

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: 12/00678/PP

Planning Hierarchy: Local

Applicant: Oban Bay Marina Ltd

Proposal: Formation of multi-use/short stay transit marina, plus diesel berth, manager's office, provision for small day boats/ribs and limited use for overwintering (amended scheme relative to planning permission 08/01049/DET).

Site Address: Oban Bay, Oban

DECISION ROUTE

(i) Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Installation of concrete floating breakwater secured by steel piles;
- Installation of pontoon system comprising 54 finger berths, 6 berths on inside of breakwater, and 20 day boat/rib berths on inside of north and east pontoons, with over-wintering restricted to 20 berths;
- Formation of pedestrian access to the Esplanade;
- Installation of fuelling berth with pump and diesel tank;
- Installation of manager's office and waste collection facilities.

(ii) Other specified operations

- Marine dredging and retaining works (subject to licensing by Marine Scotland);
 - Provision of dedicated on-street loading bay (subject to separate traffic regulation order);
 - Alterations to listed wall (subject to requirement for separate listed building consent);
 - Connection to public water supply.
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(B) RECOMMENDATION:

It is recommended Planning Permission be granted subject to the attached conditions and reasons.

(C) HISTORY:

08/01049/DET - Formation of multi-use short stay/transit marina comprising 60 berth pontoons, Oban Bay – application approved 12th November 2008.

11/02443/PP - Formation of multi-use/short stay transit marina, plus diesel berth, managers office, provision for small day boats/ribs and limited use for over-wintering (amended scheme relative to planning permission 08/01049/DET), Oban Bay – application withdrawn in favour of current proposal 26th March 2012

(D) CONSULTATIONS:

Marine & Airports Manager (15th May 2012) - Initially recommended that the application be deferred, raising concerns relating to the impact of the armoured slope on the integrity of the slipway and the proximity of the attenuator to the overhang on vessels berthed on the North Pier. Furthermore, that the actions identified in the pre-application risk workshop should be integrated into planning conditions to ensure compliance for the safe operation of the marina. Subsequent response (29th May 2012) following discussions with the applicants, confirming no objection providing conditions are attached to any grant of planning permission relating to the exact positioning of the external attenuator immediately adjacent to the North Pier, and the submission of a cross-section and method statement to ensure that the 'Armorflex' slope will not undermine the integrity of the North Pier and slipway.

Northern Lighthouse Board (11th April 2012) – note the latest changes in the design and layout of the marina from the previous application 11/02443/PP submitted in 2011. They have no objections to the revised application and would advise that their navigational lighting and marking recommendations as per their previous response dated 15th December 2011 still stand. In their 15th December 2011 response they had no objection to the proposal, but advised from a navigational safety perspective that, the south-west corner of the floating breakwater (i.e. the entrance to the marina) is marked by navigation lighting. Further comments re other required navigational marks and requirements for notice of works being carried out and chart recording of development.

Caledonian Maritime Assets Ltd (20th April 2012) – Caledonian Maritime Assets Ltd (CMAL) is the Statutory Harbour Authority (SHA) for southern part of the bay where the proposal is intended and where the access and egress for marina traffic is planned. As SHA, CMAL are accountable for the safety of navigation within their Harbour Area and its approaches. Their concern at the impact the additional traffic movements in addition to the close proximity to the Ferry berthing activity has been expressed to Oban Bay Marine.

CMAL advise that they require certain conditions to be included within any planning permission to ensure continued safe operation of the Port as a whole and in particular the Lifeline Ferry operations. If these conditions are not included or not met by the applicant CMAL can, as Statutory Harbour Authority, and will if necessary, refuse to allow the development to proceed through their Statutory Harbour Powers as it may compromise their obligations under law. These conditions are as follows:

The construction risks will require to be addressed as part of the design and build Program and a CMAL representative must be included in the project team to ensure their interests are protected and risks managed appropriately; The operational risks will require agreement of a suitable Safe Management System by the operators of the Marina that satisfies CMAL of its robustness and that the financial resources will be available for the on-going management of the marina.

Caledonian MacBrayne - no response received at time of writing.

Maritime & Coastguard Agency - no response received at time of writing.

Marine Scotland (14th May 2012) - confirms that the proposal will require a Marine Licence under the Marine (Scotland) Act 2010.

Marine And Coastal Development Manager (17th April 2012) – comments focus on the proposed changes to the marina development from that granted planning permission in 2008 and the new amendments made since the application in December 2011. In particular, comments are made in respect of: access to the bay for other users, the design of the office building, piling works, landscape and visual assessment, risk management report, overwintering proposals, use restriction, environmental management, marine invasive non-native species and bio security measures. Conditions are recommended in respect of: details of the office building, piling works, marina's management plan, and restriction to use of the marina.

Pier Master Oban (15th May 2012) – concerns are: the amount of space available when a large vessel is berthed on the North Pier; more detail is needed on the rock armour slope; and to ensure that the development will comply with all the recommendations from the pre-application risk assessment workshop.

Scottish Environmental Protection Agency (11th April 2012) - advise that they commented previously on Planning Application reference 11/02443/PP (now withdrawn). They note that the revised application has been submitted with a revised site boundary incorporating the following amendments: - reducing the extent of dredging and re-positioning of the armoured slope to the north, and changing the specification of the armoured slope. SEPA have no objection to the amended planning application, but have some additional advice to their previous response on the proposal relating to: marine licences, pollution prevention, the diesel berth, oil storage regulations, piling and potential noise disturbance, accidental introduction of marine non-native species, waste management, sewage disposal and dredging.

Outdoor Access Team (19th April 2012) – consider it is important that easy access to the water with a canoe or kayak should still be achievable at all times at this site, and special consideration must be given to the access between the existing slipway adjacent to George Street and the proposed new Launching Steps identified in the application. The access between the slipway and Launching Steps needs to be graded and finished so as safe and easy access to the water can be achieved by persons with a canoe or kayak otherwise the Launching Steps may be of little use. Subsequent response (14th May 2012) that provided the amended drawings show that safe access to and from the beach is possible at all states of the tide for sea kayaks, and other water sports users then there are no objections..

Scottish Natural Heritage (18th April 2012) – have no comments to make regarding the amendments to the proposal. They did however; provide advice as part of their consultation response to preceding planning application reference 11/02443/PP (now withdrawn) which is still considered relevant. They support the economic benefit that this proposal will bring to the local community and advise that the proposal does bring an opportunity to benefit local wildlife and retain the biodiversity of the area. Black guillemots nest in the drains along the coastal wall every year and there is potential to put tubing along this stretch and around the development to facilitate nesting birds in the future. This would also mitigate any potential disturbances.

Royal Society for the Protection of Birds (9th May 2012) – no objection subject to a condition requiring provision and maintenance of nest boxes for Black Guillemots being attached to any grant of planning permission.

Scottish Water (10th April 2012) – no objection, advisory comments.

Strathclyde Fire & Rescue (21st May 2012) - no objection.

Transport Scotland (12th April 2012) – request that conditions relating to: the Traffic Regulation Order and redesignation of the existing parking bays to a Service Lay-by and restriction of advertisements within the Trunk Road Boundary be attached to any permission. They also advise that: the surface at the service lay-by should be reinstated with a material resistant to diesel spillage and overwintering berthing should be restricted to a period when the Transit Marina is closed to transient vessels and there should be no servicing or repair of boats undertaken in the interests of limiting vehicle movements in association with the development.

Area Roads Oban (17th May 2012) – Note that the proposal is situated off the A85 Oban-Tyndrum Trunk Road within an urban 30mph speed restriction. Despite the original intentions that this would be a short stay marina, limited over-wintering, is now proposed. The re-designation of the 3 parking bays is supported, however they advise that the traffic order may take the best part of a year to process. A condition should be attached to any grant of planning permission restricting overwintering of vessels between the beginning of October and the end of March. The reason for this condition is to prevent owners working on their boats all year round, as during the winter period there will sufficient parking available.

Environmental Health (10th April 2012) – No objection. On the original 2008 application the Environmental Health Officer advised that conditions relating to noise and lighting should be attached to any grant of Planning Permission and it is considered that these requirements remain relevant.

Trading Standards - advise that the applicant should ensure that they contact Trading Standards with regard to the Liquid Fuel Measuring Instrument (Diesel Pump) they intend to install, prior to purchase. This measuring instrument must be fit for trade as the applicant intends to supply fuel to the public. .

Crown Estates Commissioners) – no response received at time of writing, .however they did respond to the preceding (now withdrawn) 2011 application and advised that they had no objections, as owners, to Oban Bay Marine Limited submitting a planning application for the proposed development.

(E) PUBLICITY:

Listed Building/Conservation Advert – advert expired on the 26th April 2012

(F) REPRESENTATIONS:

At the time of writing this report a total of 136 letters of representation have been received (see Appendix B). This total is made up of 131 letters of support and 5 letters of objection. A summary of the key points raised is provided below, full copies of the letters of representation can be viewed on the Council's website.

LETTERS IN SUPPORT

- The Marina is a long overdue facility which will secure a continuing successful marine industry;
- It is unbelievable that the major town and transport hub at the gateway to one of the best and most well know yacht cruising areas in the world has no shore side facilities;

- The facility will be well used and offers a more convenient method of stocking up on provisions, refuelling and other supplies;
- The existing facilities for cruising yachts close to Oban are inadequate;
- The facility will provide somewhere safe and accessible for visiting in all weathers;
- The proposal would be a very welcome development for the leisure sailor, providing a useful overnight stop and crew-change facility;.
- Many yachtsmen/women currently avoid Oban due to lack of walk ashore marina facilities;
- The marina would be very useful for boats transiting the Caledonian Canal, as well as resident boats and people sailing in the area;
- The proposal will provide easy access to Oban's excellent public transport links, (railhead, bus terminus and ferry port) which can be utilised for crew changes;
- The proposal will bring positive economic benefits. The revenue it would bring through sightseeing, spend in bars, restaurants, and shops, B&B /hotels would be a significant boost to local businesses;
- The proposal will have a positive impact on employment in the town, especially in the area of marine leisure;
- The proposal will be a smart focal point to the town centre, improve the appearance of the waterfront, and it will make the sea front more interesting;
- The proposal will bring this area of the town alive, people love looking at boats and hearing the sound of rigging in the wind;
- If Oban's marine infrastructure is improved it will attract more tourism, a major employer in the area. The presence of the Transit Marina will in itself be a great attraction to land bound visitors;
- There is no doubt that the proposal will greatly enhance the town of Oban as a prime destination for tourists and water sports enthusiasts;
- With this facility in place Oban will be able to host a variety of boating events (sea fishing, diving, sea life watching, small/day boat gatherings etc) throughout the year that will attract more visitors, not just yachts;
- Its development will surely provide a boost to the community and an additional attraction for users and sightseeing visitors alike. Marinas not only attract visiting sailors, but in many cases provide a tourist attraction for the considerable number of people who simply like looking at boats.
- Many other towns on the west coast have benefited from the establishment of facilities for visiting small yachts, with the resulting boost to local business, shops, and restaurants. Tobermory provides an excellent example of how the provision of some transit pontoon facilities can bring about economic advantages to the area;

- Oban's natural harbour accesses one of the most beautiful sailing areas in the world and the proposal would greatly enhance the attractiveness of Oban as a sailing or leisure boating destination. This can only be an asset to the water front and will improve the appearance and character of the town and will bring vibrancy to the sea front which is currently lacking in Oban;
- The ability for pleasure boats to dock at Oban, to collect guests from the station/ferry and to shop (including diesel), would be appreciated by many skippers;
- The facility will allow local boating businesses a great platform to operate from and may even encourage more to start up creating new local jobs;
- To have to moor on Kerrera and take the ferry over is time-consuming, and often there is no alternative;
- The marina will fill a corner of the bay that is unattractive at low water and add a facility that is itself a point of interest;
- What happens in Oban has a knock-on effect on the rest of the area; if visitors come to Oban many will go on to visit other places and the benefits will permeate the Lorne area and beyond;
- A marina is an asset that will attract people directly and add to the image of the town as a modern, up-to-date centre that is worth a visit;
- The proposal will also enhance the appearance of the area while not detracting from the view across to Kerrera.

LETTERS OF OBJECTION

- Oban's main attraction is in the open aspect of the bay as seen from the pavements and road at George Street. Locals and tourists alike value the uninterrupted vista of the bay. The proposal will have an adverse impact on the clear view of Kerrera from George Street, which will be spoilt by the masts of the yachts. The clear line of the beach and sea front in this area is very attractive and it is lovely to have a place in the centre of the town for people to play on the beach. This proposal clutters the bay, so reducing visual amenity and the scale of the development is unacceptable, both in terms of capacity and in terms of size. This proposal would fundamentally change the character of the town to the great deprivation of visitors and residents as it will drastically alter Oban's spectacular waterfront.

Comment: The principal of a marina within Oban bay has been established by the previous granting of planning permission, so consideration is to be confined to the changes proposed in this amended scheme and the environmental consequences thereof which are addressed in the Assessment at Appendix A.

- Oban harbour is already very busy and additional traffic in the form of small yachts could cause a lot of problems with the essential ferry services. It is certainly better to keep the majority of leisure traffic to the far side of the bay so that bigger boats operating in the main harbour have less disruption. When I have used that beach it has only been in very small boats (e.g. kayaks) that can keep well out of the way of the ferries in the shallows. But even with them the ferry services is very busy and hard to avoid. Yachts would certainly cause many more problems. The ferries and larger boats that operate from Oban are one of

Oban's core businesses and an essential service. Anything that could potentially disrupt these should be avoided..

- This proposal reduces further the berthing options and capacity for fishing boats at the Railway Pier. It will restrict the manoeuvrability of Calmac ferries berthing at Railway Pier (especially longer vessels e.g. The Clansman) and leaves insufficient space for the common practice of multiple berthing at North Pier, when vessels often extend beyond the southern end of the Pier.

Comment on points above: The proposal has been the subject of pre-application discussion with all other relevant harbour interests by way of a risk workshop. Those parties have been consulted subsequently in respect of the application details and have not raised objections on safety or navigational grounds, subject to the imposition of recommended conditions.

- The pedestrian egress point from the pontoons onto George Street is at a pinch-point in the esplanade pavement that, in summer, is very busy with tourists. The new loading area beside the new access is created from the existing pavement. This is ridiculous considering how busy this pavement is, as well as the street. In fact much more pedestrian area is needed in the town centre.

Comment: Transport Scotland as Trunk Roads Authority are responsible for the Esplanade. They do not object to the proposal and are willing to make the loading bay close to the pontoon entrance available as a dedicated facility subject to the necessary traffic regulation order being obtained.

- There are still no details of the obtrusive traffic lights needed for the operation of the pontoons. Any lighting should be minimal to avoid excessive light pollution and visual intrusion for residents.

Comment: Lighting will be limited to that required for navigational safety and for the safety of pontoon users. Details of this can be controlled by means of condition.

- Dredging and the creation of an armoured slope and introduction of pontoons will alter wave dynamics and sediment movement such that there is likely to be a loss of sand-sized material from the beach fronting the sea-wall, with loss of amenity. The rip-rap forming the armoured slope must be of country (i.e. local) rock so as to avoid visual intrusion; this will be either Easdale Slate or Lorn Plateau Volcanics. Flotsam will accumulate between the pontoons and the esplanade wall requiring frequent removal to avoid reduction in visual amenity.

Comment: Dredging and retention is an essential element of the establishment of a marina in an area of shallow water and sediment accumulation. The principal of a marina in this location has already been established. 'Armourflex' is now being proposed in lieu of rock armour. This is a proprietary concrete mattress revetment system designed for installation in circumstances where erosion control is necessary.

- The south east corner protrudes below the line of the south west corner, in order to provide a bay for one or two extra large boats (on the south side of the manager's office). This brings it too close to the shingle beach both in a physical sense and a visual one. Instead the pontoon should end so that the south east side is more or less in line with the south west side. It might be argued by the proposers that this makes the entrance narrower, but this would be solved if the protrusion from the south east corner to the west were of a size for a small boat (as per other berths on the eastern side) rather than for a large boat. The NE corner should be angled like the NW corner, rather than a sharp right angle.

Comment: These comments relate to the overall shape of the marina relative to the shoreline and are prompted by improving further separation for the shore and access around the perimeter by kayaks. The applicants have already withdrawn and resubmitted the application with a modified layout in an attempt to alleviate this and would not support further change in overall configuration.

- Although Oban might benefit from visiting sea-farers, offering a town-based alternative to Kerrera and Dunstaffnage, the pontoons would best be located to the north of North Pier;

Comment: The availability of potential alternative locations is not material to the acceptability or otherwise of the submitted proposal under consideration, which falls to be considered on its own merits.

- This proposal will reduce water access for people launching small boats. Access for groups of kayakers of all abilities from the beach must be preserved. No consideration has been given to absorbing wave energy reflected by the concrete breakwaters - choppy waters too difficult for novice kayakers.

Comment: The applicants have taken steps available to them to help meet the requirements of the sea kayak community, not least by withdrawal and resubmission to improve passage between the development and the North Pier by those entering the sea from the Esplanade and by improving access from the shore. The Scottish Canoe Association have commented on the proposal and have not objected. It is a matter for instructors and kayak users to consider whether they are sufficiently experienced to encounter prevailing conditions.

- The position of the new access is very detrimental as well as the new manager's office and fuel store and bins adjacent to the listed walls. The proposed modular office building and oil tank are ugly, and not suited to a town centre waterfront development. They should be changed, moved or at least disguised. At least negotiate to relocate the manager's office to somewhere on the south pier.

Comment: It is accepted that there is advantage to the operation of the marina to have some small scale office accommodation for a manager on the pontoon system itself as opposed to elsewhere as this allows ready interaction with users and visiting yachts, It is also understandable that that a fuel dispensing capability is desirable, as this is a feature of many marinas. The application details however show utilitarian structures not suited to this open location and therefore conditions are recommended to control colour, materials and final design.

- The statements on sewage in particular and noise are weak. The number and type of boats mean that there will be regular 'accidental' sewage and waste discharges, and rigging noise, especially from over-wintering boats will not be controllable. Yachts tend not to have holding tanks in Scotland and rules about not emptying in ports are very rarely followed.

Comment: There are no dedicated shore facilities provided within what is intended to be a transit facility with limited overwintering, although access to facilities in the town will be available in view of the location in the town centre. The Council does not have any control over discharges from vessels at sea. Management of the facility and restrictions upon users will be a matter for the marina operators who have indicated that they intend to enforce a no discharge policy strictly.

- The proposed toilet and shower facilities in Argyll Street should be available to the general public, on payment of course.

Comment: This is not a reasonable requirement relative to the proposal at hand.

- It might also be more sensible to position the disabled hoist at the south east corner, rather than along the central part of the pontoon. Similarly, perhaps the diesel dispenser. In the documents there is a warm statement about the facility being accessible to all, with the implication that it would be an extra attraction to the general public. This is somewhat belied by the card controlled entry across the walkway, and there should be some agreement about public access to the pontoons.

Comment: It will be at the operators' discretion whether to allow any form of public access. Marinas tend to be made secure for reasons of security and safety.

- This resubmission of a planning application does not significantly change any of the objections I previously made. It seems to me rather a good way of removing objectors, as we tire of repeatedly saying the same thing.

Comment: The application was withdrawn and resubmitted for procedural reasons relative to an amended site boundary in order to address concerns raised by third parties in respect of the previous application, and not for reasons of seeking to undermine the position of objectors.

- There is no need for an additional marina given the facilities over on Kerrera and the excellent water taxi they lay on. For significantly less cost and disruption, facilities there could be extended and the water taxi increased.

Comment: The applicants are not required to demonstrate need in respect of their proposal for planning purposes.

- Oban lives on tourism. A marina is the equivalent of a floating car park and is not what visitors wish to see. Day boats and ribs alone would be a different matter.

Comment: There are differing views as to the pros and cons and the attractions or otherwise of having a marina in the town, as the range of third party responses indicates, so it is not possible to be conclusive as to the likely attitude of visitors as a whole. It is however likely that the positive tourism and economic benefits of such a facility in the town will outweigh the deterrent effect of the presence of the marina.

- The whole pontoon system has been moved northwards so it now appears to occupy the entire bay. This leaves no room for birds (swans and other birds regularly take shelter in the bay) and no room for kayaks to enter the bay from Oban Kayak School in Argyll Street. This could threaten the business of the Kayak School so they may have to leave Oban – a great shame as it is a big asset to the town.

Comment: Whilst the local kayak school takes access to the sea from the Esplanade, which is convenient for their operating base nearby, they are not restricted to the use of this single point of access to the sea. The applicants have taken steps to reduce any impediment their development might pose to kayakers and whilst it is a planning consideration to have regard to access to the water by the public as a whole, the planning process does not have a role in safeguarding the commercial interests of individual businesses.

- There will be considerably more noise and visual intrusion right in front of businesses such as self-catering and bed and breakfasts, even compared to the previous application (the approved one). This application is even worse than the

previous one in terms of adverse affect on amenity for residents, businesses and tourists.

Comment: The proposal now involves access from the Esplanade rather than the Railway Pier as originally proposed, and additional infrastructure is now included so the impact on the George Street waterfront will indeed increase to a degree as a result of this application.

- The new access will mean part demolition of the Listed Harbour wall – even small demolitions of listed structures should always be resisted, especially in such a prominent position.

Comment: In the event of planning permission being granted, a separate listed building consent application would follow for the detail of the connection to the listed harbour wall, including the downtakings required to form a pedestrian access onto the pontoons. That would be the subject of consultation with Historic Scotland and would be publicised and made available for third party comment.

- The operator of Sea Kayaks Oban states that he does not consider that the further application addresses the shortcomings of the original proposal. The slope of the armoured slope is still too great and the pontoons are still really narrow so no rooms for sea kayaks on those as there is only room to walk along them. Still plan to use the inside of the landward pontoon for power boats. Of course biggest of all is that there will still be lots of pollution from all the boats without sewage storage tanks pumping sewage straight into the harbour.

Remaining concerns and issues raised above are addressed in the main body of this report at Appendix A

NOTE: Committee Members, the applicant, agent and any other interested party should note that the consultation responses and letters of representation referred to in this report, have been summarised and that the full consultation response or letter of representations are available on request. It should also be noted that the associated drawings, application forms, consultations, other correspondence and all letters of representations are available for viewing on the Council web site at www.argyll-bute.gov.uk

(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 design/access statement:** Yes - Detailed Design Statement, March 2012
- (iv) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:**
 - Detailed Design Statement, March 2012
 - Environmental & Planning Statement March 2012
 - Management Plan March 2012

(H) PLANNING OBLIGATIONS

(i) Is a Section 75 agreement 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, Proposals & Strategy considerations taken into account in assessment of the application.

Argyll & Bute Structure Plan (approved 2002)

Proposal SI 2: Oban investment and expansion potential
Policy STRAT DC 1: Development within Settlements
Policy STRAT SI 1: Sustainable Development
Policy STRAT DC 7: Nature Conservation and Development Control
Policy STRAT DC 8: Landscape and Development Control
Policy STRAT DC 9: Historic Environment and Development Control

Argyll & Bute Local Plan (adopted 2009)

Policy LP ENV 1: Development Impact on the General Environment
Policy LP ENV 2: Development Impact on Biodiversity
Policy LP ENV 6: Development Impact on Habitats and Species
Policy LP ENV 12: Water Quality and Environment
Policy LP ENV 13a: Development Impact on Listed Buildings
Policy LP ENV 13b: Demolition of Listed Buildings
Policy LP ENV 15: Demolition in Conservation Areas
Policy LP ENV 19: Development Setting, Layout and Design
Policy LP CST 1: Coastal Development on the Developed Coast (Settlements & Countryside Around Settlements)
Policy LP CST 4: Development Impact on the Natural Foreshore
Policy LP BAD 1: Bad Neighbour Development
Policy LP TOUR 1: Tourist Facilities and Accommodation, including Static and Touring Caravans
Policy LP SERV 4: Water Supply
Policy LP SERV 5: Waste Related Development and Waste Management in Developments
Policy LP TRAN 1: Public Access and Rights of Way
Policy LP TRAN 2: Development and Public Transport Accessibility
Policy LP TRAN 3: Special Needs Access Provision
Policy LP TRAN 8: Piers and Harbours
Policy LP REC 1: Sport, Leisure and Recreation
Appendix A: Sustainable Siting and Design Principles
Appendix F: Allocations, Potential Development Area Schedules and Areas for Action Schedules

(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 4/2009.

- Scottish Planning Policy (SPP);
- the environmental impact of the proposal;
- the design of the proposal and its relationship to its surroundings;
- access, provision of infrastructure and planning history of the site;
- views of statutory and other consultees;
- legitimate public concern or support expressed on relevant planning matters

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:

A 'Screening Opinion' exercise was undertaken for this proposal which concluded that in terms of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations the proposal falls within 'Schedule 2 Development' for Marinas, where the recommended threshold for consideration as to whether an Environmental Impact Assessment ought to be required is: 'enclosed water surface exceeding 1,000 square metres'.

Having assessed the proposal, the characteristics of the receiving environment and the magnitude of likely environmental effects, it was considered that in this case the submission of a formal Environmental Impact Assessment was not required. The proposal is not located in a 'sensitive area' or subject to any environmental designations; furthermore, it was considered that the proposal would not have give rise to any significant environmental effects by virtue of its size, nature or location, and that potential impact and the identification of appropriate mitigation measures could be achieved outwith the environmental impact assessment process.

(L) Has the application been the subject of statutory pre-application consultation (PAC): Not required for this scale of development.

(M) Has a sustainability check list been submitted: Yes this is contained within the Environmental & Planning Statement, March 2012.

(N) Does the Council have an interest in the site: Yes, the Council is one of the Statutory Harbour Authorities, and also owns the sea wall which is to be altered to accommodate access to the marina.

(O) Requirement for a local hearing: Despite the number of representations received, there is no necessity for a discretionary hearing in the event that Members are minded to approve the application. Despite there being a significant number, these are predominantly in support of the proposal, with 131 in support and 5 against. Only in the event that the Committee was minded to refuse the application would a hearing be warranted, having regard to the magnitude of support expressed for the proposal.

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

(i) Development Plan Context:

'Argyll & Bute Structure Plan' (approved 2002)

The Settlement Strategy identified in the Argyll and Bute Structure Plan identifies Oban as a 'Main Town' where support is provided for up to and including substantial or major development. The proposal is therefore considered to be consistent with the Structure Plan Settlement Strategy.

'Argyll & Bute Local Plan' (adopted 2009)

This site has been identified as 'Area for Action 5/2: George Street/North Pier' (AFA 5/2) in the Argyll & Bute Local Plan. In the Argyll and Bute Finalised Draft Interim Action Plan a more detailed account of what is expected of AFA 5/2 is provided. The Action Plan states that this AFA is closely associated with AFAs 5/1: Oban – South Pier/railway and 5/3: Oban – Esplanade and 5/4: Oban Bay and that certain points under AFA 5/1 should be noted, which are to pursue an area for action which will support the Structure Plan proposal PROP SI 2 relating to "Oban Investment and Expansion Potential".

The proposed Marina is considered to be consistent with the overall development strategy for Oban.

The proposal seeks the formation of multi-use/short stay transit marina, plus diesel berth, manager's office, provision for small day boats/ribs and limited use for over wintering (amended scheme relative to planning permission 08/01049/DET).

The application has been subject to pre-application discussion with other harbour interests and consultees are satisfied with the proposal subject to some recommended planning conditions. There is significant representation in support of the application, largely based on marine, leisure, tourism and economic considerations, including spin-offs from the presence of a marina in the town. There are four objectors largely concerned with harbour safety, appearance, traffic, pollution and impediments to small boat users.

The principal planning considerations in this case are:

- the consequence of the presence of the development in terms of: the settlement strategy and other policies identified in the Development Plan;
- the environmental consequences of the amendments to the original scheme relative to that approved in 2008;
- its acceptability in terms of design details, including its potential impact in terms of water depth and dredging, impact on the existing wave climate;
- potential impact on the natural environment and biodiversity (ecological & ornithological issues);
- potential impact on the historic environment (listed structures);
- potential visual impact and landscape impacts including tourism interests;

- potential impact on the piers and the harbour as a whole, including in particular navigational safety in relation to the existing/future operations of ferries, fishing vessels, other commercial craft, pleasure boats and sea kayaks;
- potential impact in terms of access, parking and associated transport matters;
- consequences of proposed limited overwintering of boats; potential impact on existing access to the bay and the safety of adjacent structures;
- potential impact on amenity (noise, light pollution, waste).

Assessment of these key potential impacts along with the advice of relevant consultees, as well as the information submitted in support of the application has led to the conclusion that the proposal does not conflict with the Development Plan and that there are no other material considerations, including the views expressed by objectors, which would warrant anything other than planning permission being granted. The reasoning for this conclusion can be found in the review of relevant considerations in Appendix A to this report. All technical details and advice provided by relevant consultees can be addressed by way of planning condition and/or informative as appropriate.

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

(R) Reasons why Planning Permission should be granted:

This proposal is consistent with the provisions of the Development Plan. All other 'material' planning issues have been taken into account in the determination of this application, including views expressed by third parties. None of these are of such weight that any potentially adverse impacts cannot be overcome by suitable planning conditions securing, appropriate mitigation measures or submission of further information to be agreed by the Planning Authority in consultation with relevant consultees.

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

This proposal does not constitute a departure from the Development Plan.

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

None.

Author of Report: Arlene H Knox **Date:** 31st May 2012

Reviewing Officer: Richard Kerr **Date:** 1st June 2012

Angus Gilmour
Head of Planning and Regulatory Services

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO: 12/00678/PP

1. The proposed development shall be carried out in accordance with the details specified in the application form dated 22nd March 2012; and the approved drawings numbered: L03 (B) – Site Plan; L-01 (B) – Plan As Proposed; and, L02 (B) – Sections A-A & B-B As Proposed; and stamped approved by Argyll and Bute Council.

Reason: In order to ensure that the proposed development is carried out in accordance with the details submitted and the approved drawings.

2. The use of the marina shall be restricted to short-stay/transient 60 berth pontoons and no single vessel shall berth at the pontoons for a period longer than 7 days within any calendar month, with the exception of over-wintering vessels, which shall be limited to a maximum number of 20 berths at any one time, which shall only be occupied for such purpose between the beginning of October and the end of March. Vessels over-wintered shall not be used to provide live-aboard residential accommodation. An up to date detailed log of the arrival and departure of all vessels using the marina shall be kept for the lifetime of the development and shall be made available to the Planning Authority for inspection upon request.

Reason: In accordance with the use applied for, in that a permanent berth marina in this location by reason of lack of onshore facilities and car parking would be unacceptable.

3. Prior to the use of the pontoon system for the over-wintering of boats, engineering evidence shall be submitted to substantiate the marina's structural integrity to accommodate 20 boats (maximum length 14 metres) during the over-wintering period provided for by condition 2 above. This evidence shall be accepted in writing by the Council as Planning Authority prior to any use of the pontoon system for the purposes of over-wintering during that period

Reason: It has not been confirmed beyond doubt that the marina is designed to a sufficient specification allowing for any additional stress to the pontoon structure when overwintering boats are berthed during storm conditions, in circumstances where loss of integrity could compromise navigational safety.

4. Prior to commencement of development, a detailed a design & build programme incorporating a site specific Construction Method Statement shall be submitted to and agreed in writing by the Planning Authority in consultation with SEPA, SNH and CMAL. The method statement shall be prepared in consultation with CMAL in its capacity as Statutory Harbour Authority and shall address construction risks and indicate the timing, duration, method and expected noise levels in relation to the proposed piling operations. It shall also address management of waste, control of pollution and minimisation of disturbance to wildlife. Once agreed, all piling and other construction works shall comply with the duly approved details.

Reason: In the interests of safeguarding amenity and in the interests of nature conservation as insufficient information has been provided in respect to these works and to ensure that Statutory Harbour Authority interests are protected and construction risks are managed effectively.

5. Prior to commencement of development, a Safe Management System which manages the hazards and risks along with any preparations for emergencies shall be prepared in accordance with the Department of Transport Marine Safety Code (October 2009) and shall be submitted for the further written approval of the Planning Authority, in consultation with CMAL. Thereafter, the Safe Management System shall be implemented and maintained in accordance with the final approved

details to the satisfaction of the Planning Authority.

Reason: To secure a systematic way of identifying hazards and controlling risks and provide assurance that risk controls are effective in the interests of safety in accordance with the Risk Management Report, developed by Abbott Risk Consulting, May 2011 and the Department of Transport Marine Safety Code (October 2009)

6. The operators of the marina shall participate in any Marine Safety Risk Assessment Workshop as may be convened periodically by the Council on behalf of users of Oban harbour in order to address ongoing issues relating to navigation interests and marine safety. In the event that any specific risks arising from the presence and operation of the marina facilities are identified, the operator should implement any management control measures (physical & operational) identified by the Risk Assessment Workshop, in accordance with details and a programme of implementation to be approved in writing by the Council as Planning Authority immediately following the conclusion of that Risk Assessment Workshop.

Reason: To ensure that the operators of the marina, as stakeholders within Oban harbour, can in partnership with other stakeholders, contribute to the safe development of marine interests in the harbour, and to provide a framework within which future operational risks can be identified and mitigated so as not to risk the future safe operation of the marina and Oban harbour.

7. Prior to commencement of development, the exact positioning of the external attenuator immediately adjacent to the North Pier along with a cross-section of the 'Armorflex' and a method statement for its installation shall be submitted for the further written approval of the Planning Authority. The development shall be implemented wholly in accordance with the duly approved details.

Reason: In the interests of navigational safety and to ensure that any damage to the North Pier and slipway is prevented in the interests of public safety.

8. Prior to commencement of development, the intended provision of Black Guillemot nest boxes to be provided within the site shall be submitted to and approved in writing by the Planning Authority. This shall comprise a plan showing the numbers positions and construction of those nest boxes. Within 1 month of the substantial completion of the development, the nest boxes shall be provided and they shall be maintained thereafter in a useable condition for the purpose for which they are intended.

Reason: In the interests of nature conservation.

9. Unless otherwise agreed in writing by the Planning Authority, prior to commencement of use of the development hereby approved, the exterior of the polyethylene bunded diesel tank shall be painted/treated in a grey colour recessive finish and shall be so maintained in a neat and tidy condition at all times to the satisfaction of the Planning Authority.

Reason: In the interests of the appearance of the development and visual amenity of the area.

10. Notwithstanding the details show on the submitted plans and the effect of condition 1 above, installation of the structure intended to provide manager's accommodation shall not take place until detailed drawings and specifications of an amended design for the proposed office have been submitted and approved in writing by the Planning Authority. The design shall be recessive in colour and finished in traditional materials.

Reason: The proposed modular building is not considered to be an acceptable design solution for this site, and would be detrimental to the setting of nearby listed buildings.

11. Prior to commencement of development, a Waste Management Plan for the operational phase of the development shall be submitted to and approved in writing by the Planning Authority in consultation with the Scottish Environment Protection Agency. This plan shall include details of the arrangements for the storage, separation and collection of waste from the site and its r collection point, including provisions for the safe pick-up by refuse collection vehicles. The approved Waste Management Proposals shall be carried out in accordance with the duly approved scheme.

Reason: To ensure that waste from the proposal is dealt with in a sustainable manner in accordance with the National Waste Strategy for Scotland and the Area Waste Plan for Argyll & Bute.

12. Prior to commencement of the development, an assessment shall be carried out of the noise likely to be created by the operation of this facility. In particular, this should consider noise arising between the hours of 22:00 – 06:00 daily and should inform the production of a Noise Management Plan. This plan must identify all steps to be taken to prevent/minimise noise likely to arise from the operation of this facility. A copy of this plan shall be submitted for the written approval of the Planning Authority in consultation with the Environmental Health Officer, and thereafter the development shall be operated in accordance with the duly approved details, including any mitigation measures identified by the Plan

Reason: In order to control noise and disturbance created by operations in the interests of amenity.

13. Prior to commencement of the development, full details of any external lighting to be used on the site shall be submitted to the Planning Authority for approval in writing. The submission shall include the location of each light unit, the footprint of the illuminated area and the wattage of each light unit. With the exception of lighting required for the purposes of navigational safety, all lighting provided at the pontoons, breakwater, and access bridge shall be the minimum required for the purpose, shall be of the lowest wattage required for the purpose each light unit, and shall be so positioned, angled, controlled and shrouded so as to prevent spillage of light and glare beyond the site boundary. Guidance issued by the Institution of Lighting Engineers shall be followed in this respect.

Reason: In order to protect the amenity of the land adjoining the development from unnecessary light pollution.

14. Prior to commencement of development, detailed drawings (plans & elevations) of the proposed pedestrian access to the pontoons, including the access gate, bin storage area and access bridge shall be submitted for the further written approval of the Planning Authority in consultation with the Roads Authority. The development shall be implemented in accordance with the duly approved details.

Reason: In the interests of pedestrian safety

15. Prior to development commencing, a method statement detailing the management arrangements for all deliveries of plant and materials to the site shall be submitted for the approval of the Planning Authority, in consultation with the Roads Authority. The development shall be implemented in accordance with the duly approved details unless any subsequent variation thereof is agreed in writing by the Planning Authority.

Reason: To minimise interference with the safety and free flow of traffic on the trunk road and to ensure the safety of pedestrians on the trunk road and footway.

16. Prior to development commencing detailed drawings shall be submitted which demonstrate that the access between the existing slipway adjacent to George Street and the proposed Launching Steps shall be graded and finished so as safe and easy access to the water can be achieved by persons with a canoe, kayak or other water sports users at all states of tide has been submitted to and approved in writing by the Planning Authority in consultation with the Outdoor Access Team. The development shall be implemented in accordance with the duly approved details unless any subsequent variation thereof is agreed in writing by the Planning Authority.

Reason: To ensure that safe and easy access to the water for canoe, kayak and other water sport users is achievable at all times.

NOTES TO APPLICANT

- **Length of this planning permission:** This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)].
- In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 (as amended) it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.
- The Trunk Road Authority advises that there shall be no advertising signage erected within the Trunk Road boundary along the length of the esplanade adjacent to Oban Bay advertising commercial activities operating from the Marina. It should also be noted that any signage will also require separate advertisement consent from the Council as Planning Authority.
- The Planning Authority can approve minor variations to the approved plans in terms of Section 64 of the Town and Country Planning (Scotland) Act 1997, although no variations should be undertaken without obtaining the prior written approval of the Planning Authority. If you wish to seek any minor variation of the application, an application for a non-material amendment (NMA) should be made in writing to Planning Services, Whitegates, Lochgilphead, PA31 8SY which should list all the proposed changes, enclosing a copy of a plan(s) detailing these changes together with a copy of the original approved plans. It should be noted that only the original applicant can apply for an NMA under the terms of Section 64 of the Town and Country Planning (Scotland) Act 1997. Any amendments deemed by the Council to be material, would require the submission of a further application for planning permission.
- Transport Scotland further notes that the surface at the service lay-by on the A85(T) should be reinstated with a material resistant to diesel spillage to their satisfaction before the roadside fuelling point is brought into use.

- This consent is for the purposes of Town and Country Planning legislation only. Works to the Esplanade wall to facilitate pedestrian access will require separate Listed Building Consent, and no part of this development shall be implemented until such time as this has been cleared by Historic Scotland and the decision notified in writing.
- The developer's attention is drawn to 'Green/Blue' which is a joint environment programme created by the British Marine Federation and Royal Yachting Association and helps boat users and boating businesses to reduce their impact on coastal and inland waters. The marina should be operated in accordance with these principles in order to avoid unnecessary pollution within the restricted confines of Oban Bay.
- The developer is encouraged to develop bio-security measures as part of the management plan for the development, such as protocols and risk assessments to manage and mitigate the potential introduction spread and eradication of invasive non-native species, which is a known problem associated with boat traffic at marinas. The pontoon system should be constructed so as to facilitate periodic lifting for inspection and drying out for the purposes of eradication of non-native species.
- A copy of consultation advice received from SEPA is appended to this decision for information.
- Please note the advice contained within the attached letter from Scottish Water. Please contact them direct to discuss any of the issues raised.
- The developer should contact the Council's Trading Standards Officer, Oban with regard to the Liquid Fuel Measuring Instrument (Diesel Pump) intended for installation prior to purchase. This measuring instrument must be fit for trade as it is intended to supply fuel to the public.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 12/00678/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The Settlement Strategy identified in the Argyll and Bute Structure Plan, identifies Oban as a Main Town where support is provided for up to and including substantial or major development. Oban bay is also shown as a water related “tourist development opportunity” in the Structure Plan “Tourist Infrastructure” Diagram.

This site has been identified as ‘Area for Action 5/2: George Street/North Pier’ (AFA 5/2) in the Argyll & Bute Local Plan. In the Argyll and Bute Finalised Draft Interim Action Plan, May 2005, a more detailed account of what is expected of AFA 5/2 is provided. The Action Plan states that this AFA is closely associated with AFAs 5/1: Oban – South Pier/railway and 5/3: Oban – Esplanade and 5/4: Oban Bay and certain points under AFA 5/1 should be noted, which are: to pursue an area for action which will support the Structure Plan proposal PROP SI 2 relating to “Oban Investment and Expansion Potential”.

Structure Plan proposal PROP SI 2 relates to the provision of an action programme to fulfil the potential of Oban bay and the town centre, harbour, and waterfront areas for marine berthing, moorings and for commercial development allied to the various harbour, ferry and fishing interests.

In terms of Coastal Planning Policy, the site is located within an area of ‘developed coast’. In such areas, development is generally supported where it: requires a coastal location; is of a form, location and scale consistent with the Structure Plan Settlement Strategy, provides economic and social benefits to the local community; respects the landscape/townscape character and amenity of the surrounding area; and is in accordance with Local Plan policy relating to the development’s impact on the general environment.

A master plan exercise for Oban (bay, waterfront and town centre) has been underway since determination of the previous 2008 Oban Bay Marine application. The main outcome of this exercise is envisioned to be a plan to aid, guide and inform the management, promotion, regeneration and revitalisation of the bay, waterfront and town centre areas.

In light of the status of the master plan at the time the 2008 application was determined, and consequent uncertainty as to its priorities, it was deemed appropriate to restrict the permission to a period of only 5 years. The rationale behind this was to enable the development of the bay to be re-evaluated on completion of the master plan exercise (intended to be concluded within that timescale). This was to ensure that the marina was not detrimental to the proper planning of the wider bay area, and, did not prejudice a more sustainable scenario for the inner harbour, should one emerge as part of the exercise.

Despite the time which has elapsed since determination of the 2008 application, the master plan exercise still remains to be concluded, the present position being that in 2011 the Council gained approval to progress a business case for Oban bay/harbour, and, part of that approval involved the task of “refreshing” the previously published Oban Action Plan. This has been undertaken, but is not yet finished as the Council is awaiting finalisation of another study (South Pier). It is now understood that the refresh of Oban Action Plan supports the development of marine leisure infrastructure and that this would not compromise other aspects of the plan.

In light of the fact that it has now been clarified that the Oban Action Plan supports marine leisure infrastructure in Oban Bay, it is not considered necessary to limit the current proposal to a 5 year temporary period.

Having due regard to the above it is considered that this proposal is consistent with the provisions of the Argyll & Bute Structure Plan’s Settlement Strategy,

PROP SI 2: OBAN INVESTMENT AND EXPANSION POTENTIAL and Policy STRAT DC 1: Development within the Settlements, as well as Policies LP CST 1: Coastal Development on the Developed Coast (Settlements and Countryside Around Settlements) and Policy LP ENV 1: Development Impact on the General Environment of the Argyll & Bute Local Plan.

B. Amendments

This Planning Application follows on from an unimplemented Planning Permission and a subsequent withdrawn application. This new application proposes various amendments to the originally approved development 08/01049/DET which formed the basis of Planning Application: 11/02443/PP (since withdrawn), together with further amendments which resulted from consultee and third party feedback to that application.

The amendments to Planning Permission 08/01049/DET are:

- changing the marine entrance from the north to the south of the pontoons;
- changing the pedestrian access from the Railway Pier to the Esplanade;
- introduction of a diesel fuelling berth, pump and storage tank;
- introduction of a manager's office;
- Introduction of small day boat/RIB berthing to the inside of the north and east pontoons – 20 boats;
- Introduction of limited over-wintering – 20 boats;
- Changing 3 parking bays to a loading/unloading bay;
- Securing pontoons with steel piles rather than anchors.

Additional amendments since Planning Application: 11/02443/PP (now withdrawn) are:

- Reducing the extent of dredging
- Repositioning of the armoured slope to the north
- Changing the specification of the armoured slope

The applicant has informed Development and Infrastructure Services that the additional amendments since withdrawal of recent Planning Application 11/02443/PP should result in improved access for small boat users, including kayaks, to and from the beach to the water at all states of the tide.

C. Location, Nature and Design of Proposed Development

The proposal is to install a pontoon system in Oban Bay to accommodate visiting yachts throughout the year as well as providing some limited over-wintering (20 vessels) when transit vessels are unlikely to be visiting the marina.

The layout consists of two main legs of pontoons running north-south, supporting finger piers which are aligned east-west and linked together at their north end. The berths will mostly be at finger piers, which allow berthing on both sides at dedicated spaces. 54 dedicated berths are provided by the proposals, and it will be possible to provide a further 6 on the inside of the attenuators during busy periods. The water depth and berthing spaces have been planned to allow for a large proportion of vessels of 12 metres in length and above, with some provision for vessels of 10 metres in length and under.

Around the western perimeter attached to the pontoons, floating concrete attenuators are arranged to protect the pontoons from the westerly waves. Yachts will access their berths between the southern end of these attenuators and the Railway Pier. Small day boats/RIBs will access their berths on the north and east of the inner most pontoon, via the entrance to the North Pier, where provision is maintained for a drying berth.

Pedestrian access to/from the marina from the Esplanade (rather than the Railway Pier as approved previously) is proposed via a walkway to the innermost pontoon. At the top of this walkway provision is made for refuse and recycling as this would otherwise be impractical to be wheeled up from the lower level of the pontoons. This area and access bridge to the pontoons will be secured with a gate which will require swipe card access. The provision of the gate to access the marina will require partial demolition (approximately 2 metres) of the sea wall, which is a category C(s) listed structure. Consequently, an application for listed building consent will also be required and it will not be possible for any works to the wall to be undertaken until such time as separate listed building consent has been obtained for the detail of this work (no application for listed building consent has been submitted to date). The applicant has been aware of this requirement since before this planning application and the previous 2011 planning application were submitted.

The manager's GRP kiosk and polyethylene banded diesel tank are proposed to be located at the bottom of the walkway, with the diesel berth and disabled hoist being situated at the end of the outer pontoon.

The manager's kiosk is proposed to be a flat roofed structure approximately 9.3m². As part of the planning submission the applicant has provided specifications for contemporary modular buildings, which contain some detail and specifications of 'typical' kiosks which can be provided with a variety of panels and colours. However, no detailed plans have been provided for this structure. It is considered by officers, the Council's Marine and Coastal Manager and third party objectors that the type of structure proposed is not an acceptable design solution for this site, which, is located adjacent to the waterfront area and numerous listed buildings. It is considered that an alternative design better suited to the location could be secured, or alternatively, consideration could be given to having a moored vessel as an office. This is therefore the subject of one of the recommended conditions.

Details have been submitted for the polyethylene banded diesel tank, which indicate that it will be bottle green in colour, with a diameter of approx. 2.6 metres and a height of approx. 2.13 metres. It is considered by Development and Infrastructure Services that 'bottle green' may not be the most appropriate colour for this tank in a marine environment and that a colour such as grey or dark blue may be more sympathetic and would blend in better with the surroundings. Officers have been assured by the applicant that it is possible to 'finish' the tank in an alternative colour. This is therefore also the subject of one of the recommended conditions.

At the head of the walkway the 3 existing car parking spaces on the Esplanade are proposed to be reallocated as a loading/unloading bay. It should be remembered of course that given the function of this pontoon system to act as a transit marina most arrivals and departures will be by sea and will not involve vehicles. However crew changeovers and visits to overwintering boats will involve some degree of access by road. Within this bay it is proposed to install a spillage free drybreak connection with an oil interceptor chamber for the delivery of diesel fuel. From here the fuel will pass below the pavement and walkway bridge in protected double skin pipework to the banded fuel tank.

Existing toilet and showering facilities are available at the North Pier but it is also intended that additional provision will be made in premises in Argyll Street for the sole use of the transit marina, with access via swipe card.

The proposal will result in the occupation of approximately 0.9 hectares of sea bed and foreshore. It is considered that the new pontoons and breakwater and their associated access structure are compatible with surrounding land uses which are predominantly influenced by the marine environment. A detailed design statement (dated March 2012),

Planning and Environmental Statement (March 2012) and Sustainability Checklist have been submitted for the proposal.

The proposal has been sited and positioned so as to pay regard to the context within which it is located and it shall (providing conditions are satisfactorily discharged should permission be granted) effectively integrate with its setting. The design of the structure is compatible with its surroundings subject to the effect of recommended conditions.

Having due regard to the above it is considered that the proposal is consistent with the provisions of Policy STRAT SI 1: Sustainable Development of the Argyll & Bute Structure Plan and Policies LP ENV 1: Development Impact on the General Environment and LP ENV 19: Development Setting, Layout and Design of the Argyll & Bute Local Plan.

D. Detailed Design

The pontoons and finger piers will be of galvanised steel frame construction with hardwood or GRP decking and rubber fendering. All connections between units and between units and fingers will be hinge type connections, which will be attached to the pontoon frames with bolts for ease of removal. Floats will be closed cell polystyrene with polyethylene or concrete coverings.

Each finger pier will be equipped with a service bollard to provide localised area lighting and power and water outlets. The floating attenuators will be of concrete construction with robust connections that allow angular movement but no horizontal movement between units. Pontoons and attenuators will be restrained in position by 19 or 20 tubular steel piles of 500mm diameter with Rylacast or similar self-lubricating pile guides. The piles will be epoxy coated and painted black with white conical caps. The access bridge will be of galvanised steel and equipped with a vertical pivot and horizontal hinges at the platform end, and with wheels and locating rails at the outer, pontoon end.

The Marine & Coastal Development Manager has provided advice on the piling operations, and has advised that due to the fact that limited information is provided on the proposed piling works, it is recommended that a method statement outlining timing, duration and expected noise levels is agreed with the Council prior to works being started. A condition has been recommended to address this and to prevent overwintering until the integrity of the pontoon system to handle additional stresses imposed by winter storm conditions has been demonstrated satisfactorily.

Having due regard to the above it is considered that the proposal is consistent with the provisions of Policy STRAT SI 1: Sustainable Development of the Argyll & Bute Structure Plan and Policies LP ENV 1: Development Impact on the General Environment and LP ENV 19: Development Setting, Layout and Design of the Argyll & Bute Local Plan.

E. Water Depth, Dredging & 'Armorflex'

The required depth, varying between 2 and 3 metres below the lowest astronomical tide, will be produced by dredging. A full geophysical and bathymetric survey has been carried out including core sampling and trial digging to establish the bed conditions. It is expected that the dredge will be carried out by plough dredger, dragging the material into deeper water to the west. The slope, which will be created at the perimeter of the dredge, is proposed to be protected with 'Armorflex' cellular block mats or an alternative proprietary concrete mattress revetment system designed for installation in circumstances where erosion control is necessary. The marine dredging and retaining works will be subject to licensing by Marine Scotland rather than subject to planning control.

Caledonian Maritime Assets Ltd (CMAL) in its capacity as Statutory Harbour Authority has advised that there are certain activities, which, will result in unacceptable hazards even when existing operational controls and mitigative factors are implemented. One of these activities is dredging. They have confirmed that the area of plough dredging and disposal operations are to be modelled at the design stage to demonstrate they will not cause long term adverse effects on the depth of water due to the altered silting patterns, or identify what remedial measures will be in place to address this issue. CMAL do not object to the planning application providing conditions securing a design & build program and a suitable Safe Management System (to be agreed by them) are attached to any grant of planning permission.

The Marine & Airports Manager and Pier Master are concerned that the armoured slope could possibly undermine the slipway at the North Pier. However, the Marine & Airports Manager has confirmed that he does not object to the proposal providing a condition is attached to any grant of planning permission to secure the submission of a cross-section and method statement prior to the commencement of any development by Oban Bay Marine in the interests of public safety.

F. Wave Climate

Oban Bay is exposed to wave action from the southwest through to the northwest (clockwise). The wave climate in severe conditions would be unsuitable for yachts or pontoons without some form of protection.

Oban Bay is already subject to a substantial amount of marine traffic with car ferries, the fishing fleet and other craft all berthing in the near vicinity. As a consequence the available space for this proposal is limited. Oban Bay Marine have advised that in light of this, floating attenuators have been chosen to be used as they require to occupy a small part of the available area, thus, maximising the area for berthing. It is known that the effectiveness of floating attenuators in calming wave action depends on the nature of the wave climate at the site.

A study of wave climate at Oban Bay has been carried out to determine the likely conditions in extreme events. The detailed findings of the study were the subject of an earlier report entitled "Interpretation of Wave Study" (2008 Planning Application). The study shows that the wave climate at the site in extreme conditions is within the operating range of floating concrete attenuators with a width of 4 metres. These units are expected to reduce the extreme wave height of 1.2 metres to less than 0.5 metres. Whilst this reduction is a major improvement, it is also proposed to align the berths running east-west and place the entrance at the south end in order to provide the most comfortable conditions and maximum protection.

G. Maintenance & Management

A maintenance regime will be required for this proposal. The connections between pontoon units and between pontoon units and finger piers are expected to require replacement after 10 – 12 years, and will be bolted to the pontoon frames to allow ease of removal. The connections between attenuators are expected to require replacement after 10 years. Inspection of these connections should be made after severe wave conditions are experienced. Chain risers to pontoons and attenuators are expected to require replacement after 8-10 years. The hardwood decking on pontoons and fingers has a normal life expectancy of 20 years. The access bridges and piled support might require routine maintenance after 20 years.

A management plan accompanies this application (dated March 2012). This Management Plan explains: aims and objectives; facility management; risk assessments; rule book, and information for visiting sailors. Prior to operation of the pontoon facility, a programme of rigorous risk assessment for facility management will

be undertaken, using best practice including: use of the pontoons; use of the attenuators; use of the access walkway; use of the fuel berth; waste and pollution control; maintenance requirements; traffic signal controls; adverse weather controls; fire and lifesaving; control of public access arrangements and security; waste management plan; noise management plan; health and safety; and navigation and harbour bye-laws.

A marine manager with assistant staff will be employed on a permanent basis and will be responsible for the day to day running of the facility. The marina manager will be in regularly contact with other port users, will be permanently available by VHF and mobile phone, and will report directly to the Board of Directors. OBM has a duty of care for the area of Oban Bay which it will occupy, and intends to put in place a series of Management Protocols for the various elements of the project.

No details are provided within any of the management plan of when the marina manager will be present in the proposed office building, i.e. daily hours, days available or whether they will be employed all year round. However, the agent has advised that the manager's availability will be 7 days a week morning to night but not overnight.

H. Natural Environment

The construction of this proposal will not result in the loss of any habitat above the tidal areas. No part of the site or areas adjacent to it is designated for their nature conservation value. There may be disturbance to fauna and otters during construction, but overall, the impacts are not predicted to be significant. Implementation of best management practices and mitigation measures will help to minimise impacts. No particularly sensitive species has been identified which might be affected by additional people, vessels or noise once the marina is operational.

SNH has advised that Black Guillemots nest in the drains along the coastal wall every year and that there is potential to put tubing along this stretch and around the development to facilitate nesting birds in the future. This would also mitigate any potential disturbances.

The RSPB has advised that their main concern would also be the potential that the development may displace Black Guillemots from their current breeding sites due to increased disturbance & isolation from the sea. However, they have no objection to the proposed marina providing a mitigation condition is attached to ensure that nest boxes for Black Guillemots are provided and maintained in good condition for breeding Black guillemots for the lifetime of the development.

In light of the advice provided by SNH and the RSPB a condition is recommended to ensure the provision and maintenance of nest boxes for Black Guillemot.

The impact of the proposal on nature conservation interests has been carefully assessed, and the objectives and targets set by the Local Biodiversity Action Plan (LBAP) will not be compromised. It must therefore be concluded that there will be no adverse impact on species listed under the Habitat Directive, UK Biodiversity Action Plan or the Local Biodiversity Action Plan.

Having due regard to the above this proposal is therefore considered to be consistent with the provisions of Policy STRAT DC 7: Nature Conservation and Development Control of the Argyll & Bute Structure Plan (approved 2002) and Policies LP ENV 2: Development Impact on Biodiversity and LP ENV 6: Development Impact on Habitats and Species of the Argyll & Bute Local Plan.

I. Archaeology & Built Environment

The proposal is located adjacent to George Street where there are a number of listed buildings, including the castellated part of the Esplanade harbour wall which is listed category C(s). Part of this wall is required to be demolished to accommodate the new walkway access for this pontoon development. Pre-application discussions have been held between Development Management and Historic Scotland regarding the partial demolition of the sea wall and Historic Scotland did not raise any concerns/objections.

According to the application plans approximately 2 metres in length of the listed wall will require to be demolished to facilitate access to the pontoons. However, this is required to be the subject of a separate application for listed building consent, where exact details and specifications will require to be submitted for consideration. The applicant has been advised that this is the case, furthermore, that no works to the wall will be able to be undertaken until such time as listed building consent for any demolition works has been granted.

Based on the site visit, photomontages provided and assessment against the relevant policies it is considered that the development is acceptable and will not have any significant negative impact on the settings of any of the other listed buildings.

No archaeological sites have been identified which will be affected by the works. Contractors will be required by the applicants to develop procedures which will be implemented if any artefacts or archaeological remains are discovered in the course of the marine works. They will also be required to set out a mitigation strategy prior to the beginning of the works to safeguard any undiscovered wrecks etc which may be uncovered. Marine archaeology is not a material planning consideration in the same way as terrestrial archaeology is.

Having due regard to the above it is considered that this proposal is consistent with the provisions of Policies STRAT DC 8: Landscape and Development Control and STRAT DC 9: Historic Environment and Development Control of the Argyll & Bute Structure Plan (approved 2002) and Policies LP ENV 13a: Development Impact on Listed Buildings; LP ENV 13b: Demolition of Listed Buildings; LP ENV 15: Demolition in Conservation Areas and Appendix A: Sustainable Siting and Design Principles of the Argyll & Bute Local Plan (adopted 2009).

J. Water Environment

The Planning and Environmental Statement which accompanies this application states that no impacts are predicted to surface water abstractions, discharges or water courses in the vicinity of the proposal and that no lowering of groundwater is expected. Furthermore contractors will be required to consult with the SEPA and to adhere to best management practices for any temporary site drainage that is proposed, in order to reduce the risk of impact to a minimum.

The Planning and Environmental Statement also details proposed mitigation measures relating to Water Quality and Drainage. These relate to: site surface water and sub-soil drainage discharges; sediment transport; fuel tanks; oil and fuel storage; temporary and permanent pollution control measures; particulate or chemical contamination during construction; method statements; fuel storage; contingency plans; oil pollution prevention; plant and vehicle use; storage of materials; earth bunds and spoil storage; surface water; waste; diesel fuel supply, and post construction seabed survey.

SEPA has no objection the proposal, but has advised that due to recent changes in marine licensing and changes to the proposed dredging footprint and rock armouring, Marine Scotland should be consulted on these proposals (Marine Scotland have been consulted).

SEPA has also provided advice in regard to pollution prevention. They advise that to safeguard pollution prevention and marine ecology interests it is vital that good working practices are adopted and appropriate steps taken to prevent water pollution and minimise disturbance to sensitive receptors. Particular attention should be paid to PPG5, Works and Maintenance in or near water. With regard to the diesel berth Oban Bay Marine should refer to SEPA's Pollution Prevention Guidelines (PPGs) in particular PPG7 - Refuelling Facilities. Oil Storage Regulations do not apply but SEPA would expect that Harbour Authorities to have similar requirements. SEPA recommend Oil storage precautionary measures for this development in the event that this aspect is not covered by the Harbour Authority. An informative is recommended to relay this advice from SEPA.

Marine Scotland as the marine licensing authority have been consulted on this application. They have confirmed that the proposal will require to be licensed under the Marine (Scotland) Act 2010, which came into force in April 2011. They are aware of the plans within Oban Bay although no formal application has been received by them yet. This is a separate regulatory procedure outwith the planning process.

In response to the 2008 application SEPA recommended that a condition be attached to any grant of planning permission requiring a site specific method statement to be agreed by the Planning Authority in consultation with them prior to commencement of works on site. This is in order to prevent water pollution and would have to be implemented in full during works on site. The method statement was required to address the following matters: Waste, Surface water run-off; Timing of works; Fuel or Chemicals and Foul Drainage Provision. Development Management consider that it would be appropriate to continue to recommend this condition be attached to any grant of planning permission.

The Marine & Coastal Development Manager has provided advice in terms of Environmental Management and draws attention to the Green/Blue which is a joint environment programme created by the British Marine Federation and Royal Yachting Association and helps boat users and boating businesses to reduce their impact on coastal and inland waters. Oban Bay Marine should be encouraged to follow this good practice advice and guidance during the operation of the marina. An informative is recommended to draw the applicant's attention to this.

The Marine & Coastal Development Manager also advises that new marina developments can present a risk to the spread of marine invasive non-native species. Non-native species can be accidentally transported to another location in ballast or bilge water or hitch a ride on a boats' hull, propeller, anchor, or chain. Recent experience from locations where invasive species have become established in existing marinas suggest that the most appropriate option for mitigating the spread of invasive species is through considering a design structure of pontoons that would allow efficient and effective eradication. The new proposal to fix pontoons with piles may present an opportunity to construct the pontoons in such a way that sections of pontoons can be easily lifted above the water level for short periods.

This would allow sections of the pontoons to dry out which is currently viewed as an effective method of eradicating established invasive non-native species should SNH, Marine Scotland or SEPA require the emergency eradication of a marine invasive species. Oban Bay Marine have confirmed that if pontoons are ever required to be lifted out, individual pontoons can be uncoupled, floated to a suitable lifting out location and craned out.

Finally, the Marine & Coastal Development Manager advises that Oban Bay Marine are encouraged to develop bio-security measures as part of their management plan, such as protocols and risk assessments to manage and mitigate the potential introduction spread and eradication of invasive non-native species. SEPA have also provided advice on Marine Non-Native Species. Given that the accidental introduction of Marine Non-Native

Species has been highlighted as a risk for water body degradation, they recommends that controls should be included in development planning and marine licensing for Marine Non-Native Species in line with Water Framework Directive and Marine Strategy Framework Directive objectives, and EU Biodiversity Strategy targets.

SEPA further advise that accidental introduction of MMNS occurs via attachment to boats, construction plant, specialised equipment and moorings as these are moved from one area to another, SEPA recommends that method statements produced as part of the marine licence application process should also include measures that will be adopted to minimise these risks before the constructional, operational or decommissioning phases of a project commence. Guidance that may draw upon includes: - The alien invasive species and the oil and gas industry guidance produced by the Oil & Gas industry; SNH web-based advice on Marine non-native species, and Marine non-native guidance from the GreenBlue (recreation advice). Oban Bay Marine have confirmed that they are familiar with the Green Blue guidance and intend to incorporate such guidance into their management procedures.

SEPA's response on Marine Non-Native Species identifies the need to take account of water body status under WFD and states that controls should be included in development planning. There is a lack of clear guidance for regulators as to what measures are needed and SEPA should be contacted to ask what controls they felt would be necessary. Oban Bay Marine are happy to consult with SEPA as part of the development of their Management Procedures documentation but do not consider this to a planning issue.

In light of the above it is considered that if managed effectively this proposal will not have any adverse impact on the water quality of Oban Bay.

Having due regard to the above it is considered that this proposal is consistent with the provisions of Policy LP ENV 12: Water Quality and Environment of the Argyll & Bute Local Plan, 2006.

K. Landscape Character

The areas to the north and south of the site are extensively developed, with piers, slipways, ferry terminals and associated commercial buildings, the site itself, in the gap between existing maritime developments, provides the foreground to Oban Bay and the islands of Kerrera and Mull to the west. The site does not fall within any area designated for its landscape value; however, it does form a key part of Oban and the town's character. How the Oban looks and is perceived is vitally important in terms of tourism and for the local population.

The issue of Landscape and Visual Impact has been included in the Environmental and Planning Statement. In terms of landscape it states that: construction materials will be chosen to help blend the new structures into the surrounding landscape and that method statements will be drawn up to identify how the construction of the pontoons, breakwaters and associated development are appropriate to the environment in which they will be located and furthermore, that lighting will be designed to minimise light spill into the surrounding environment.

Photomontages have been provided from the ferry to George Street and from Specsavers retail unit to the Ferry Pier in support of the application. The photomontages show how the view of the marina will be experienced from these locations.

The Marine & Coastal Development Manager has provided advice in terms of Landscape and Visual Assessment. In this regard he advises that the new photomontages provide a more accurate representation of the development as viewed from 'Specsavers' and the Calmac linkspan and the revised Environmental and Planning

Statement clarifies the extent of armoured slope that will be exposed at MLWS. Consequently, he has no objections to the proposal in terms of landscape and visual impact.

Based on the fact that neither the Marine & Coastal Development Manager and SNH have raised any concerns about adverse impact on the landscape, the landscape and visual impact assessment within the Planning and Environmental Statement, consideration of the photomontages, and comparison with the previously approved scheme, and having regard to policy and views expressed by third parties, officers have concluded that the proposal will not, by reason of location, siting, scale, form or design, damage or undermine the key environmental features of the area.

Having due regard to the above it is considered that this proposal is consistent with the provisions of Policy STRAT DC 8: Landscape & Development Control of the Argyll & Bute Structure Plan (approved 2002) and Policy LP ENV 1: Development Impact on the General Environment of the Argyll & Bute Local Plan (adopted 2009).

L. Piers and harbours

Development within harbour areas is encouraged providing it ensures the retention of the harbour for commercial marine related uses. This proposal requires a harbour side location and is ancillary to activities taking place in the harbour itself.

The Marine & Airport Manager has no objection to the location of the proposal within Oban Bay, but has raised matters which will require to be addressed by planning condition relating to the design of the attenuator (vessels are known to overhang whilst berthed at the North Pier) and stability of the slipway at the North Pier. The Pier Master has been consulted and has advised that the Marine & Airport Manager has responded on her behalf and she concurs with his advice.

It is considered that if managed effectively the proposal will contribute positively to maintaining a viable, thriving and stable harbour area for Oban Bay. Furthermore, that the proposal will not have any adverse impact on the fishing fleet (the proposal has been redesigned following discussions with them) or other harbour based concerns.

It has been confirmed by the relevant consultees that subject to compliance with their recommended conditions, the proposal will not compromise the current efficient working of the harbour, including the provision of ferry services.

It should be borne in mind, however, that the assessment of marine and operational risk is not a 'static' task requiring to be undertaken once, but has to be a 'dynamic' process, which keeps in step with both current and future prospective vessel types and the requirement for future movements within the harbour. Following recent discussion with CMAL, it is therefore proposed that a further Marine Safety Risk Assessment / Workshop shall be held to consider Oban Bay in its totality later this month, to which OBM will be invited to contribute. In the absence of a single Harbour Authority, such a proposal is probably the most coherent and effective vehicle to manage marine safety going forward at this time.

It would be an expectation that if specific risks and appropriate management control measures (physical & operational) are identified through the risk workshop process, relevant parties with responsibility for undertaking control measures/actions would commit to undertaking them to agreed dates, resource these actions as appropriate and to confirm when complete. With that in mind it is appropriate to include a condition within any consent requiring OBM's participation within this process on an ongoing basis, along with an associated requirement to undertake any subsequent safety related control/measures which are identified through the process.

Having due regard to the above it is considered that the proposal is consistent with the provisions of Policy LP TRAN 8: Piers and Harbours of the Argyll & Bute Local Plan (adopted 2009).

M. Navigational Safety

The Marine & Airport Manager has raised concerns with regard to navigational safety. These relate to the proximity of the attenuator to the overhang on vessels berthed on the main berth of the North Pier (Vessels of up to 100m are known to berth on this pier). Despite the navigation lights effectively controlling vessel movement there will still be a visibility issue and it is suggested that the attenuator should be tapered back to create a safer access. In order to alleviate the Marine & Airport Manager's concerns regarding the position of the external attenuators it is recommended that a condition is attached to any grant of planning permission to ensure that prior to the commencement of any development the exact positioning of the external attenuator immediately adjacent to the North Pier be agreed with Argyll and Bute Council.

In relation to Navigational Safety the Marine & Airport Manager also requires that Oban Bay Marine comply with all the recommendations from the pre-application risk assessment workshop and that these are integrated into the conditions of planning to ensure compliance for the safe operation of the marina. The Pier Master was consulted but has advised that the Marine & Airport Manager has responded on her behalf and she concurs with his advice.

The Northern Lighthouse Board has no objections to the proposal providing their navigational lighting and marking recommendations are complied with. From a navigational safety perspective they advise that, the South West corner of the floating breakwater (i.e. the entrance to the marina) should be marked by navigation light exhibiting characteristics Flash Red once every five seconds (Fl R 5s). There is no requirement for the planning authority to condition the provision of this light or other navigational markings as they will be controlled by the Northern Lighthouse Board.

Caledonian Maritime Assets Ltd (CMAL) Caledonian Maritime Assets Ltd (CMAL) is the Statutory Harbour Authority (SHA) for southern part of the bay where the proposal is intended and where the access and egress for marina traffic is planned. As SHA, CMAL are accountable for the safety of navigation within their Harbour Area and its approaches. Their concern at the impact the additional traffic movements in addition to the close proximity to the Ferry berthing activity has been expressed to Oban Bay Marine.

With respect to this planning application CMAL require certain conditions to be attached to any grant of planning permission to ensure continued safe operation of the Port as a whole and in particular the Lifeline Ferry operations. If these are not included or not met by Oban Bay Marine CMAL can as Statutory Harbour Authority, and will if necessary, refuse to allow the development to proceed through their Statutory Harbour Powers as it may compromise their obligations under law.

CMAL request a condition to ensure that the construction risks will be addressed as part of the design and build Program and a CMAL representative must be included in the project team to ensure their interests are protected and risks managed appropriately. CMAL request a condition to ensure that the operational risks will require agreement of a suitable Safe Management System by the operators of the Marina that satisfies CMAL of its robustness and that the financial resources will be available for the on-going management of the marina.

The Marine & Coastal Development Manager has confirmed that he supports the recommendation outlined in the Risk Management Report developed by Abbott Risk Consulting that control measures identified are incorporated into the Marina's Management Plan, which should be agreed with the Planning Authority prior to the operation of the marina.

N. Diesel Berth & Fire Safety

The Public Protection, Trading Standards Officer (Petroleum) was consulted on this application in light of the fact that it is proposed to provide a diesel tank/berth. It has been advised that the applicants should ensure that they contact the Trading Standards Officer, Oban with regard to the Liquid Fuel Measuring Instrument (Diesel Pump) they intend to install prior to purchase. This measuring instrument must be fit for trade as the applicant intends to supply fuel to the public. The storage of petroleum spirit only requires licensing by Public Protection, and they have no involvement in the storage of other fuels unless Petroleum Spirit is also stored on the Premises. It is proposed to relay this information to the applicant by means of an informative/note attached to any grant of planning permission.

Strathclyde Fire & Rescue were also consulted on this application in light of the fact that it is proposed to provide a diesel tank/berth. They have however confirmed that they have no objection to the proposal. Consequently, it is deemed that the proposal is acceptable to the fire brigade in terms of fire safety.

O. Road Network, Parking and Associated Transport Matters

The Area Roads Manager does not object and has advised that the Trunk Road Authority will provide advice on this proposal, which, is situated off the A85 Oban-Tyndrum Trunk Road. The Area Roads Manager has requested a condition be attached to any grant of planning permission restricting over wintering of vessels between the beginning of October and the end of March. The reason for this condition is to prevent owners working on their boats all year round as during the wintertime there will be less demand and sufficient parking available. This has been included in the recommended conditions.

Transport Scotland has advised that the proposal is acceptable subject to two conditions being attached to any grant of planning permission relating to the Traffic Regulation Order redesignating the existing parking bays to a Service Lay-by and the restriction of advertisements within the Trunk Road Boundary. The latter would not be a competent condition so is being addressed by way of a note to the applicant. Transport Scotland further note that the surface at the service lay-by should be reinstated with a material resistant to diesel spillage. Furthermore, they also have also noted that that over wintering berthing should be restricted to a period when the Transit Marina is closed to transient vessels, and that minor repairs and maintenance should be prevented.

In response to the comments made by Transport Scotland Oban Bay Marine have advised that they accept both proposed conditions but would prefer Condition 1 to be adjusted to the effect that prior to operation of the facility rather than prior to commencement on site. Furthermore, they advise that both Transport Scotland and the Roads Department have indicated to them that they would welcome the re-designation and Oban Bay Marine considers that their suggestion would save time in the pre-contract period. Also, if the existing surface is tarmac and not block paving, Oban Bay Marine accepts that this will need to be changed. Oban Bay Marine do not accept that the overwintering of a restricted number of vessels should be at the expense of the continued use by transit vessels or that minor repairs and maintenance should be prevented, as such a use will have minimal impact on traffic movement. They consider that few movements would take place in the overwintering period and that incidental

maintenance (there are no maintenance facilities included in the marina) would not lead to road related difficulties. Such a condition would seriously affect the viability of the marina.

Transport Scotland has responded further advising that the reason that Condition 1 is caveated with 'Prior to any works commencing on site

' is should this order attract an objection that culminates in the re-designation Traffic Regulation Order (TRO) from not going being implemented would effectively remove the servicing provision for the Marina. As this Service Lay-by provides a diesel discharge point for tanker deliveries as well as refuse collection area without the re-designation these facilities would not be available. In addition the absence of an enforceable TRO designating the Service Lay-by may encourage indiscriminate parking on the Trunk road and subsequent delay to the free flow of traffic as service vehicles may attempt to double park. This situation would be unacceptable to Transport Scotland.

Oban Bay Marine accepts Transport Scotland's clarification and confirms that they are simply concerned about further delay resulting from the Traffic Regulation Order application. The indicators are that the application would not be unsuccessful and Oban Bay Marine would prefer to be able to make a start whilst the Traffic Regulation Order application is being processed and carry the risk of having to make alternative arrangements for servicing in the very unlikely event of the application failing. Oban Bay Marine cannot envisage a situation where vehicles would attempt to double park on this busy Trunk Road - especially as Queens Park Place is so close.

Transport Scotland further confirmed that during early discussions with Oban Bay Marine they were advised that servicing and repair would not to be undertaken at the Transit Marina and these facilities would be available at other more suited locations where there are available facilities elsewhere along the coast. Transport Scotland would not be supportive of such activities from the Marina as this could intensify the demand on the limited Service Bay parking and encourage indiscriminate parking. In addition materials used for servicing may be deposited on the footway adjacent to the pedestrian access gate for uplift causing obstruction and hazard to pedestrians using the Esplanade. Oban Bay Marine has responded to this comment by stating that: *"Minor servicing and repair is an everyday activity on boats - maintenance might be a better description. Clearly, major servicing and repair is a different matter and might have the effect described by Transport Scotland. It has always been Oban Bay Marine's position that such work would require the services of a boat yard and they would not permit this activity to be carried out, but clearly Oban Bay Marine would resist any restriction on normal day to day servicing and repair of a minor nature. Oban Bay Marine considers that this proposed condition is too restrictive"*.

Transport Scotland advise that with regards to the operation of the Marina their understanding from the outset was that it would encourage vessels to stop for short periods (up to 72 hours) to visit Oban. This concept whilst supported by Transport Scotland has over time altered somewhat in so far as the operators have introduced commercial activities operating from the marina, proposing servicing and maintenance of vessels and overwintering. Transport Scotland acknowledges the need to make the Transit Marina financially sustainable however not to the detriment of the safe and free movement of traffic and pedestrians. The Transit Marina is located in a high amenity area which limits what activity can be undertaken without causing interference with safety and free movement of pedestrians and traffic on the Trunk Road.

In response to this Oban Bay Marine advise that they have not intensified their original goals other than to introduce the limited overwintering of a few boats. It was never intended that commercial vessels would be barred from using the marina or that day to day maintenance would be prevented. Use of the marina for transit vessels out of season will obviously be very limited, and the overwintering of a few boats will not significantly intensify the usage or be a detriment to the free flow of traffic and

pedestrians, indeed from a visual perspective it would provide some interest from that of an empty marina. Oban Bay Marine confirms that no live aboard or major servicing or repair works would be permitted on overwintering vessels.

Oban Bay Marine has advised that the existing 3 car parking spaces are tarmac so will need some resurfacing in block paving. Oban Bay Marine are concerned that Transport Scotland are being over protective, based on a fear over intensification of use from that intended by Oban Bay Marine - who have a common interest in not causing a nuisance to the flow of traffic or pedestrians.

The re-surfacing of the layby will come under the jurisdiction of Transport Scotland as work undertaken adjacent to a Trunk Road, there is therefore no requirement to condition this. With regard to their note on restricting overwintering to when the Transit Marina is closed, it is likely that the marina will be quiet during this period and as they have not recommended this restriction be dealt with by condition, none have been attached. With regard to their final note regarding service and repair, there will be no facilities at the marina to undertake such works, and consequently in the absence of a specific requirement from Transport Scotland to condition this, it is not considered that the imposition of a condition is necessary.

Transport Scotland is a statutory consultee and Development Management largely agrees with their advice, despite Oban Bay Marine's dissatisfaction towards their recommendation, they have not objected to the proposal but have recommended approval subject to conditions. The relevant conditions as detailed above are therefore included in the recommendation. Should permission be granted for the proposal as recommended, the applicant has the right to appeal any conditions felt to be unreasonable or unnecessary

There are no relevant Transport Policies in the Structure or Local Plan relating to the Transport issues associated with this proposal. However, the proposal is consistent with the general aims and objectives of the Development Plan in this regard as well as National Policy/Guidance providing the conditions recommended by Transport Scotland are attached

P. Use of Marina & Overwintering

The Marine & Coastal Development Manager further advised that additional information is needed on what types of vessels are being considered for overwintering and whether this includes live aboard boats. Should overwintering of vessels be granted it may be necessary to require such vessels to be hauled out, inspected and antifouled once a year to limit risk of spreading marine invasive non-native species. Following further discussions with Oban Bay Marine the Marine & Coastal Development Manager has confirmed that if vessels are not going to be permanently berthed it is agreed that there does not need to be a requirement for boats to be removed from the water, cleaned and antifouled.

The Marine & Coastal Development Manager also advised that consideration should also be given to limiting the size and/or type of vessel that can be overwintered. If berthing of vessels continuously over the winter months (3-4 months) is permitted then a planning condition should be considered that covers the maximum number of vessels to be overwintered at any one time and the maximum length of stay. Oban Bay Marine has confirmed that they envisage a limited number of overwintered boats and have previously discussed a figure of 20. Furthermore that overwintering might extend from end of September to end of March.

The Marine & Coastal Development Manager further advises that a condition should be considered covering the maximum length of stay in relation to short stay vessels as included in the original consent. On this matter the Marine & Coastal Development

Manager agrees with Oban Bay Marine's comments that 3 days within one month (as per original condition) is too short and that at least 7 days would be more reasonable. Oban Bay Marine intend that the marina be used as a short stay/transit marina throughout the year (although winter use will obviously be very limited), plus a limited number of overwintered boats

The Marine & Coastal Development Manager has further advised that it has not been confirmed whether the marina is designed to a specification that allows for any additional stress to the pontoon structure when overwintering boats are berthed during storm conditions. As overwintering of vessels is a new aspect of the development this should be confirmed by Oban Bay Marine. Oban Bay Marine has confirmed in writing that the design of the pontoons and management will be fit for purpose which includes a suitable construction for use in winter. Despite this, no engineering evidence has been provided to substantiate the structure's integrity to accommodate 20 boats, it is therefore considered prudent to attach a condition which ensures the submission of such evidence prior to overwintering accommodation being provided.

Oban Bay Marine has confirmed that the maximum size of vessel to be overwintered is restricted by the size of pontoon fingers and would be limited to 14m in length. There is no intention that the transit marina be used as a permanent berth marina and overwintering will not permit live-aboard usage.

Q. Infrastructure

Scottish Water has confirmed that they have no objection to the proposal; however, a separate application should be made to them for connection to their infrastructure should full planning permission be granted. It is intended to connect to the public water supply and consequently, this proposal is consistent with this policy.

Having due regard to the above it is considered that the proposal is consistent with the provisions of Policy SERV 4: Water Supply of the Modified Finalised Draft Local Plan.

R. Access

Whilst access to and from the water from the beach is available to kayaks and other small boat users at all states of the tide to either side of the pontoons, at MLWS approximately half a metre of armoured slope will be exposed around the pontoons. The proposed repositioning of the armoured slope therefore increases the area available at all states of tide, plus launching steps are now incorporated into the slope, and at half tide and above, the armoured slope is fully covered, providing unhindered access across the whole area.

In relation to access to the bay for other users, the Outdoor Access Team has advised that they feel it is important that easy access to the water with a canoe or kayak will still be achievable at all times at this site, and special consideration must be given to the access between the existing slipway adjacent to George Street and the proposed new Launching Steps identified in the application. In the plans there appears to be a drop of approximately 1 metre from a spot height of 3 metres near the slipway down to 2 metres near the top of the rock armour. The access between the slipway and Launching Steps needs to be graded and finished so as safe and easy access to the water can be achieved by persons with a canoe or kayak otherwise the Launching Steps may be of little use.

In response to the Outdoor Access Team's comments, the applicant has advised that this is a misinterpretation of the drawings. The top of the armoured slope is not level but follows the contours of the beach. There is no such drop and the natural beach surface will be maintained providing safe and easy access as at present. In response to this the

Outdoor Access Team has further advised that provided the amended drawings show that safe access to and from the beach is possible at all states of the tide for sea kayakers and other water sports users, they think that the developer will be able to satisfy the condition. A condition is recommended in accordance with the advice of the Outdoor Access Team.

In relation to access, the Marine and Coastal Development Manager advises that Oban Bay is well used by local residents and visitors as a public space and an access point for water-based recreation. Sea Kayak Oban and the National Kayak School use Oban Bay to access coastal waters and the access rights of individuals and these businesses need to be considered to allow continued use and access from Oban Bay. The amended proposal, changing the position of rock armour on the north shore and provision of steps to improve access to the bay are welcomed and should help to improve access for kayakers, compared to the previous plans. Consideration could still be given allowing sea kayak access from the pontoons. Pontoon structures have been used for launching kayaks/canoes by British Waterways and further information on design can be provided.

In response to the applicant has advised that in principle Oban Bay Marine would be happy to accept sea kayakers on the pontoons on a commercial basis but do not see this as an appropriate subject for condition.

New development proposals should safeguard important public access routes. Where they will be prejudiced by a development, including during construction and upon completion, then the developer is expected to incorporate appropriate alternative or modified public access provisions. Access rights are a material consideration in considering planning applications, however, in light of the above it has been concluded that the public access needs to the water will not be unduly compromised and that access will still be achievable.

Having due regard to the above it is considered that the proposal is consistent with the provisions of Policy LP TRAN 1: Public Access & Rights of Way of the Argyll & Bute Local Plan

S. Tourism Impact

There is a presumption in favour of new recreation facilities such as this proposal provided that in the settlements, the development is of a form, location and scale consistent with Policy STRAT DC 1: Development within the Settlements of the Argyll and Bute Structure Plan 2002; they respect the landscape/townscape character and amenity of the surrounding area; they are readily accessible by public transport where available, cycling and on foot; they are located close to where people live and reduce the need to travel and the proposal is consistent with other policies contained in the Structure and Local Plan. The proposal is considered to meet all of these criteria and is therefore acceptable as a tourist facility. The proposal will clearly provide a facility which will help support the tourist economy of the town, although third parties suggest that its presence could also be a deterrent to some visitors who might consider the bay despoiled by the presence of pontoons, boats and ancillary structures. As it is difficult to anticipate the attitudes of potential visitors it is not considered that the adverse consequences on tourism are so demonstrable as to caution against the granting of the application, as was the conclusion with the planning permission for the previous scheme.

Having due regard to the above it is considered that the proposal is consistent with the provisions of Policy STRAT DC 1: Development within Settlements of the Argyll & Bute Structure Plan, (approved 2002) and Policy LP REC 1: Sport, Leisure and Recreation of the Argyll & Bute Local Plan.

T. Bad Neighbour

This proposal constitutes a potential 'bad neighbour' development by virtue of introducing significant change in an established area. However, it is considered that there will be no unacceptable adverse effects on the amenity of neighbouring residents which cannot be mitigated by conditions to control noise, light and waste.

Having due regard to the above it is considered that the proposal is consistent with the provisions of Policy LP BAD 1: Bad Neighbour Development of the Argyll & Bute Local Plan (adopted 2009).

U. Waste

The supporting documentation states that: "it is not expected that significant quantities of any waste materials will be generated during construction" as it mainly comprises the delivery and installation of components and marine works. Prior to commencement of the dredging operations a quantity of debris and disused sewer pipes and their surrounds will be removed from the foreshore. Contractors will be required to dispose of these materials to approved disposal sites, where recycling proves impractical.

Dressing the slopes of the dredged area will be achieved by re-grading the existing material to the current slope and contractors will be required to carry out the re-grading as a cut and fill operation which generates no surplus material. The dredging operation and installation of moorings, pontoons and breakwaters are not expected to generate any waste beyond replacement items for plant, such as filter cartridges, oil drums and any excess steel piles. Contractors will be required to provide full details of their recycling and disposal procedures for all such waste items.

It is expected that significant quantities of waste refuse will be generated by the proposal in the form of refuse and sewage. It is proposed to provide two large refuse collection bins and recycling bins within the secure gate at the head of the access bridge, and through use of information boards, encourage all users to recycle where possible. Users will be required to observe the prohibition of refuse dumping at sea.

Dedicated toilets, showers and laundry facilities are to be made available via a swipe card system in premises in Argyll Street, opposite the walkway, and there are also public toilets on the North Pier.

It is not proposed to provide any facilities for the disposal of sewage, as the pontoons are not intended for long-term occupation. The berths are intended to be occupied for only short periods by visiting cruising yachts. It is proposed that a limited number of berths (a maximum of 20) may be used for over wintering during the winter months, but, strictly for non-residential use. The discharge of on-board toilet facilities into the bay will be prohibited by OBM. A list of all sewage disposal points in the area will be made available at information points.

Details of the arrangements for the storage, separation and collection of waste from the site or roadside collection point have been provided and will allow for the safe pick-up by refuse collection vehicles.

SEPA has advised that in accordance with Scottish Planning Policy (SPP) - "residential commercial and industrial properties should be designed to provide for waste separation and collection."

In accordance with SPP, and PAN 63: Waste Management Planning, space should be designed within the planning application site layout to allow for the separation and collection of waste, consistent with the type of development proposed. This includes provision to separate and store different types of waste, collection and centralised facilities for the public to deposit waste for recycling or recovery ("bring systems"). SEPA further advise that consultation should be undertaken with the council's waste

management team to determine what space requirements are required within the application site layout for a development of this nature.

In response to the concerns raised by SEPA with regard to sewage, the applicant has further commented that: In common with other transit marinas, it is not proposed to include holding tank sewage disposal facilities. Indeed they are unaware of any permanent berth marinas on the west coast with such facilities. It is normal practice to discharge whilst offshore.

Having due regard to the above it is considered that the proposal is consistent with the provisions of Scottish Planning Policy, PAN 63: Waste Management Planning, Policy LP SERV 5: Waste Related Development and Waste Management in Development of the Argyll & Bute Local Plan (adopted 2009).

V. Noise

The applicant has advised that the noise generated by the dredging operation is likely to be similar in level and in character to the noise already experienced by residents from fishing vessels, car ferries and cruise boats. The noise generated by the slope reshaping and armouring is not expected, with modern plant correctly silenced, to exceed the general background noise from traffic along the Esplanade. The installation of 19 or 20 piles will involve rock coring with perhaps 3 or 4 piles requiring to be driven by a vibrating hammer into soft material. Whilst this plant generates noise of an intrusive character, the short duration of its use and the masking effect of background road and marine traffic noise will limit the intrusion.

The noise created by the occupation of the pontoons during the day over the season of operation is not expected to be noticeably higher than the level of noise currently experienced due to land-based and sea-borne traffic.

Overnight, when other sources of noise are absent, it is anticipated that on windy night's noise will be created by rigging slapping yacht masts. This noise, while of low level, is known to be obtrusive in character. Mitigation measures are proposed in the form of instructions to all visitors to ensure their rigging is properly adjusted and, if necessary, secured against slapping.

SEPA has noted that the installation works will involve piling, and trust that SNH have been consulted with regard to potential noise disturbance. SNH have been consulted and have not made any comments regarding noise, neither has the Environmental Health Officer. However, it is recommended that the noise conditions that were attached to the 2008 decision are attached to any planning permission.

The Environmental Health Officer has not raised any objection to this proposal in terms of noise, vibration or air quality. However, in respect of the 2008 application the Environmental Health Officer recommended a condition requiring the production of a Noise Management Plan identifying measures which will be put in place to minimise/eliminate potential noise problems from the operation of the facility, such as that identified to control rigging noise. Also, the location of the proposed site and the complex nature of the construction of the facility may give rise to noise problems during the construction phase of the development. The previously recommended condition has therefore been included in the recommendation. Consequently, the proposal should not have any adverse noise impacts.

W. Lighting

The Environmental Health Officer has no objection to this current planning application. In response to the 2008 application the Environmental Health Officer also had no objection

but, did recommend a condition relating to provision of details of the proposed method of lighting. The issue of light pollution has been raised by objectors, and it is considered by Development Management that this could be a potential nuisance and cause for concern. Consequently, a condition is recommended to secure details of the external lighting, ensuring that, with the exception of navigation lighting, the guidance issued by the Institution of Lighting Engineers is followed to limit glare and light pollution beyond the site boundary.

X. Other Scottish Government Advice

In regard to Coastal Planning, Scottish Planning Policy states that “The coast of Scotland is of national, and in some parts international, significance containing many areas of special landscape and ecological significance. A large proportion of Scotland’s population live on or near the coast and it is a major focus for economic activity, recreation and tourism. The sustainable development of coastal areas is an important contributor to sustainable economic growth”. It is considered that the proposal is a sustainable (and potentially reversible) development of a maritime asset which is capable of being implemented without significant adverse effects on the receiving environment and which will bring economic benefit to the town of Oban.

Having due regard to the above it is considered that the proposal is consistent with the provisions of Scottish Planning Policy.

APPENDIX B – REPRESENTATIONS RELATIVE TO APPLICATION NUMBER: 12/00678/PP

LETTERS OF OBJECTION (4)

Mr David Leslie	18A Morningside Road Edinburgh EH10 4DA	17/04/2012	O
Elaine Paterson	Argyll Mansions George Street Oban PA34 5SD	26/04/2012	O
Professor Ian Reid	Firgrove Villa Ardconnel Rd Oban PA34 5DW	22/04/2012	O
Dr Pauline Thompson	TFL 62 Blackford Avenue Edinburgh EH9 3ER	18/04/2012	O
Stuart Wagstaffe	Sea Kayaks Oban, Argyll Street, Oban	13/06/2012	O

LETTERS OF SUPPORT (132)

Mr Charles Jack	1 Lorn View Lismore Oban PA34 5UL	22/04/2012	S
Mr Iain Watt	1 Rose Court Easter Park Drive Edinburgh EH4 6SE	26/04/2012	S
Mr Cameron Petrie	10 Ballencrieff Steading Ballencrieff Longniddry EH32 0QH	21/04/2012	S
Mr Andrew Lawson	10 Lambs Farm Road Horsham, West Sussex RH12 4DJ	21/04/2012	S
Mr Paul Sloan	10 Stevenson Street Oban PA34 5SD	23/04/2012	S
Mr Peter Westwood	101 Albert Road West Bolton BL1 5ED	22/04/2012	S
Mr Robert Mullins	11 Crossley Grove Mirfield WF14 0JX	23/04/2012	S
Mr Derek Grier	12D Longsdale Terrace Oban PA34 5JS	23/04/2012	S
Mr Duncan Morrison	13 Haddon Road Perth PH2 7JA	22/04/2012	S
Mr Andrew Challis	15 Bushy Close Oxford OX2 9SH	21/04/2012	S

Mr Ian Pirrie	15 Priory Wynd Kilwinning KA13 6AU	22/04/2012	S
Mr Martin Downing	15 The Gardens Aberlady East Lothian EH32 0SF	18/04/2012	S
Mr Peter Rowland	16 Pavilion Way Gosport Hants PO12 1FE	21/04/2012	S
Iain Annan	171 Colinton Road Edinburgh EH14 1BE	11/05/2012	S
Mr Alexander Paul Robin Cooper	19, Lester Way Littleport Ely CB6 1FW	21/04/2012	S
Mr Miles Stratton	2 Ardenconnel Way Rhu G84 8LX	21/04/2012	S
Mrs Kathy Bowles	2 Cnoc Beag Balvicar Oban PA34 4TH	21/04/2012	S
Mr Jonathan Dunseath	2 Lamb Lea Lazonby Penrith CA10 1BB	21/04/2012	S
Mr Chris Smith	2 Rath Cuan Downpatrick BT33 0HN	21/04/2012	S
Mr Nick Bowles	2, Cnoc Beag Balvicar Oban PA34 4TH	21/04/2012	S
Mr Pete Cooper	20 Seton Terrace Skelmorlie PA175AX	21/04/2012	S
Mr Graeme Hunt	22 Sandale Close Gamston Nottingham NG2 6QG	21/04/2012	S
Chris Holdstock	23 Juniper Drive Milton Of Capsie	26/04/2012	S
Mr Jason Chamberlin	24 Auclum Close Burghfield Common Reading	21/04/2012	S
Mr Jason Chamberlin	24 Auclum Close Burghfield Common Reading RG7 3DY	21/04/2012	S
Mr David Simpson	25 Majors Loan Falkirk FK1 5QG	22/04/2012	S
Mr Andrew Carnduff	29 Hawkcraig Road Aberdour, Fife Burntisland KY3 0XB	23/04/2012	S
Mr Alex Leeson	29 Maple Drive Lincoln LN5 9NS	21/04/2012	S
Mr James Loxham	3 High Waterhead Coniston Cumbria LA21 8AH	23/04/2012	S
Mr James Loxham	3 High Waterhead Coniston Cumbria LA21 8AH	23/04/2012	S

Mr Adrian Lauder	3 Kiel Croft Benderloch Oban PA37 1QS	22/04/2012	S
President British Marine Federation Scotland	3/7, 354 Meadowside Quay Walk Westgate Glasgow G11 6ED	21/04/2012	S
Secretary Scottish Boating Alliance	3/7, 354 Meadowside Quay Walk Westgate Glasgow G11 6ED	21/04/2012	S
Mr Ken Munn	32 Arlington Gardens London W4 4EY	22/04/2012	S
Dr David Vass	33 Ochloch Park Dunblane FK15 0DX	25/04/2012	S
Mr Richard Power Mr James Henderson	33 Temple Road Dorridge Solihull B93 8LE	22/04/2012	S
Robin Wills	35 Wentworth Avenue Leeds LS17 7TN	22/04/2012	S
Robin Wills	40 Shaftesbury Way Strawberry Hill Tickenham London	27/04/2012	S
Robin Wills	40 Shaftesbury Way Strawberry Hill Twickenham London	26/04/2012	S
Mr Colin McEwen	42 Mandeville Rd Canterbury CT2 7HD	21/04/2012	S
Mr David White	42 Stoke Park Road Bishopstoke Eastleigh SO50 6BZ	23/04/2012	S
Mr Douglas Marke	43 Croft Rise Nottingham NG13 8PS	21/04/2012	S
Dr Ken McCulloch	47 Lilyhill Terrace Edinburgh EH8 7DR	21/04/2012	S
Mr Roy Ryder	47 Rostherne Close Warrington WA5 1BW	25/04/2012	S
Mr James Heward	5 Benvoullin Gardens Oban PA34 5DL	21/04/2012	S
Mr J H (Ian) Wallace	5 Creran Gardens Oban PA34 4JU	23/04/2012	S
Mr Neil Mcdonald	5 Kinloch Park Clathymore Perthshire PH1 1WR	21/04/2012	S
Mr Wil Bailey	5 warminster road monkton combe bath ba2 7hz	21/04/2012	S
Mr Alastair Pugh	6 Observatory Road Edinburgh EH9 3HG	22/04/2012	S
Miss Fran McCloskey	66 Lorn Road Oban PA371QQ	22/04/2012	S
Mr David Warburton	7 Caddon Haugh Clovenfords	22/04/2012	S

Mr Simon Beveridge	Galashiels TD1 3LE 7 Cross Strett Southport Merseyside		
Mr Donald MacDonald	PR8 1HZ 7 Dean Crescent Riverside Stirling	22/04/2012	S
Mr Simon Eves	FK8 1UT 71 Woodside Drive Waterfoot Glasgow	25/04/2012	S
Mr Ashley Smith	G76 0HD 72 Glen Shee Avenue Neilston Glasgow	21/04/2012	S
Mr Richard Scott	G78 3QB 8 Baycroft Strachur Cairndow	22/04/2012	S
Dr Robin Drysdale	PA27 8BW 8 Chapelton Avenue Bearsden Glasgow	23/04/2012	S
Mr Ian Houston	G61 2RE 8 Manor Forstal New Ash Green Longfield	21/04/2012	S
Mr Paul Surtees	DA3 8JG 86 St Mary Street Kirkcudbright	22/04/2012	S
Mr Calum MacLachlainn	DG6 4EJ 8A Baliscate Tobermory	22/04/2012	S
Mr Russ Johnston	PA75 6QA 9 Bay Willow Court Cambuslang	23/04/2012	S
Mr Eddie Crawford	G72 7AD 93 Bonhill Road Dumbarton	21/04/2012	S
Mrs Tove Knight	G82 2DU Achavraid Clachan Tarbert	21/04/2012	S
Mr Andy Carter	PA29 6XN Aird Dell Farrl Inverness	23/04/2012	S
Ms Jenifer Moffat	IV2 6XG Airdeny Chalets Taynuilt	22/04/2012	S
Mr Rocyn Williams	PA35 1HY All Saints' Rectory Park Street Lydd	22/04/2012	S
Mr Robin Marshall	TN29 9AY Allt Mhaluidh Glenview Dalmally	21/04/2012	S
Mr John Cooper	PA33 1BE Am Fasgadh Ardentallen Oban	22/04/2012	S
Mr Stephen Pickles	PA34 4SF An Teallach Jerviswood Drive Cleghorn	23/04/2012	S
Mr Twig Olsen	ML11 7RT Ardchuan Taynuilt	23/04/2012	S
		26/04/2012	S

Mr Murray MacDonald	PA351HY Ardura Duncraggan Road Oban		
Mr John Maclean	PA34 5DU Aros Ard Croft Road Oban	22/04/2012	S
Mr David Walter	PA34 5JN Balthayock By Perth	21/04/2012	S
Mr Simon MacLellan	PH2 2LG Bracarina House Invermoriston	23/04/2012	S
Mr Ian Ross	IV63 7YA Brick Kiln Farm Brewers Lane, West Tisted Alesford	22/04/2012	S
Mr R Maclaurin	SO24 0HH Broomfield Benderloch	22/04/2012	S
Mr Norman Smith	PA37 1SA c/o Creran Marine Barcaldine Nr Oban	01/05/2012	S
Mr Colin Crawford	PA37 1SG Cairnmore Rowan Road Oban	21/04/2012	S
Mr Gordon MacIntyre	PA34 5TY Caolas North Ballachulish Fort William	23/04/2012	S
Mr Robin Hall	PH336RZ Cherrycroft Liphook Road Headley, Bordon	26/04/2012	S
Mr William Oliver	GU35 8LL Cladach Ardlarach Road Ardfern	22/04/2012	S
Mr Struan Smith	PA31 8JA Coastal Connection LLP Shiol, Lerags Oban	21/04/2012	S
Mr James Battison	PA34 4SF Cologin Lerags Glen Oban	22/04/2012	S
Mrs Linda Battison	PA34 4SE Cologin Lerags Glen Oban	22/04/2012	S
Mr Michael Lewin-Harris	PA34 4Se Conquest Farm Norton Fitzwarren Taunton	22/04/2012	S
Dr Ernest Armstrong	TA 2 6 PN Craiglora Connel Oban	22/04/2012	S
Mr Mark Turnbull	PA37 1PH Creag an Tuirc House Balquhidder Lochearnhead	22/04/2012	S
Mr Paul Tucker	FK19 8NY Davaar West Aands North Queensferry Fife	23/04/2012	S
		21/04/2012	S

Mr Robert Lewis MacLean	Duart House West Tirindrish Spean Bridge PH34 4EU	13/04/2012	S
Mr Iain Saunders	Duine Ardfern PA31 8QN	22/04/2012	S
Mr Andrew Knox	Eilean Mor Oakfield Road Ardrishaig PA30 8EE	22/04/2012	S
Mrs Ruth Knox	Eilean Mor Oakfield Road Ardrishaig PA30 8EE	22/04/2012	S
Mt Kenneth MacColl	Flat 2L, 24 Alexandra Place Corran Esplanade OBAN, Argyll PA34 5PU	21/04/2012	S
Ms Alison Chadwick	Ganavan House Ganavan Oban, Argyll PA34 5TU	23/04/2012	S
Alastair Currie	Gilnockie 21 Edinburgh Road Biggar ML12 6AX	30/04/2012	S
Mr Graeme Strachan	Glenburnie Corran Esplanade Oban Argyll And Bute PA34 5AQ	22/04/2012	S
Mr Ralph Leishman	High Tower Lochwinnoch Road Kilmacolm PA13 4DU	21/04/2012	S
Mr. Eddie Palmer	Hillhead North Mains of Kinnettles Forfar DD8 1XF	20/04/2012	S
Mr Philip Siddall	Inniveagh, Breadalbane Street Tobermory Isle of Mull PA75 6PX	22/04/2012	S
Mr Ewan Kennedy	Kinloch Degnish Road Kilmelford PA34 4XD	22/04/2012	S
Mr David Sillar	Knock Cottage Lochgair Lochgilphead PA31 8RZ	21/04/2012	S
Mr Colin Mossman	Lagnakeil Lodges Lerags Oban PA34 4SE	21/04/2012	S
Dr Alan Drayson	Loakmill Steading Bankfoot Perth PH1 4EB	21/04/2012	S
Mr Colin Craig	Markland Kilkerran Road Campbeltown PA28 6JL	23/04/2012	S
Mr Peter Hutchison	Monkrigg Garden Cottage Haddington EH41 4LB	21/04/2012	S
Mr Hugh Kilpatrick	Monzievairst House Crieff PH7 4JX	22/04/2012	S
Mr Robert Kincaid	Mount Stuart Gallanach	29/03/2012	S

Mr Keith McMillan	Oban PA34 4QJ Mull Terrace Soroba Oban		
Mr. Robert Clement	PA34 4YB Number 10, Letterwalton Benderloch Oban	21/04/2012	S
Mr John Milloy	PA37 1SA Old Schoolhouse Logie Durno Pitcaple	19/04/2012	S
Mr Boyd Holmes	AB51 5EJ Old Vicarage Hayton Brampton	21/04/2012	S
Mr William Hogg	CA8 9HR Oriol House Leigherton Tetbury	21/04/2012	S
Mr Tony Hill	GL8 8UW Seafari Adventures (Oban) Easdale Oban	21/04/2012	S
Mr Ferguson Anderson	PA34 4RF Seaview Tayvallich Lochgilphead	26/04/2012	S
Mr Owen Maze	PA31 8PJ Sheigra 27 Aitken Street Airdrie	30/04/2012	S
Mr Tim Bleazard	ML6 6LT	21/04/2012	S
Mr Michael Rodgers	Sonas Dalmally PA33 1AE South Flobbets Croft St Katherines Inverurie	22/04/2012	S
Mr Ian D Gibson	AB51 8SS Strontoiller Schoolhouse Glen Lonan Oban	22/04/2012	S
Mr Eric Chapman	PA34 4QE Suilven 58 Nant Drive Oban	23/04/2012	S
Mr Robert Sweetman	PA34 4NL Taigh Mohr Kilmartin Lochgilphead	23/04/2012	S
Mr Roger Woodford	PA31 8RQ The Boathouse Crinan Harbour Lochgilphead	22/04/2012	S
Mr David Wheatley	PA31 8SW The Castle Isle of Whithorn Newton Stewart	21/04/2012	S
Captain Norman Martin	DG8 8LP The Longhouse Glenmore Oban	21/04/2012	S
Mr Neil Cameron	PA34 4PG The Moorings Camusnagaul, Treslaig Nr Fort William	24/04/2012	S
	PH33 7AJ	24/04/2012	S

Mrs Jeanne Carss	The Moorings Old Shore Road Connel PA37 1PT The Old Railway Station Duror Appin	19/04/2012	S
Mr Joey Gough Mrs Etonella Christlieb	PA38 4BW The Pier Melfort Pier & Harbour Killmelford PA344XD	25/04/2012	S
Mr Alistair Nicol	The Pines North Connel Oban	21/04/2012	S
Professor Toby Sherwin	PA37 1QX The Tarns 8 Badlacr Hill Dawlish EX7 9AY	21/04/2012	S
Prof. Colin Davidson	Tigh nan Eilean ARDFERN Lochgilphead	22/04/2012	S
Mr Nevin Blackwood	PA31 8QN Torren Aredconnel Hill Oban	13/04/2012	S
Mr Michael B Balmforth	PA34 5DY Westgate, Toward Westgate Dunoon PA23 7UA	26/04/2012	S
		21/04/2012	S