

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 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 12/00818/PP

Planning Hierarchy: Local

Applicant: Mr and Mrs John Smith

Proposal: Erection of dwellinghouse, installation of private sewage treatment facility and formation of new access

Site Address: Land north west of Finnart Farmhouse, Feuins Road, Portincaple

SUPPLEMENTARY REPORT 1

1.0 SUMMARY

The purpose of this report is to advise Members of a late letter of representation which has been received in connection with the above planning application.

2.0 ADDITIONAL INFORMATION

A letter with photographs dated 25th May 2012 has been received from Jerry Bernau, Road End Cottage, Portincaple. The main points of the letter and my comments on them are noted below:

- The site is covered in bluebells which are protected by the Wildlife and Countryside Act which makes it an offence to uproot the plant.

Comment: The Wildlife and Countryside Act 1981 (as amended) makes it an offence to intentionally or recklessly uproot any wild plant without the permission of the owner or occupier of the piece of land in question. The bluebell is listed under Schedule 8 but only receives partial protection which means that it is not an offence to pick bluebells but it is an offence to sell, offer, advertise or possess for sale live or dead plants. The presence of bluebell does not preclude the development of the site and it would not be an offence for the owner to excavate for development.

- Should the application be approved the soil containing the bluebells should be carefully stored and thereafter used for natural landscaping on the site.

Comment: It would be open to the applicant to do this, however, it would be unreasonable to require it as a planning condition.

- The land in question is home to a wide variety of wildlife including nightjars, cuckoos and bullfinches which are all species selected for action in the Argyll and Bute Biodiversity Action Plan.

Comment: The site does not have any statutory or non-statutory nature designations and the presence of above species would not provide a competent reason for the refusal of the planning application.

3.0 RECOMMENDATION

The above noted representation does not change the recommendation in the original report, namely that planning permission be granted as a 'minor departure' to development plan policy subject to conditions and a PAN 41 Hearing.

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Angus J Gilmour

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28th May 2012