

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: 22/02100/PP
Planning Hierarchy: Local Development
Applicant: Mr A MacGillivray
Proposal: Erection of short-term holiday let accommodation, outbuilding and pontoon and installation of sewage treatment plant
Site Address: Eilean Loch Oskair, off Isle of Lismore

DECISION ROUTE

- Delegated - Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997
- Committee - Local Government Scotland Act 1973
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(A) THE APPLICATION

- (i) Development Requiring Express Planning Permission**
- Erection of short-term holiday let accommodation
 - Erection of outbuilding
 - Erection of pontoon
 - Installation of sewage treatment plant
 - Connection to private water supply
- (ii) Other specified operations**
- None
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(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission be **refused** for the reasons appended to this report.

(C) CONSULTATIONS:

NatureScot

Letter dated 14.02.2023 objecting to the proposal until further information is provided. Further response dated 18.05.2023, following the receipt of additional information from the applicant, removing the holding objection.

Scottish Environment Protection Agency

Letter dated 03.02.2023 advising of no objections subject to conditions.

Environmental Health Service

Report dated 07.02.2023 advising of no objections to the application. Comment was made regarding the requirement of the applicant to apply for a short-term let licence.

Marine Scotland Licensing

No response at time of report and no request for an extension of time.

The above represents a summary of the issues raised. Full details of the consultation responses are available to view via the [Public Access](#) section of the Council's website.

(D) HISTORY:

No relevant planning history.

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20 procedures, overall closing date 23.02.2023.

(F) REPRESENTATIONS:

(i) Representations received from:

One email representation has been received from Lismore Community Council, dated 01.02.2023, supporting the application.

One email representation has been received from Oban District Access Panel, dated 27.01.2023, commenting on the application.

Representations are published in full on the planning application file and are available to view via the [Public Access](#) section of the Council's website.

(ii) Summary of issues raised:

- Lismore Community Council support the proposed development as it would be a useful facility and diversification for a working croft, helping support the farming enterprise of a local family.

Comment: Whilst the support for the application is noted, there has been no information submitted to suggest that the proposed development would relate to the diversification of an existing croft.

- Oban District Access Panel (ODAP) outline that their remit is to encourage developers and designers to create accessible buildings and environments that provide disabled people with equal access and facilities and enable them to participate and to thrive.

In this respect the ODAP encourage the Applicant to consult with their Architect with a view to adapting the proposed accommodation on

Inclusive Design principles to enable it to be used and enjoyed by a disabled people. This would involve providing a ramped access, facilitating wheelchair access, adapting the bathroom, and the widening of the pontoon bridge.

- *The comments by the ODAP are noted and will be passed to the Applicant for information/action should permission be granted.*

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) **Environmental Impact Assessment Report:** Yes No
- (ii) **An Appropriate Assessment under the Conservation (Natural Habitats) Regulations 1994:** Yes No
- (iii) **A Design or Design/Access statement:** Yes No

A Design Statement has been submitted with the application.

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

A Flood Risk Assessment has been submitted with the application.

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: Yes No

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

[National Planning Framework 4 \(Adopted 13th February 2023\)](#)

Part 2 – National Planning Policy

Sustainable Places

NPF4 Policy 1 – Tackling the Climate and Nature Crises
NPF4 Policy 2 – Climate Mitigation and Adaption
NPF4 Policy 3 – Biodiversity
NPF4 Policy 4 – Natural Places
NPF4 Policy 5 – Soils
NPF4 Policy 9 – Brownfield, Vacant and Derelict Land and Empty Buildings (*includes provisions relevant to Greenfield Sites*)
NPF4 Policy 10 – Coastal Development
NPF4 Policy 12 – Zero Waste
NPF4 Policy 13 – Sustainable Transport

Liveable Places

NPF4 Policy 14 – Design, Quality and Place
NPF4 Policy 17 – Rural Homes
NPF4 Policy 18 – Infrastructure First
NPF4 Policy 22 – Flood Risk and Water Management

Productive Places

NPF4 Policy 29 – Rural Development
NPF4 Policy 30 – Tourism

[‘Argyll and Bute Local Development Plan’ Adopted March 2015](#)

LDP STRAT 1 – Sustainable Development
LDP DM 1 – Development within the Development Management Zones
LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment
LDP 4 – Supporting the 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 10 – Maximising our Resources and Reducing our Consumption
LDP 11 – Improving our Connectivity and Infrastructure

[‘Supplementary Guidance to the Argyll and Bute Local Plan 2015’ \(Adopted March 2016 & December 2016\)](#)

Natural Environment

SG LDP ENV 1 – Impact on Habitats, Species and our Biodiversity
SG LDP ENV 2 – Impact on European Sites
SG LDP ENV 11 – Protection of Soil and Peat Resources

Landscape and Design

SG LDP ENV 12 – Impact on National Scenic Areas (NSAs)
SG LDP ENV 14 – Landscape

Support for Business & Industry: General

SG LDP BUS 2 – Business & Industry Proposals in the Countryside Zones

Support for Business & Industry: Main Potential Growth Sector: Tourism

SG LDP TOUR 1 – Tourist Facilities and Accommodation, including Static and Touring Caravans

Sustainable Siting and Design

SG LDP Sustainable – Sustainable Siting and Design Principles

Resources and Consumption

SG LDP SERV 1 – Private Sewage Treatment Plants & Wastewater Systems

SG LDP SERV 2 – Incorporation of Natural Features / SuDS

SG LDP SERV 5(b) – Provision of Waste Storage & Collection Facilities within New Development

SG LDP SERV 6 – Private Water Supplies and Water Conservation

SG LDP SERV 9 – Safeguarding Better Quality Agricultural Land

Addressing Climate Change

SG LDP SERV 7 – Flooding and Land Erosion – Risk Framework

Transport (Including Core Paths)

SG LDP TRAN 1 – Access to the Outdoors

SG LDP TRAN 2 – Development and Public Transport Accessibility

SG LDP TRAN 3 – Special Needs Access Provision

SG LDP TRAN 4 – New & Existing, Public Roads & Private Access Regimes

SG LDP TRAN 6 – Vehicle Parking Provision

Coastal Development

SG LDP CST 1 – Coastal Development

(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.**

- Third Party Representations
- Consultation Responses
- Argyll and Bute Sustainable Design Guidance, 2006
- [ABC Technical Note – Biodiversity \(Feb 2017\)](#)

[Argyll and Bute proposed Local Development Plan 2 \(November 2019\)](#) – The Examination by Scottish Government Reporters to the Argyll and Bute Local Development Plan 2 has now concluded and the [Examination Report](#) has been published (13th June 2023). The Examination Report is a material consideration of significant weight and may be used as such until the conclusion of the LDP2 Adoption Process. Consequently, the Proposed Local Development Plan 2 as recommended to be modified by the Examination Report and the published Non Notifiable Modifications is a material consideration in the determination of all planning and related applications.

Spatial and Settlement Strategy

Policy 02 – Outwith Settlement Areas

Policy 04 – Sustainable Development

High Quality Places

Policy 05 – Design and Placemaking
Policy 08 – Sustainable Siting
Policy 09 – Sustainable Design
Policy 10 – Design – All Development

Diverse and Sustainable Economy

Policy 23 – Tourism Development, Accommodation, Infrastructure and Facilities

Sustainable Communities

Policy 55 – Flooding
Policy 58 – Private Water Supplies and Water Conservation
Policy 60 – Private Sewage Treatment Plants and Wastewater Drainage Systems
Policy 61 – Sustainable Urban Drainage Systems (SUDS)
Policy 63 – Waste Related Development and Waste Management

High Quality Environment

Policy 70 – Development Impact on National Scenic Areas (NSA's)
Policy 73 – Development Impact on Habitats, Species and Biodiversity
Policy 74 – Development Impact of Sites International and National Importance
Policy 79 – Protection of Soil and Peat Resources
Policy 83 – Safeguarding Agricultural and Croft Land

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

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

(M) Has a Sustainability Checklist been submitted: Yes No

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

(O) Requirement for a pre-determination hearing: Yes No

(P)(i) Key Constraints/Designations Affected by the Development:

- Lynn of Lorn National Scenic Area
- SEPA Coastal Flood Risk Zone
- Eileanan agus Sgeiran Lios mor Special Area of Conservation

(P)(ii) Soils

[Agricultural Land Classification:](#)

Unclassified Land

Peatland/Carbon Rich Soils Classification:

- Class 1
- Class 2
- Class 3
- N/A

Peat Depth Classification:

N/A

Does the development relate to croft land?

- Yes No

Would the development restrict access to croft or better quality agricultural land?

- Yes No N/A

Would the development result in fragmentation of croft / better quality agricultural land?

- Yes No N/A

(P)(iii) Woodland

Will the proposal result in loss of trees/woodland?

- Yes
 No

Does the proposal include any replacement or compensatory planting?

- Yes
 No details to be secured by condition
 N/A

(P)(iv) Land Status / LDP Settlement Strategy

Status of Land within the Application

- Brownfield
 Brownfield Reclaimed by Nature
 Greenfield

ABC LDP 2015 Settlement Strategy
LDP DM 1

- Main Town Settlement Area
- Key Rural Settlement Area
- Village/Minor Settlement Area
- Rural Opportunity Area
- Countryside Zone
- Very Sensitive Countryside Zone
- Greenbelt

ABC LDP 2015 Allocations/PDAs/AFAs etc:

N/A

ABC pLDP2 Settlement Strategy

- Settlement Area
- Countryside Area
- Remote Countryside Area
- Helensburgh & Lomond Greenbelt

ABC pLDP2 Allocations/PDAs/AFAs etc:

N/A

(P)(v) Summary assessment and summary of determining issues and material considerations

This application seeks planning permission for the erection of a detached dwellinghouse for short-term holiday letting purposes, an associated outbuilding and pontoon, and the installation of a sewage treatment plant, at the site of Eilean Loch Osaicr, off the Isle of Lismore.

The application site, Eilean Loch Oskair, is a small island located approximately 250 metres off the northwest coast of Lismore within Loch Linnhe. The application site comprises an area of land towards the southern end of the island, extending from the west coast to the east coast of the island. The application site, and the wider surroundings, form an uninhabited and undeveloped island comprising rough grassland with a rocky foreshore.

This application seeks planning permission for the erection of a dwellinghouse for short-term holiday letting purposes, and an associated outbuilding and pontoon. The proposed dwellinghouse would be set back from the coast, sited relatively centrally within the plot. The dwelling would be single storey and would be formed of three main blocks; a narrow linear block at the rear would facilitate two bedrooms which would be connected to a circulation block which would facilitate the access within the dwelling and would connect to the larger living and dining block which would be set at an angle around an adjacent rocky outcrop. The total external footprint of the dwellinghouse would be approximately 188 square metres. The flat roof of the dwelling would predominantly have a height of 3.2 metres, with the circulation block being set slightly lower than this at a height of 3 metres. The dwelling would include contemporary glazing arrangements within each elevation which would feature timber shutters. The facing material of the dwellinghouse would comprise vertically aligned natural timber cladding.

The proposed outbuilding would be sited immediately adjacent to the proposed dwellinghouse and would comprise a rectangular building covering a footprint of approximately 7.3 square metres. The building would be similar in design to the dwelling, having a flat roof at a height of 3.2 metres and clad in vertically aligned timber.

The proposed pontoon would be sited at the eastern shore of the island, extending approximately 38 metres from the shoreline to provide the access to the island and the application site.

NPF4 Policy 1 seeks to prioritise the climate and nature crises in all decisions; it requires to be applied together with other policies in NPF4. Guidance from the Scottish Government advises that it is for the decision maker to determine whether the significant weight to be applied tips the balance in favour for, or against a proposal on the basis of its positive or negative contribution to climate and nature crises.

NPF4 Policy 2 seeks to ensure that new development proposals will be sited to minimise lifecycle greenhouse gas emissions as far as possible, and that proposals will be sited and designed to adapt to current and future risks from climate change. Guidance from the Scottish Government confirms that at present there is no single accepted methodology for calculating and / or minimising emissions. The emphasis is on minimising emissions as far as possible, rather than eliminating emissions. It is noted that the provisions of the Settlement Strategy set out within Policy LDP DM 1 of the LDP promotes sustainable levels of growth by steering significant development to our Main Towns and Settlements, rural growth is supported through identification of Key Rural Settlements and safeguards more sensitive and vulnerable areas within its various countryside designations.

NPF4 Policy 3 seeks to protect biodiversity, reverse biodiversity loss and deliver positive effects from development and strengthen nature networks.

The application site is located within close proximity to the Eileanan agus Sgeiran Lios mor Special Area of Conservation, protected for its harbour seals. As a result of the designation, comments were sought from NatureScot who, after the submission of additional information from the applicant, advised that the proposal is likely to have a significant effect on the harbour seal qualifying interests of the Special Area of Conservation. However, the response from NatureScot concluded that whilst there are natural heritage interest of international importance at the site, their advice is that these would not be adversely affected. The status of the site means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") apply. Consequently NatureScot advised that the Council is required to consider the effect of the proposal on the Special Area of Conservation. NatureScot advised that, in their view, the proposal is likely to have a significant effect on the harbour seal qualifying interests and accordingly, the Council, as competent Authority, is required to carry out an Appropriate Assessment (AA) in view of the site's conservation objectives for its qualifying interests.

An Appropriate Assessment has been undertaken which identifies that, subject to conditions being imposed were planning permission to be granted, to ensure that the development would be undertaken in accordance with the mitigation set out within Environmental Statement accompanying the application, any disturbance would be minimised. Based on the likely short time period for construction, and the proposed mitigation measures, there would be no adverse effect on the integrity of the Special Area of Conservation.

Whilst no specific proposals for biodiversity improvements have been submitted it is considered that adequate and proportionate measures for biodiversity enhancement and protection could be delivered by planning condition in the event that planning permission were to be granted. The proposed development is therefore considered to be in compliance with NPF4 Policy 3 as underpinned by LDP Policy LDP 3, supplementary guidance SG LDP ENV 1, and Policies 73 and 74 of the proposed Local Development Plan 2.

NPF4 Policy 4 seeks to protect, restore and enhance natural assets making best use of nature-based solutions.

The site lies within the Lynn of Lorn National Scenic Area. The Lynn of Lorn is an island-studded waterway at the confluence of the Sound of Mull with Loch Etive and Loch Linnhe, from which it is separated by the island of Lismore. The Lynn follows the north-westerly alignment of the prevailing relief in the area, which, set in the wider context of sea lochs and mountains, is a small scale region of parallel limestone ridges. The proposed development would introduce built development in an area of undeveloped land, in an open and exposed location, and would therefore disturb the unsettled character of the landscape and have an adverse effect on the integrity of the area. In this regard, the development would fail to respect the existing character and quality of the site and its surroundings.

NPF Policy 4 c) states that development proposals that will affect a National Scenic Area will only be supported where:

- i. The objectives of designation and the overall integrity of the area will not be compromised; or
- ii. Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

In this case, it is the considered opinion of the planning authority that the proposed development will be materially harmful to the designated qualities of the area and its overall integrity and that this harm is not clearly outweighed by any social, environmental or economic benefit, and certainly not of 'national importance'.

The proposed development is therefore considered to be in conflict with NPF4 Policy 4 as underpinned by Local Development Plan Policy LDP 3, supplementary guidance SG LDP ENV 14, and Policies 04 and 70 of the proposed Local Development Plan 2.

NPF4 Policy 5 seeks to protect carbon-rich soils, to restore peatlands and to minimise disturbance to soils from development.

The development proposed by the current planning application seeks to develop an area of rough ground. The site has no agricultural land classification and is not within an identified area of peatland, carbon-rich soils or priority peatland habitat. The development proposed is therefore considered to be in accordance with NPF4 Policy 5 as underpinned by Local Development Plan Policy LDP 3, supplementary guidance SG LDP ENV 11 and SG LDP SERV 9, and Policies 79 and 83 of the proposed Local Development Plan 2.

NPF4 Policy 9 seeks to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development.

The development proposed by this planning application is on a greenfield site. The site is located within the Very Sensitive Countryside Zone as defined within the Local Development Plan, where LDP Policies LDP STRAT 1 and LDP DM 1 give encouragement only to specific categories of development on appropriate sites. These comprise renewable energy related development; telecommunication related development; and development which would directly support agricultural, aquaculture, nature conservation or other established activity. The proposed short-term holiday letting dwellinghouse would not relate to any of the above categories of development. There is no established activity on the undeveloped and uninhabited island and no case has been presented to suggest otherwise.

The proposed development, on a greenfield site, would therefore be contrary to NPF4 Policy 9b, which requires development proposals on greenfield sites to be explicitly supported by policies in the Local Development Plan. The development would thereby fail to achieve the policy outcome aims which require development to be sited within an appropriate location to maximise the use of existing assets and minimise additional land take.

With regard to the proposed Local Development Plan 2, the application site is located within the Remote Countryside. This development management zone comprises countryside and isolated coast which has extremely limited capacity to successfully absorb development. Only limited categories of natural resource based development is supported in these areas, limited to renewable energy related development, telecommunications or other associated digital infrastructure, or development directly supporting existing agricultural units, aquaculture, or other recognised countryside activity. The proposed development would not relate to any of these categories of development and in this regard would be contrary to Policy 02 of the proposed Local Development Plan 2.

NPF4 Policy 10 seeks to protect coastal communities and assets and support resilience to the impacts of climate change.

The proposed development is considered to be a form of coastal development by virtue of the development relying on the use of the coast to access and facilitate the development. NPF4 Policy 10b states that development proposals in undeveloped coastal areas will only be supported where they:

- i. are necessary to support the blue economy, net zero emissions or to contribute to the economy or wellbeing of communities whose livelihood depend on marine or coastal activities, or is for essential infrastructure, where there is a specific locational need and no other suitable site;
- ii. do not result in the need for further coastal protection measures taking into account future sea level change; or increase the risk to people of coastal flooding or coastal erosion, including through the loss of natural coastal defences including dune systems; and
- iii. are anticipated to be supportable in the long-term, taking into account projected climate change; or
- iv. are designed to have a very short lifespan

The proposed development would fail to meet the above criteria as it would not relate to support of the blue economy or achieving net zero emissions, and neither would the development contribute to the economy or wellbeing of a community dependent on marine or coastal activities. Additionally, the development does not relate to the provision of essential infrastructure.

The isolated nature of the coastline within this area, designated as Very Sensitive Countryside Zone, is unable to successfully absorb the proposed development. The scale of the development, comprising a dwellinghouse with a large footprint, and the associated outbuilding and pontoon would be of a scale that is inappropriate to the characteristics of the undeveloped and isolated location and would therefore fail to safeguard areas identified as being sensitive and vulnerable to development impacts.

The proposed development would therefore represent an unsustainable form of coastal development that would conflict with the requirements of NPF4 Policy 10 as underpinned by Local Development Plan Policies LDP DM1, LDP 8 and LDP 10, and supplementary guidance SG LDP CST 1.

NPF4 Policy 12 seeks to encourage, promote and facilitate development that is consistent with the waste hierarchy as defined within the policy document.

The development the subject of this planning application seeks permission for the erection of a dwellinghouse for short-term letting purposes. This is a development likely to generate waste when operational. Whilst no details have been provided regarding the proposed management of waste from the site, such details could be secured via condition in the event that planning permission were to be granted. In this regard, the proposed development is considered to be in compliance with NPF 4 Policy 12(c) as underpinned by LDP Policy LDP 10, supplementary guidance SG LDP SERV 5(b), and Policy 63 of the proposed Local Development Plan 2.

NPF4 Policy 13 seeks to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.

This policy aims to provide more opportunities for improved and more inclusive active and sustainable travel opportunities whilst ensuring that developments are in locations which support sustainable travel.

Due to the isolated and remote location of the site, access would be required to be by boat, assisted by the proposed pontoon. This small scale development is not considered to be a significant travel generating use or a proposal where it is considered important to monitor travel patterns resulting from the development.

Notwithstanding the small scale nature of the development, it is not considered that the proposal adequately addresses the requirements of NPF4 Policy 13b, which requires development proposals to demonstrate consideration of the transport requirements generated and their adherence to sustainable travel and investment hierarchies. There would be no direct or easy access to the site via sustainable transport methods or public transport and no apparent consideration has been given to the transport needs of different user groups, such as those with limited mobility. Whilst the development would be small scale and access to the site could be facilitated, it is not considered that the proposal would adhere to the requirements of NPF4 Policy 13, which specifically requires development to be in a location that supports sustainable travel.

NPF4 Policy 14 seeks to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the 'Place Principle'.

NPF4 Policy 14c states that development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful place will not be supported. Whilst it is acknowledged that the design of the dwelling has been given significant consideration, the siting of the development within the exposed and sensitive landscape would fail to adhere to the requirements of NPF4 Policy 14 by virtue of being inappropriately sited. The development would not be well connected to any existing established settlement, development or infrastructure, nor would the development safeguard the isolated and undeveloped nature of the immediate and wider landscape surroundings.

New development in this location would not be cohesive with the landscape or settlement pattern and would not integrate with the character of the surrounding area. The introduction of built development to an undeveloped island is considered inappropriate and the development would have a significant adverse impact upon the setting, and would unacceptably alter the character and appearance of the surrounding landscape and seascape.

In addition to the above, however, it is important to note that the impact of the proposed development upon the landscape and character of the surrounding area is not the sole determining factor in the consideration of this application. Regardless of any interpretation of the impact of the proposed development upon the landscape, the development does not meet the fundamental key planning policy test for the Council's established and adopted settlement strategy for the planned growth of Argyll and Bute as set out within Policy LDP DM 1. Neither, therefore, does the proposed development accord with the sustainable development aims of the Council as established within adopted key planning Policy LDP STRAT 1 which underpins NPF4 Policy 14.

The proposed development fails to pay regard to the wider surroundings of the site in terms of infrastructure, land uses, available facilities, connectivity, the existing

character, scale and density, and views. The site is isolated and the proposed development would be incompatible with the existing character of the area, and is therefore contrary to Policies 05, 08, 09 and 10 of the proposed Local Development Plan 2.

NPF4 Policy 17 seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations.

The development the subject of this planning application is located within a defined 'remote rural area' where Policy 17(c) offers support only where such proposals:

- i. Support and sustain existing fragile communities;
- ii. Support identified local housing outcomes; and
- iii. Are suitable in terms of location, access and environmental impact.

The proposed development seeks consent for a dwellinghouse for use for short-term holiday letting purposes. The proposed development would not therefore offer an opportunity for occupation by persons within the local community. No supporting evidence has been submitted to suggest that the development proposed would provide support to an established fragile community. In addition, as outlined above, the siting of the development is considered unsustainable due to its inaccessibility and impact upon the sensitive and vulnerable isolated landscape and seascape. The proposed development would therefore be contrary to the aims of NPF4 Policy 17 as underpinned by Local Development Plan Policy LDP DM 1.

NPF4 Policy 18 seeks to encourage, promote and facilitate an infrastructure first approach to land use planning.

The development the subject of this planning application proposes a private drainage system comprising a sewage treatment plant, with water supply via connection to a private water supply. The Council's Building Standards Service would apply suitable control over the detailed arrangements of the proposed sewage treatment plant at Building Warrant stage in the event that planning permission were to be granted.

The proposed water and drainage infrastructure to serve the proposed development is considered to be consistent with the broad aims of NPF4 Policy 18 as underpinned by LDP Policy LDP 11, supplementary guidance SG LDP SERV 1, and Policy 60 of the proposed Local Development Plan 2.

NPF4 Policy 22 seeks to strengthen resilience to flood risk and to ensure that water resources are used efficiently and sustainably.

The development the subject of this planning application proposes connection to a private water supply. In the event that planning permission were to be granted, a condition would be required to secure an appraisal of the wholesomeness and sufficiency of the intended water supply.

The application site is situated adjacent to the coastal functional floodplain, as indicated on the SEPA Flood Maps. Given the proposed siting for the development on a small undeveloped island, the proposed development falls within the Most Vulnerable land use class. SEPA have been consulted on the application and have stated that, based upon the Flood Risk Assessment submitted with the application, there are no objections subject to a condition relating to development being sited above 5.8mAOD. Should planning permission be granted and the relevant condition attached, the proposed development would be compliant with NPF4 Policy 22 as

underpinned by Local Development Plan Policies LDP 10 and LDP 11, supplementary guidance SG LDP SERV 7, and Policies 55 and 58 of the proposed Local Development Plan 2.

NPF4 Policy 29 seeks to encourage rural economic activity, innovation and diversification whilst ensuring that the distinctive character of the rural area and the service function of small towns, natural assets and cultural heritage are safeguarded and enhanced.

NPF4 Policy 29a offers support to development proposals that contribute to the viability, sustainability and diversity of rural communities and the local rural economy. No information has been submitted with the application to suggest that the proposal for a holiday let dwellinghouse on an otherwise uninhabited island would provide any support to an existing rural community and its economy.

With regard to NPF4 Policy 29c, development proposals in remote rural areas, where new development can often help to sustain fragile communities, will be supported where the proposal:

- i. will support local employment;
- ii. supports and sustains existing communities, for example through provision of digital infrastructure; and
- iii. is suitable in terms of location, access, siting, design and environmental impact

The proposed development would not relate to supporting local employment opportunities and neither would it provide support to an existing community. As previously outlined, the site is unsuitable for development in terms of location and access due to its isolated and undeveloped nature and its sensitivity to inappropriate development that would fail to protect or conserve the important landscape characteristics of the wider area. The proposed development would not therefore adhere to the requirements of NPF4 Policy 29 as underpinned by Local Development Plan Policies LDP 3, LDP 5, LDP 8 and LDP 9, and supplementary guidance SG LDP BUS 5.

NPF4 Policy 30 seeks to encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments, and inspires people to visit Scotland.

The site the subject of the application is not in a location identified within the adopted Local Development Plan as being appropriate for tourist facilities or accommodation, and in this way fails to comply with the provisions of NPF4 Policy 30a.

As stipulated by NPF4 Policy 30b, proposals for tourism related development must take into account a number of factors, including the contribution made to the local economy; compatibility with the surrounding area; impacts on communities; opportunities for sustainable travel; accessibility for disabled people; measures taken to minimise carbon emissions; and opportunities to provide access to the natural environment.

No information has been submitted with the application to suggest that the proposal would be a diversification opportunity or such a related scheme to support the local economy. The development would fail to be compatible with the surrounding area by virtue of introducing significant built development that would lead to a significant increase in activity level at an isolated and undeveloped location. Due to its isolated

location, the development would present very limited opportunities in terms of sustainable travel options and, as outlined within the representation received by the Oban District Access Panel, adaptations would be required to take into account accessibility for disabled people.

The proposed development is not considered to represent an appropriately sited tourism development. The proposal would fail to contribute to the community economically, socially and culturally. In this way, the proposed development would fail to meet the needs of the community, visitors and the environment, and would therefore be contrary to NPF4 Policy 30 as underpinned by Local Development Plan Policies LDP 3, LDP 5, LDP 8 and LDP 9, supplementary guidance SG LDP TOUR 1, and Policy 23 of the proposed Local Development Plan 2.

Notwithstanding the above requirements of NPF4 Policy 30, the development of the site with the erection of a dwellinghouse and associate services would represent an inappropriate form of development within the Very Sensitive Countryside Zone designation which would be detrimental to the character and appearance of the wider landscape and contrary to the policies set out within the National Planning Framework 4 and the adopted Local Development Plan and associated supplementary guidance.

There is sufficient alignment in the assessment of the proposal against both provisions of the current Local Development Plan and the Proposed Local Development Plan 2 (as modified) that a decision can be made under the current development plan without giving rise to fundamental conflict with PLDP2 (as modified).

(Q) Is the proposal consistent with the Development Plan: Yes No

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

See reasons for refusal set out below.

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

N/A

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

Author of Report: Emma Shaw **Date:** 17.07.2023

Reviewing Officer: Tim Williams **Date:** 18.07.2023

Fergus Murray
Head of Development & Economic Growth

REASONS FOR REFUSAL OF PLANNING APPLICATION 22/02100/PP

1. It is considered that the proposed development upon this small and uninhabited island would be materially harmful to the landscape character and qualities of the area, the importance of which is acknowledged by the designation of the site as part of a wider National Scenic Area. The proposed development would be in direct conflict with National Planning Policy NPF4 Policy 4.

NPF4 Policy 4 c) states that development proposals that will affect a National Scenic Area will only be supported where:

- i) The objectives of designation and the overall integrity of the area will not be compromised; or
- ii) Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

In this case, it is the considered opinion of the planning authority that the proposed development will be materially harmful to the designated qualities of the area and its overall integrity and that this harm is not clearly outweighed by any social, environmental or economic benefit, and certainly not of 'national importance'.

The proposed development is therefore considered to be in conflict with NPF4 Policy 4 as underpinned by Local Development Plan Policy LDP 3, supplementary guidance SG LDP ENV 14, and Policies 04 and 70 of the proposed Local Development Plan 2.

2. Notwithstanding Reason 1 above, the proposed development on this greenfield site conflicts with National Planning Policy NPF4 Policy 9.

NPF4 Policy 9 b) states that proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported in the LDP.

In this case, the proposed development would constitute the introduction of a significant built form onto an uninhabited and undeveloped small island, designated as a 'Very Sensitive Countryside Zone' within the adopted Argyll and Bute Local Development Plan 2015, and as a 'Remote Countryside Area' within the proposed Argyll and Bute Local Development Plan 2.

The proposed development site has no development allocation in either the current or the proposed LDP.

Adopted LDP Policies LDP STRAT 1 and LDP DM 1 give encouragement within the Very Sensitive Countryside Zone only to specific categories of development on appropriate sites. These comprise renewable energy related development; telecommunication related development; and development which would directly support agricultural, aquaculture, nature conservation or other established activity. The proposed short-term holiday letting dwellinghouse would not relate to any of the above categories of development.

With regard to the proposed Local Development Plan 2, the application site is located within the Remote Countryside Area. This development management zone comprises countryside and isolated coast which has extremely limited capacity to

successfully absorb development. Only limited categories of natural resource based development is supported in these areas, limited to renewable energy related development, telecommunications or other associated digital infrastructure, or development directly supporting existing agricultural units, aquaculture, or other recognised countryside activity. The proposed development would not relate to any of these categories of development and in this regard would be contrary to Policy 02 of the proposed Local Development Plan 2.

There is therefore no support for this type of development in this location within either the adopted or proposed LDP and the development is therefore contrary to NPF4 Policy 9 as underpinned by LDP Policies LDP STRAT 1 and LDP DM 1 and LDP2 policy 02.

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application **22/02100/PP**

(A) Has the application been the subject of any “non-material” amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing: Yes No

(B) The reason why planning permission has been approved:

See reasons for refusal set out above.

APPENDIX A – APPROPRIATE ASSESSMENT RELATIVE TO APPLICATION 22/02100/PP

APPROPRIATE ASSESSMENT BY ARGYLL AND BUTE COUNCIL

THE CONSERVATION (NATURAL HABITATS AND C.) REGULATIONS 1994 AS AMENDED

ERECTION OF SHORT-TERM HOLIDAY LET ACCOMMODATION, OUTBUILDING AND PONTOON AND INSTALLATION OF SEWAGE TREATMENT PLANT

The application site is close to the Eileanan agus Sgeiran Lios mor Special Area of Conservation, classified for its harbour seal population.

As a result of this designation, NatureScot advised that, in their view, the proposal is likely to have a significant effect on the harbour seal qualifying interests of the Special Area of Conservation.

As a consequence Argyll and Bute Council is required to carry out an Appropriate Assessment in view of the sites conservation objectives for the sites qualifying species.

This assessment is detailed below.

Characteristics of the Development

The proposal involves the erection of a dwellinghouse for short-term holiday letting purposes, an outbuilding and a pontoon and a sewage treatment plant.

Location of the Development

The development site is located on Eilean Loch Oskair, a small uninhabited and undeveloped island located approximately 250 metres off the northwest coast of Lismore within Loch Linnhe. The application site comprises an area of land towards the southern end of the island, extending from the west coast to the east coast of the island. The development is located close to the Eileanan agus Sgeiran Lios mor Special Area of Conservation, classified for its harbour seal population.

An appraisal was undertaken by NatureScot which considered the impact of the proposals on the following factors: population of the species as a viable component of the site; distribution of the species within the site; the distribution and extent of habitats supporting the species; the structure, function and supporting processes of habitats supporting the species; and no significant disturbance of the species.

NatureScot advise that there is likely that there would be some disturbance to the population of harbour seals belonging to the Eileanan agus Sgeiran Lios mor Special Area of Conservation are therefore the conclusion is that the proposal would have Likely Significant Effects. The proposed mitigation measures relate to the carrying out of construction activities out with the pupping season piling mitigation, and vessel management measures. A pre-construction survey would be required to assess the seal activity in the area and to identify the mitigation zone required. Based on the likely short time period for construction and the

proposed mitigation measures, there would be no effect on the site integrity of the Special Area of Conservation.

It is therefore concluded that, were planning permission to be granted and subject to a an appropriately worded condition to secure a pre-construction survey and to ensure the works were carried out in accordance with the proposed mitigation, the proposed development would not have a significant adverse impact upon the integrity of the Eileanan agus Sgeiran Lios mor Special Area of Conservation.

Emma Shaw
Planning Officer
Oban, Lorn and the Isles

17.07.2023