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Dear Fiona,

**Response to Request for Further Written Information - Notice of Review - Reference 23/0003/LRB**

Having had the opportunity to study the responses received thus far, on behalf of the applicant, I would like to make our final submission to present to the Review Body.

Transport Scotland's Gerard McPhilip detailed response regarding existing signage presents a useful commentary on what is already in place but does not explore improvements that could be made. Being proactive, I would suggest that additional written "JUNCTION AHEAD" wording could be added to the existing signage and possibly even rumble strips applied to the road surface to make drivers more aware.. Furthermore, illuminating flashing "SLOW" signs could be installed, possibly at the applicant's expense, which would further assist drivers to the presence of an already statistically safe junction. These are used to great effect in the Highlands and have proven to be a great benefit to motorists (a great improvement on "SLOW" road markings which wear over time).

It was quite telling that Mr McPhilip's final paragraph, giving the reasons for refusal, omitted the elephants in the room - Transport Scotland's previous approvals for the use of this junction for timber extractions and borrow pit works:

**"In considering the planning application Transport Scotland has already taken cognisance of the existing traffic signs and carriageway markings in place along the A83(T). However, despite these being in place, Transport Scotland remains of the opinion that the additional traffic associated with the planning application has the potential to impact on the safe and efficient operation of the A83(T). Transport Scotland would therefore continue to recommend that the application be refused."**

Transport Scotland believe that an additional dwelling house on a Brownfield Site in an area zoned for Housing would cause a greater impact on the safe and efficient operation of the A83 than Forestry and Borrow Pit workings with their associated heavy vehicle movements. To the applicant and myself, there appears to be a disconnect somewhere. With this in mind, let us present the facts that require to be taken into account which are backed up by the document provided in support by Millard Consulting who are experienced Transport Consultants - their original document is attached for reference.

1. This is an existing junction serving 5 residential properties and not a new access to serve a single dwelling
2. There have been no accidents reported at this junction
3. Transport Scotland have approved the use of this junction for slower moving vehicles for timber extraction and borrow pit extractions
4. The development is in an area zoned for housing and is a Brownfield Development
5. The site forms part of a small holding. The applicant would be well within his rights to

keep livestock all year round on the site which could require several daily visits for checks, feeding, lambing etc. etc. This would create additional vehicle use over the junction which would not require the input of Transport Scotland.

With the greatest respect to Transport Scotland, the applicant and myself feel they have simply got this one wrong and are refusing to take the facts presented to them into consideration. This is why we find ourselves in the current situation and require the support of the Review Body to overturn the delegated refusal. Transport Scotland have already indicated that the Case Officer could have approved the application against their recommendation. Given the difficult position this would have put the past 3 Case Officers into, we ask the Review Body apply common sense and recommend approval for this application and send it to the Scottish Ministers for final approval.

Kind Regards,

**Duncan Macleman BSc (Hons) Dip. Arch**

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05 February 2021

FAO Ian McArthur

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Structures  
Infrastructure  
Flood Risk  
Environmental  
Hydrology  
Transportation

Dear Ian,

**Planning Application 20/01901/PPP For Demolition of outbuilding and erection of a dwellinghouse located Land North of Swallowtail, Inverary, Argyll and Bute.**

Having been instructed to review and report on both Transport Scotland and the highway authority's statutory consultee responses to the above planning application we report as follows:

### Current Application

The land is located north of Swallowtail, Achnagoul and it is proposed to replace an existing stone byre with a new dwellinghouse. The site is accessed via a private track which currently serves five other properties and additional employment uses. The track connects onto the A83 trunk road via a "T" junction. The track is in reasonable good condition and has been well used by residents, farmers and the forestry commission over many years. Although the track is suitable for the current level of use it should be noted that it is not constructed to an adoptable standard. The A83 in comparison to most other trunk roads is not as heavily trafficked. In the vicinity of the site the National Speed Limit applies. Forward visibility on the A83 is impaired due to the vertical and horizontal alignments not complying with standards. Visibility at the junction between the track and the A 83 is also restricted due to the trunk road alignment. A planning response has been provided from the Council's Road Department, dated 7<sup>th</sup> January 2021, which recommended refusal on the grounds that **"the existing private access already serves five dwellings. Argyll and Bute Council's Local Plan clearly states that that developments of more than five dwellings should be served by a road constructed to an adoptable standard. Any further development will require a road to an adoptable standard"**.

In considering the comments from the Roads Department we will evidence later that the existing track serves supplementary development where planning has been approved which exceeds the level of daily vehicular trips generated by the five dwellings. We shall also demonstrate that the applicant, as part of his planning proposals, will not intensify the use of this track by vehicles but could in fact offer reduced levels of trips and therefore reduce the impact on the track. We will also comment on the fact that the applicant, whilst not increasing the residual impact on the track, is still willing to fund improvements to all other parties who have access to the track which should be greatly welcomed by the Council.

Transport Scotland (TS) have also provided a response to the planning department with a recommendation to refuse the planning application. The reasons for refusal cited in their response dated 27<sup>th</sup> January 2021 are as follows:

- The proposed development would result in an intensification of waiting and right turning manoeuvres from the trunk road at a location where forward visibility for approaching westbound traffic on the trunk road is substandard thus creating interference with the safety and free flow of the traffic on the trunk road;

- The proposed development would result in an intensification of waiting and right turning manoeuvres from the trunk road at a location where forward visibility for approaching westbound traffic on the trunk road is sub-standard thus creating interference with the safety and free flow of the traffic on the trunk road.

In respect to Transport Scotland's first reason for refusal we will demonstrate that there is indeed potential that the planning application will not increase vehicle numbers but may actually reduce trips based on a current consented use. We do agree with Transport Scotland however that visibility is restricted at this location. With regards to the second reason for refusal we will demonstrate that the planning proposals have the potential to improve safety to the benefit of all road users and could reduce the level of slower right turning vehicles from the general network.

### Previous Planning Consent

Planning application, reference 09/00745/DET, was submitted on the same site for the erection of a new dwellinghouse and office building. This application was refused and when appealed the decision remained in favour of the Council. The reasons cited were essentially the same as those stated by Transport Scotland and the Roads Department during the current application.

### Millard Consulting's Comments

As part of the planning consultation process both Transport Scotland and the Roads Department have not appeared to consider the proposals in any depth. The current application does not include an office building which significantly reduces potential impact arising from the earlier 09/00745/DET application. Most importantly there does exist a byre on the site and as such this, under historic use, would have had consent for agricultural use.

In our considered opinion there is nothing impeding the applicant from continuing to use from this plot for agricultural purposes. The level of daily trips rates arising from one dwellinghouse has the potential to generate an average 2 – 2.5 daily two-way trips onto the adjacent highway network. As current use on the application site has no restrictions on the level of vehicular use then there is potential for similar or increased daily trips which could exceed those for a solitary dwelling. As part of the proposals the existing byre will be demolished thereby removing the requirement for agricultural access. Agricultural use is predominately associated with larger slower moving vehicles in comparison to the private car.

The potential for reduced vehicular movements should be welcomed by both Transport Scotland and the Roads Department however no comment has been made in respect to the current site use. We therefore do not agree with both authorities' comments that intensification will arise as a consequence of the development proposals. We would contend that there is potential for reduced intensification based on the fact that the current permitted site use will be removed if planning is granted and therefore there will be less impact on the existing highway network and safety would actually improve.

### Supplementary Comments

During the 09/00745/DET application it was stated by Transport Scotland that the approved use of the track for forestry commission purposes was due to the fact that vehicles do tend to be higher and as such visibility standards are significantly better than those experienced by private car drivers. We have to make comment that visibility splay standards are regulated on the basis that all vehicles are classified as the same no matter the height of the vehicles. Visibility for forestry commission use do not meet Transport Scotland standards nor any relaxation or departure from standard and we are sure this is a point Transport Scotland would agree with. Employees associated with forestry commission work also have a tendency to access the site by van / car so not all movements are HVG related. We believe that the comments made by Transport Scotland during the earlier application and subsequent appeal were incorrect and not justified as larger vehicles tend to be slower moving and statistics quite clearly demonstrate that they do tend to have a higher rate of right turning accidents as a consequence of this. This fact was never raised by Transport Scotland and therefore comparison between residential and forestry is considered to have been misrepresented.

More importantly a more recent application, ref 19/01422/MIN was approved and Transport Scotland did not advise against the granting of permission in this instance. The application was applied for

consent for extraction of minerals from an existing borrow pit. Transport Scotland obviously had no concerns over intensification nor road safety. We find this to be unacceptable on the basis that such use will have a significantly greater intensification in comparison to one dwelling. Vehicles will also be slower turning in comparison to the private car. Having previously refused the earlier application 09/00745/DET on grounds of intensified use and road safety Transport Scotland have totally disregarded such concerns when providing comment on the 19/01422/MIN application which would have had a more significant impact. A response from the Roads Department on the 19/01422/MIN application raised no concerns on either intensified use nor roads standards or adoption requirements.

## Conclusions

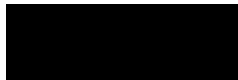
In conclusion we would argue that the current proposals have the potential to reduce vehicular use from the current site and also as a consequence of this could improve road safety. We would also strongly state that the most recently approved application in 2019 has significantly greater impact on the highway network than that arising from one dwelling and as such Transport Scotland has not been consistent with their comments.

Regarding the adoption of the track we would conclude that it serves not only five dwellings but other land uses such as mineral extraction and forestry commission. As such the Council should have asked for it to have been made up to adoptable standards prior to this application. The applicant is looking to replace a byre with a house which has the potential to reduce trip generation and yet at the same time offer improvements by providing lay-by's to the mutual benefit of all users of the track. We would question therefore the Council's stance that it should be brought up to adoptable standard when traffic movements could actually reduce based on the consented use of the site.

Finally the Roads Department's comments to planning imply that in accordance with the Council's Local Plan Policy the track should be brought up to adoptable standard as it will serve more than five dwellings. This however is not specifically the case. The extract attached from the LDP supplementary guidance confirms there are exceptions to this. In the circumstance where further development utilises an existing private access or private road it is the Council's policy that this will only be accepted if the access is capable of commensurate improvements considered by the Roads Authority to be appropriate to the scale and nature of the new development. The Council have previously found it acceptable to approve access to other land use applications without the need for adoption and we would encourage the Roads Department to consider the fact that the current consented use of the site will be removed as part of the application and that lay-by's will be constructed to the mutual benefit of others. We consider this to be commensurate with the proposals under consideration.

We challenge responses to planning by both Transport Scotland and the Roads Department based on the above grounds and would move the Council to approve the application on the basis of a reduction in intensification, consequential improvements to road safety and based on a more recently approved application having significantly greater impact than proposals arising from one dwelling.

Yours faithfully,

A solid black rectangular box used to redact the signature of Ken Pirie.

Ken Pirie  
Managing Director