 km) and the intervening topography.

The ark sculpture is in a location that can be viewed from parts of Tighnabruaich and Kames but these viewpoints are not within the NSA and, given the distances involved (between 1.9 km and 3.7 km); the relatively small scale of the ark; and its open and curved design, it represents a very small element within a wider panorama.

### Summary

It is recognised that, given the purpose of the ark sculpture as a means of raising awareness of the issues of climate change and ecological emergency, it is in a location that is visible to members of the public. However, its visual impact is relatively confined given that it can be seen only over a relatively short stretch of the A8003 road leaving Tighnabruaich in a north-easterly direction. In addition, the nature of the building materials that have been used (open trusses made from non-reflective larch wood that will dull with time) and its design features (open and curved) further mitigate its presence.

Although located within the Kyles of Bute NSA and in the ‘*Craggy Upland – Argyll*’ Landscape Character Type, it does not impinge to a significant degree on either the

special qualities of the NSA or the key features of the Landscape Character Type that have been identified by NatureScot and its predecessor, Scottish Natural Heritage.

As mentioned in Section (G) (iii) above, the applicant is seeking Planning Permission for the ark sculpture to remain in place “*until 2045 when the Scottish Government have committed to Scotland achieving net zero carbon emissions*”.

He has also undertaken “*to give an annual inspection of the structure to ensure it remains structurally sound for the duration. If it is found to be weakened or failing in any way that is beyond repair I will close off the site and take it down.*”

Whilst the appearance of the ark sculpture is presently considered to be acceptable, if it were to deteriorate through its exposure to the elements (or other reasons), it could begin to visually detract from the landscape. In order to address this potential scenario, it is proposed that a condition be attached that Planning Permission be granted for an initial period of five years thereby ensuring that the appearance and condition of the sculpture can be reviewed within a reasonable timescale.

On the basis of the foregoing, and subject to suitably-worded conditions, **the development is considered to accord with Policies LDP 3 and LDP 9 and Supplementary Guidance policies SG LDP ENV 12 and SG LDP Sustainable Siting and Design Principles of the Argyll and Bute Local Development Plan 2015.**

#### **F. Road Network, Parking and Associated Transport Matters**

The application does not involve the formation or alteration of any vehicular accesses onto the public road network so this is not a matter requiring assessment. One issue meriting some attention is the presence of the sculpture and the extent to which it might act as a distraction to drivers.

Given that West Cowal attracts a considerable number of visitors, there will be road users who are not familiar with routes such as the A8003 and/or who are unaware of the ark sculpture. One could argue that its presence might arouse curiosity if it happened to be seen unexpectedly with the possibility of vehicles slowing down or carrying out quick manoeuvres.

Having assessed this possibility, it is considered that the ark sculpture would not represent a hazardous distraction given its open (rather than solid) appearance; its distance from the road; and its non-illuminated and non-reflective timber finish.

The principal issue in relation to transport matters is the extent to which the development would lead to vehicles parking on the public road network to the detriment of road safety. As with other issues pertinent to this application, assessing the potential demand for parking in association with the development is not straightforward. Supplementary Guidance policy SG LDP TRAN 6 of the Argyll and Bute Local Development Plan (LDP) 2015 states that, “*in normal circumstances, adequate off-street parking or communal parking should be provided adjacent to all new development to ensure that vehicles are not parked on the road where they may impede traffic flow or cause a hazard.*”

In terms of the number of spaces that should be provided, the LDP advocates the use of ‘*Parking Standards*’ and it explains that, “*where a proposed development is not specified on the Council’s Parking Standards list, the council will use the nearest type of land use on the list as a basis for assessing the parking requirements.*”



The list of Parking Standards does not include '*public art installations*' or '*visitor attractions*' but it might be reasonable to use '*leisure*' as the closest type of use. The standard for this is one parking space per 22 square metres and, with the footprint of the actual ark sculpture being 80.6 square metres, this would equate to four parking spaces.

There is no on-site parking area; however, there is an existing car parking layby approximately 135 metres to the west of the ark sculpture and on the same side of the A8003 public road as the development. The applicant mentions that the location of the sculpture was partly chosen to be viewed from this layby and that there is the potential for people to walk up to the site from the parking area.

This layby measures approximately 65 metres in length and, by using a figure of 5 metres as the typical length of a parking space, up to 13 cars could potentially utilise this area.

Supplementary Guidance policy SG LDP TRAN 6 explains that a degree of flexibility on the lack of on-site parking will be available in certain situations, including where: -

- It can be shown by the applicant that the parking requirement can be met by existing car parks and that the demand for parking in connection with the development will not coincide with the peak demand from the other land uses in the area
- The development, due to special characteristics, is likely to generate a significantly lower demand for parking than the standards would imply

It is considered that there is sufficient vehicle parking in the existing layby to accommodate those persons wishing to either view or visit the ark sculpture (thus meeting the first point above) and that the type of development is unlikely to be as intensively used as a leisure facility, which is the closest equivalent in the list of Parking Standards (thereby meeting the second point above).

On the basis of the foregoing, **and by exercising an appropriate degree of flexibility, the development is considered to accord with Policy LDP 11 and Supplementary Guidance policy SP LDP TRAN 6 of the Argyll and Bute Local Development Plan 2015.**