

From: Ormonde ADPM ormonde.adpm@btinternet.com 
Subject: FAO Gerard McPhillips Application Ref NW/3/2021 Planning Ref 20/01901/PPP
Date: 3 February 2021 at 21:24
To: development_management@transportscotland.gov.uk
Cc: Norman Shewan norman.shewan@argyll-bute.gov.uk, Love, David david.love@argyll-bute.gov.uk
Bcc: Ian MacArthur ianmacarthur@tireebroadband.com, ianmacarthurtiree@gmail.com

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Dear Gerard,

Further to my previous correspondence, I am writing to you to further query the decision for refusal for the above application.

I was researching previous applications approved utilising the junction in question and have come across an approved mining application (Planning Ref:19/01422/MIN TS Ref:NW/331/2019). This application received no objection from Transport Scotland so my first question is this: Why would Transport Scotland deem the junction safe for commercial use with multiple slow moving HGV and operator vehicle movements crossing the carriageway but not safe for a domestic brownfield redevelopment?

Looking at the application in more detail, approval was given for screening equipment and crushing equipment. Assuming the quarry will have tracked excavator equipment to feed the crushing equipment, this requires additional operators over and above the crushing equipment. Notwithstanding the HGV traffic utilising the junction (both entering and existing the site) to retrieve materials excavated from the quarry, the required plant operators would also utilise this junction to work in the quarry and they would travel in domestic type vehicles (small 4x4's, commercial vans etc.) so would have the same visibility of those using the junction to access the proposed house site.

This creates a situation where you have an acceptable level of junction use for one situation (commercial quarry use) but not for another (a single domestic dwelling house) and I am struggling to see the parity. I am expecting a response along the lines of "due to the commercial traffic use Transport Scotland cannot approve an additional house utilising this junction". However, this was not the case when Transport Scotland objected to the original Planning Application for this site in 2009. There was no quarry works back then so my second question is this: What has changed from 2009 where a domestic Planning Application was refused from safety grounds but a commercial mining application is acceptable?

I believe my client spoke to you earlier this week and you confirmed that in the preparation of your report, no site visit was undertaken by yourself. I also believe that Google Earth and Google Streetview were used in your determination of this application therefore any measurements quoted in your response could be challenged legally by a site survey.

I would be grateful if you could contact me at your earliest convenience to discuss the points raised above. I have attached the response to 19/01422/MIN for your consideration.

Kind Regards,

Duncan Macleman (Agent)

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