

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: 12/00886/PP
Planning Hierarchy: Local
Applicant: Pentland Development
Proposal: Erection of a dwellinghouse
Site Address: Land to South of An Struan (Plot 8S), Craobh Haven, Lochgilphead

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of a dwellinghouse.

(ii) Other specified operations

- Alteration of existing vehicular access;
 - Connection to existing private water supply;
 - Connection to existing private sewerage system.
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(B) RECOMMENDATION:

Recommend that planning permission be refused for the reasons appended to this report.

(C) CONSULTATIONS:

Scottish Natural Heritage (25.04.12) – No comments.

West of Scotland Archaeology (26.04.12) – No objections.

A&BC Public Protection (10.05.12) – No objections subject to conditions in relation to private water supplies and advice that SEPA be consulted in relation to foul drainage.

A&BC Roads (10.05.12 & 05.12.12) – No objections subject to conditions.

SEPA (07.06.12) – No comments subject to a note to the applicant.

Criagnish Community Council (14.06.12 and 14.12.12) – Advise that:

- i) the applicant is presently involved in a boundary dispute which CCC consider should be resolved in advance of any planning permission being granted.

Comment: It is to be noted that boundary disputes are a civil matter which require to be resolved between the affected parties or through the civil courts. The Planning System cannot be utilised to resolve such disputes and accordingly such matters are not afforded material weight in the determination of a planning application.

- ii) the Community Council understand that there are negotiations taking place with Holt Leisure about the overall development of Craobh Haven, with a view to reducing the numbers of houses proposed and seeking to deliver a more balanced settlement, including sites for affordable housing and some mixed uses. We would like all proposed development to be considered in light of these negotiations, and with reference to the recently adopted (Craignish) Community Plan, to ensure that the whole area develops in a considered rather than piecemeal way.
- iii) the Community Council have received representations from Mr Hampton (on behalf of Pentland Development, the applicant) about the excessive amount of OSPA in Craobh Haven. We think that he has a point, however rather than look at this site in isolation, this issue should be taken into account when the whole Craobh area is reviewed in the development of the next Local Development Plan.

A&BC Development Policy (14.08.12): Comments in relation to the local plan OSPA designation.

A&BC Horticultural Officer (23.10.12 & 29.11.12): Comments provided in relation to potential adverse impacts upon TPO designation from development and requirement for submission and approval of further details relating to protection of trees if planning permission were to be granted.

(D) HISTORY:

Whilst the application site lies within the boundary of the original outline planning permission relating to the development of Craobh Haven (593/82 granted in 1983) it is confirmed that there are no extant planning permissions, or other planning permissions granted within the current Local Plan period, relating to the site or surrounds which are relevant to the determination of the current application.

(E) PUBLICITY:

The application was advertised in the Argyllshire Advertiser on 4th May 2012 (expiry 25th May 2012).

(F) REPRESENTATIONS:

(i) Representations received from:

- Councillor Douglas Philand, Ward 3, has registered his support for the current application.

- Four submissions have been received from third parties raising objection to the proposal. Details of those making written submissions are listed within Appendix B to this report.
- Twenty-two submissions have been received from third parties expressing support for the proposal. It is noted that one additional e-mail representation in support of the proposal has been received from a George Seator, this has however been discounted on the basis that Mr Seator is identified as the Agent for the application in the submitted application forms, albeit that all discussions subsequent to validation have been directly between Officers and representatives of the applicant, Pentland Development. Details of those making written submissions are listed within Appendix B to this report.
- The applicant has submitted a petition comprising forty-two signatures collected between November 2011 and February 2012 which “support the building of one house on Plot 8s, Craobh Haven (Plot 88)”. It is however to be noted that the petition pre-dates submission of the current application in April 2012 and it would therefore be presumptuous to consider the petition as a direct expression of support for the detailed plans currently under consideration and representations made in advance of the submission of an application are not to be regarded as material considerations in determination of the details of this application. It would however be reasonable to assume that the signatories are supportive in principle of one dwelling being erected within the application site. It is further noted that eight of the signatories have subsequently made their own written representations to the Planning Authority expressing support for the current application.

(ii) Summary of issues raised:

By Elected Members:

- Cllr Philand advises that he would like to express his support for this application. Cllr Philand further advises that he was present at the April Craignish Community Council meeting where the issue was discussed and he is satisfied that the Community Council are in support of this development.

Comment: For the purpose of clarity it is noted that Craignish Community Council have not expressed support for the current application in their formal comments to the Council received 14th June and 14th December 2012.

At their 4th April meeting Craignish Community Council (CCC) discussed a matter brought forward by Mr Stanley Hampton on behalf of Pentland Development (the applicant) requesting that CCC make representations to Argyll and Bute Council requesting that the designation of Open Space Protection Areas at Craobh Haven be reviewed. The minutes of this meeting record that CCC considered it appropriate that this matter be the subject of review during the forthcoming Local Development Plan consultation, rather than in any piecemeal way.

It is further noted that the current planning application was not submitted to the Council until 16th April 2012; in this respect it is also recorded in the minutes of the CCC 4th April meeting that whilst the Chairman of CCC had visited the site and thought the site potentially suitable for development of one dwelling, the CCC would consider this matter in more detail if a planning application were to be lodged. Following submission of the formal planning application, CCC discussed the detail of

the current application at their meeting of 6th June 2012 and thereafter submitted formal comments to the Council for consideration in the determination of the current planning application, as summarised in section C above.

The status of these comments were later questioned by the applicant resulting in a request from Officers for CCC to clarify their position on this matter which was provided in December 2012.

Third Party Objections to the Proposal:

- Trees, including 3 large oaks, have already been taken down on this site which would mean that neighbouring property would be overlooked to a greater degree than previously possible. It is alleged that the removal of these trees has facilitated the current proposal.
- A Tree Preservation Order (TPO) was imposed upon the site following initial tree felling; it is requested that no further felling is permitted within this designation.
- Service connections to water and drainage extend across the TPO area, installation of such services has potential to cause damage to trees or their root systems.

Comment: Officers are aware that trees were felled on this site during a period where there was no TPO in place and consequently no offence occurred in relation to the protection of trees. The potential impacts of the proposed development upon the TPO designation are addressed in detail in the assessment below.

- It is stated that the TPO provides habitat for red squirrels, woodpeckers and deer and as such should be protected. It is suggested that approval of planning permission would be contrary to the provisions of both the Wildlife and Conservation Act 1981 and the Deer (Scotland) Act 1996.

Comment: It is noted that officers have sought further comment from SNH in relation to the potential impact of the proposed development upon the protected species (and their habitats) which have been identified in third party representation. To date, SNH have not provided comment and in this respect it is assumed that they have no objections to the proposal. In light of the anticipated recommendation of refusal in relation to other policy matters, Officers have not requested that the applicant undertake any study work (at additional expense) to confirm/dispel the concerns raised in relation to impact upon wildlife in the absence of confirmation from SNH.

- Concern is raised that the proposed dwelling includes large windows and a balcony which will directly overlook living apartments within the existing residential properties to the north.

Comment: The proposed dwellinghouse is located at a distance of some 50m separation from existing residential property with an intervening portion of higher land and vegetation which would interrupt/obscure views between properties. The Council's minimum standard set out in the Local Plan is to ensure a minimum separation of 18m between facing windows in the living apartments of residential properties.

- It is noted that the site forms part of a larger Open Space Protection Area

(OSPA) designation in the Local Plan with views expressed that it should remain as such and that development of this location would go against the ethos of policy LP REC 2.

Comment: The proposed development is indeed located within an Open Space Protection Area; a detailed consideration of the proposal against the provisions of policy LP REC 2 is contained in the assessment below.

- Alleges that the Directors of Pentland Developments Ltd, the applicant, have indicated that three further properties are likely to be built on the same hill.

Comment: It is noted that the current application requires to be assessed on its own merits, having regard to the provisions of the Development Plan and any other relevant material considerations. Whilst other relevant material considerations could reasonably include extant planning permissions and undetermined planning applications in the locality, the alleged future intentions of the applicant in relation to further development in the locality cannot be addressed with any such certainty and in any event, no binding precedent would be set by approval of the dwelling in question.

- It is suggested that the Planning Authority ought to consider whether the current corporate entity, Pentland Developments Ltd., is a vehicle to circumvent previous planning determinations.

Comment: The application requires to be considered on its own merits having regard to the relevant provisions of the Development Plan and potential impacts of the development. The identity of the applicant is not a relevant planning consideration.

- It is alleged that the applicant has submitted the current application without certainty that all land required for the development is within their ownership.

Comment: It is noted that boundary disputes are a civil matter which require to be resolved by the affected parties or through the civil courts. The Planning System cannot be utilised to resolve such disputes and accordingly such matters are not afforded material weight in the determination of a planning application.

Third Party Support for the Proposal:

- Endorse the current planning application for erection of a dwelling on Plot 88, Craobh Haven.

Comment: It is noted that seven of the supporting representations received by the Planning Authority simply express support for the proposal without any justification for this position being adopted.

- Suggest that the proposed development represents a small but very positive contribution to the community given the stagnation which has occurred in light of previous plans for development of Craobh failing to materialise. It is further contended that the village requires more housing, some affordable, some for families and, some for retirees.

Comment: No evidence has been presented in support of the application which demonstrates that the erection of a single, speculative dwellinghouse would provide any form of significant economic or other benefit to the settlement of Craobh Haven.

- Suggest that there is an over-provision of Open Space Protection Area (OSPA) designation at Craobh. In particular, it is considered that the OSPA designation is disproportionate to the population of Craobh and that the public amenity value of the designated land is very limited and is not directly comparable with other OSPA designations elsewhere in Argyll and Bute.
- Note the encouragement for revitalisation of Craobh following the upgrade of the access road and granting of planning approval for new development such as a dwelling beside the 'Lord of the Isles', site clearance works adjacent to the marina manager's house, erection of a dwellinghouse at 'Corrie Towers' and, on-going works for the conversion of a former shop to create a dwellinghouse.

Comment: For the purpose of clarity, it is to be noted that the proposed dwelling adjacent to the Lord of the Isles remains the subject of an as yet undetermined application for planning permission; site clearance adjacent to the marina manager's house relates to unauthorised works which have been the subject of a planning enforcement investigation (although a planning application has subsequently been submitted but remains invalid at present). Similarly, the development at Corrie Towers has also been the subject of planning enforcement investigation and an invalid planning application (12/02792/PP) for the erection of a domestic outbuilding and a 'cook school' (not a dwellinghouse) has been submitted by the land owner, this proposal awaits validation prior to a planning assessment being undertaken. It is further noted that planning permission has not been granted for change of use of the former shop within the village to a residential property; this matter is currently subject to an on-going planning enforcement investigation to establish whether or not a breach of planning control has occurred in respect of this property.

- Alleges that Officers have deliberately and unreasonably sought to delay the determination of this application to the cost and inconvenience of the applicant.

Comment: It is noted that the issues of concern relating to the consideration of the current planning application were identified during extensive pre-application discussions with the applicant during 2011. The application was submitted in April 2012 and would originally have been recommended for refusal during Summer 2012 had it not been afforded significant leeway by Officers having regard to the time period for determination in light of the somewhat fluid circumstances at Craobh; and in particular those relating to the provision of an adoption standard access road by Holt Leisure. In addition, the applicant has sought to pursue Freedom of Information requests in relation to the designation of Open Space Protection Areas by the Council. Officers have delayed determination of the application to allow the applicant reasonable opportunity to pursue these issues. In summary, any delay to determination of this matter has in fact been beneficial to the applicants as it has allowed resolution of matters entirely outwith their control, in addition to being afforded additional opportunity to set out their arguments for approval of planning permission.

- That previous proposals for the development of this site by the previous land owner, Kem Pugh, and prepared by Baird Lumsden were refused by the Council in both 2000 and 2003 based upon the TPO designation and lack of water/foul drainage provision. It is alleged that the Planning Authority were incorrect in their previous assessment of the pertinent matters which predated

the OSPA designation and it is argued that planning permission should previously have been granted for development at this and adjoining locations.

Comment: It is noted that there is no record of a formal planning application being submitted for the development of this site or adjoining land during the identified time period. Any pre-application advice which may have been issued by officers would be the informal view of the planning authority based upon the interpretation of policy and other material facts as they were known at that time. Such informal comment would not preclude the submission of a formal planning application, involving a fee, which if unsuccessful would also have a statutory right of appeal.

(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: | No |
| (iv) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: | Yes – Applicant has provided additional information in support of the application as summarised below. |

The applicant's initial submission dated 5th April 2012 was accompanied by supporting enclosures relating to:

- i) Water Supply
- ii) Sewerage
- iii) Tree Preservation Order
- iv) Open Space Protection Area
- v) Roads
- vi) Visual Impact and
- vii) the History of Plot 88.

This original submission has subsequently been augmented by provision of further submissions received 29th June 2012, 2nd July 2012, 3rd July 2012, 3rd September 2012, 13th September 2012, 31st October 2012, 12th November 2012 and 30th January 2013 – these additional submissions covering a range of matters including site sections, a tree survey, alternative OSPA provision, copies of Craignish Community Council meeting minutes from 4th April, 9th May and 6th June 2012, Feu Disposition details and a copy of a Standard Security document pertaining to the land in addition to various items of correspondence seeking to address concerns expressed by Officers.

The applicant's most recent correspondence submitted 30th January 2012 seeks to provide a summary of the key policy issues which they have been unable to satisfactorily resolve with Officers during the processing of the application to date. It

is understood that the applicant intends to copy their latest submission to Members of PPSL in advance of the matter being considered at the February meeting.

The key elements of the applicant's supporting submission, in particular the submission of 30th January 2012 are summarised briefly below; it is however noted that full copies of all of the applicant's submissions are publicly available on the planning file and may either be inspected via the Public Access section of the Council's website www.argyll-bute.gov.uk/planning-and-environment/planning-and-building-standards or alternatively may be viewed on request at the Area Planning Office.

- The applicants advise that they have engaged with Council Officers in pre-application discussion with a view to minimising the conflict between the proposed development of this location and the provisions of the adopted Local Plan.
- The applicants have submitted a tree survey and contend that the proposed development can be accommodated on site with no adverse impact on TPO trees or, therefore the key woodland elements that contribute to its identification as semi natural ancient woodland.

Comments: Officers' assessment of the impact of the proposed development upon the TPO/woodland having regard to the provisions of policy LP ENV 7 is set out in Appendix A, part D of this report.

- It is advised that the OSPA relating to Half Acre Hill is not a location which local people utilise for recreational purposes, and as such has limited amenity value and that consequently its designation as an OSPA is inappropriate.
- It is contended that the 'Argyll and Bute Local Plan' 2009 makes a gross over provision of OSPA designation in the locality of the application site.
- The applicant suggests the proposal could be rendered consistent with policy LP REC 2 by substitution of the designation to an alternative location and has made suggestion of appropriate sites.
- In the short-term the applicants suggest that the current application be approved whilst the current OSPA remains in place. In the longer-term, the applicant suggests that the OSPA which covers the whole of Plot 8s be removed in the forthcoming Local Development Plan.

Comments: Officers' assessment of the impact of the proposed development upon the OSPA having regard to the provisions of policy LP REC 2 is set out in Appendix A, part C of this report.

- The applicants state that they have engaged with Craignish Community Council and have their support for both the current application and removal of the OSPA.

Comments: For the purpose of clarity, it is noted that Craignish Community Council have not made any direct expression of support for the current application. In their comments of 14th June and 14th December 2012, CCC note their concerns in relation to a land ownership dispute and whilst they express general support for a review of the OSPA and delivery of development within Craobh Haven, they specify that this

should be undertaken in a strategic manner for the whole of the settlement with due regard to the Craignish Community Plan and via the medium of the Local Development Plan process. It is expressly set out that CCC wish “to ensure that the whole area develops in a considered rather than a piecemeal way”.

- The applicant has highlighted that outline planning permission (04/00057/DET) has previously been granted for development within three OSPAs (including the OSPA relating to the current application) at Craobh Haven in 2004 and again in 2009.
- The applicant notes that in considering the initial application in 2004 that the Council had regard to the proposed OSPA designations which emerged in the Consultation Draft of the ‘Argyll and Bute Local Plan’ May 2003. It is noted that the provisions of the associated draft policy RO 2 “*protects open spaces shown as safeguarded on the proposals map, other than where development compensates for any loss or where there are economic or social benefits outweighing any loss*”. The applicant highlights comments raising concern at the lack of open space provision in the initial submission whilst emphasising that outline planning permission was granted.

Comments: The applicant is correct in noting that the Council granted outline planning permission (ref. 04/00057/OUT) for 163 dwellings, 32 flats, 4 retail units, 1 café, improvement of the road access, installation of additional pontoons and a sewage treatment plant despite small portions of the site requiring development of land being located within proposed OSPAs as identified in the Consultation Draft of the ‘Argyll and Bute Local Plan’ published in May 2003. It is however noted that at the time of determination (Sept. 2004) these provisions could be afforded very little weight given that these proposals were only an early expression of the Council’s intentions, for the Argyll and Bute Local Plan and had at that time been the subject of only limited public consultation. The report of handling relating to this application identifies that the approved and adopted Local Plan at the time of determination remained the ‘Mid Argyll Local Plan’ 1983 (as amended) however due regard - albeit limited material weight - was afforded to the emerging ‘Argyll and Bute Local Plan’ at that time. In particular, the report notes that a larger scale proposal was required to deliver the essential infrastructure improvements necessary to allow development at Craobh Haven to progress and would mitigate for any loss of some proposed OSPA by provision of equipped play areas and communal ground to be maintained by the developers. These provisions were secured by both a S75 planning agreement and planning conditions. No reserved matters approvals were ever sought by the developer and despite the outline permission being subject to a non-material variation to its layout (reduction in the number of dwellings within the OSPA – ref. 08/01526/NMA, granted 29th August 2008) and renewal (08/01239/OUT – granted 1st October 2008) this grant of consent expired unimplemented on 30th September 2011.

For the avoidance of doubt, it is noted that the adoption of the ‘Argyll and Bute Local Plan’ post-dates these previous grants of outline planning permission and the previous grant of consent should not be viewed as a precedent having regard either to the application/interpretation of Policy LP REC 2, or of the acceptability of built development within the OSPA affected by the current planning application.

(H) PLANNING OBLIGATIONS

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 considerations taken into account in assessment of the application.**

'Argyll and Bute Structure Plan' 2002

STRAT DC 1 – Development within the Settlements

STRAT DC 7 – Nature Conservation and Development Control

STRAT DC 8 – Landscape and Development Control

'Argyll and Bute Local Plan' 2009

LP ENV 1 – Impact on the General Environment

LP ENV 2 – Impact on Biodiversity

LP ENV 6 – Impact on Habitats and Species

LP ENV 7 – Impact on Tree/Woodland

LP ENV 10 – Impact on Areas of Panoramic Quality (APQs)

LP ENV 19 – Development Setting, Layout and Design

LP HOU 1 – General Housing Development

LP SERV 1 – Private Sewage Treatment Plants and Wastewater Systems

LP SERV 2 – Incorporation of Natural Features/Sustainable Drainage Systems

LP SERV 4 – Water Supply

LP TRAN 4 – New and Existing Public Roads and Private Access Regimes

LP TRAN 6 – Vehicle Parking Provision

LP REC 2 – Safeguarding of Recreational Land and Important Open Spaces

Appendix A – Sustainable Siting and Design Principles

Appendix C – Access and Parking Standards

Appendix E – 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.**

- A&BC Sustainable Design Guidance
- UK Biodiversity Action Plan
- A&BC Local Biodiversity Action Plan
- Third Party Representations;

- Craignish Community Plan 2011
- A&BC Proposed Local Development Plan – February 2013

It should be noted that the proposed Local Development Plan was published for public consultation on 4th February 2013. Whilst this document is relevant in so much as it is the most recent expression of the Council's policy proposals, it can be afforded anything other than very little material weighting at this early stage in the Local Development Plan process.

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

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

(M) Has a sustainability check list been submitted: No

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

(O) Requirement for a hearing (PAN41 or other): No. Despite the level of representation received, the determining issue in this case is one of the primacy of local plan policy, and prematurity in the consideration of any potential deviation from that in the light of the impending consideration of the future of the wider area as part of the Local Development Plan process. The policy position is one of record and there would be no added value afforded by convening a local hearing.

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

The proposal seeks planning permission for the erection of one dwellinghouse.

Twenty-seven third party representations have been received; four raising objection to the proposal, twenty-two offering support and one from an interested party (the Agent for the application). In addition, Cllr Philand (Ward 3) has also indicated his support.

The application site is located within the 'settlement area' of Craobh Haven, as defined by the 'Argyll and Bute Local Plan' 2009, wherein the provisions of policies LP STRAT DC 1 and LP HOU 1 set out an initial presumption in favour of up to and including 'medium' scale residential development on appropriate sites and subject to compliance with all other relevant provisions of the Development Plan.

However, the site is also located within a larger Open Space Protection Area, as defined by the Argyll and Bute Local Plan 2009, and is contrary to the provisions of policy LP REC 2 which sets out a general presumption against the development with specified exceptions.

The site also lies within a Tree Preservation Order and an Ancient Semi-Natural Woodland which have in previous decisions of the Council been noted to be a key

environmental feature of the Knapdale / Melfort Area of Panoramic Quality and of biodiversity value. The proposed development is considered likely to have long-term adverse implications for the viability and integrity of the existing woodland, its biodiversity value, and the landscape character of the APQ.

The applicant has advanced arguments, in light of wider community support for the review of the OSPA designations at Craobh Haven, that planning permission should be granted for the current application on the presumption that the OSPA designation should be removed or amended during the Local Development Plan process. However, such an approach would not only be prejudicial to the current Local Development Plan process, but would also be contrary to the wishes expressed by the Craignish Community Council for a strategic review of development and other designations at Craobh Haven as part of that plan.

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

(R) Reasoned justification for a departure to the provisions of the Development Plan N/a

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

Author of Report: Peter Bain **Date:** 6th February 2013

Reviewing Officer: Richard Kerr **Date:** 7th February 2013

Angus Gilmour
Head of Planning & Regulatory Services

REASONS FOR REFUSAL RELATIVE TO APPLICATION REF. NO. 12/00886/PP

1. The proposal would result in the loss of some 0.14ha of designated Open Space Protection Area (OSPA) to built development. In this instance the OSPA is neither readily accessible nor useable for recreational purposes by the public but is a significant passive amenity resource which is valued as an undeveloped green, woodland space which contributes significantly to landscape character, setting of the built environment and biodiversity, and as such is a resource which cannot readily be replaced or relocated. The proposal is therefore contrary to the provisions of policy LP REC 2 of the adopted 'Argyll and Bute Local Plan' 2009 which set out a presumption against the development of Open Space Protection Areas as designated in the Local Plan proposals maps.
2. The development of the application site is considered likely to give rise to adverse effects upon the long-term viability of the existing woodland within which it is located as a consequence of the exposure of the existing woodland edge to construction activities and the anticipated pressure for further tree felling to provide for the residential amenity and safety of the proposed dwelling, which, notwithstanding the loss of recently wooded land to built development, would compromise the available seed bank and land suitable for natural regeneration of an ancient semi-natural woodland. Any further tree loss arising from the development of this location would not only erode a key landscape feature which makes a significant contribution to the Knapdale / Melfort Area of Panoramic Quality, but would also have an adverse impact upon the integrity of of TPO 2/11 and biodiversity value of the wider area of Ancient Semi-Natural Woodland. The proposal is contrary to the provisions of policies STRAT DC 7 and STRAT DC 8 of the 'Argyll and Bute Structure Plan' 2002 and LP ENV 2, LP ENV 6, LP ENV 7 and LP ENV 10 of the adopted 'Argyll and Bute Local Plan' 2009.
3. The proposed 'Argyll and Bute Local Development Plan' published for public consultation on 4th February 2013 includes for the retention of an Open Space Protection Area which encompasses the development site and a proposed policy which presumes against development of this land; in this respect any determination at the current time which undermined these proposals would be prejudicial to the Local Development Plan process.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 12/00886/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The application site is located within the 'settlement area' of Craobh Haven, as defined by the 'Argyll and Bute Local Plan' 2009, wherein the provisions of policies LP STRAT DC 1 and LP HOU 1 set out an initial presumption in favour of up to and including 'medium' scale residential development on appropriate sites and subject to compliance with all other relevant provisions of the Development Plan.

However, the site is also located within a larger Open Space Protection Area, as defined by the 'Argyll and Bute Local Plan' 2009, wherein the provisions of policy LP REC 2 sets out a general presumption against the development with specified exceptions, none of which apply in this case.

B. Location, Nature and Design of Proposed Development

The application relates to some 0.14ha of woodland edge located to the south of the existing built limits of Craobh Haven. The application site occupies a south facing slope which forms the south-western edge of a pocket of mature woodland which is bounded to the south and east by the road between Craobh Haven and Lunga, and to the north and west by existing development. The northern boundary of the application site itself is demarcated by ridgeline running SW-NE which separates the site from the adjoining north facing slope of the woodland, which overlooks a grouping of four existing dwellinghouses (Caber-ri-Creig, An Struan, Tigh na Sgurr and Craobh House). The eastern and southern boundaries of the site are defined by the afore-mentioned road with a continuation of the woodland area beyond. The western boundary of the site is defined by denser woodland cover. Presently the application site is relatively open having latterly been cleared of mature tree cover. Tree cover has been further reduced since the initial site inspection by officers at which time the southern and eastern boundary of the site was separated from the adjacent road by a thin band of birch and alder whips that have been affected by vegetation clearance in relation to recent road improvement works.

The proposed dwellinghouse is essentially a modest single storey design (ridge height 7m) with living accommodation within the attic void. The proposed dwelling is of a relatively traditional design emphasis, with traditional gable ends, an external footprint of approximately 80sqm, and a combined internal floor area of some 120sqm (comprising of two bedrooms, 2 living apartments, kitchen and a bathroom). The submitted plans detail that the roof covering shall be of natural slate, although no detail has been provided within the submission in relation to the proposed external wall finishes or window/door openings – if planning permission were to be granted then it would have been necessary to seek approval of such outstanding detail by means of planning conditions.

The building has been orientated with the ridge running SW-NE on the plot, with primary window/door openings contained in the gables and velux rooflights and bathroom windows in the elevations looking NW/SE. There is an intervening strip of higher land to the north of the proposed building that will partially obscure the development from view of existing residential property to the north and whilst windows in the upper floor of the building will have an outlook to the north, it is confirmed that these are separated by some 50m from existing residential property

and as such would not give rise to an unacceptable loss of residential privacy, having regard to the minimum standard set out in Appendix A of the Local Plan.

C. Impact on Open Space Protection Area

The application site is located within an Open Space Protection Area (OSPA) which covers some 0.85ha and extends from the application site west across what is locally known as Half Acre Hill. There are further OSPA designations to the south-west and immediately east. There is some variation on character and land cover across the OSPA, the majority of the designation pertaining to relatively inaccessible rocky escarpments of Half Acre Hill with over-arching Semi Natural Ancient Woodland cover, although the designation also incorporates portions of residential curtilage associated with existing dwellings which are located below the mid slope of Half Acre Hill.

The application site lies on the edge of the OSPA designation, exhibits less dramatic changes in topography, and is consequently more readily accessible from the adjoining service road. At present, there is limited vegetation/tree cover at the application site following tree felling in 2011, which now gives this peripheral portion of the OSPA a more open character which is atypical of the wider OSPA designation. It is noted, however, that the undeveloped nature of the site and naturally regenerating scrub woodland it contains provides an undeveloped buffer between the main body of the woodland area and the service road and in the absence of development offers potential for future natural woodland regeneration.

The provisions of policy LP REC 2 set out a presumption against the development or redevelopment of formally established playing fields or sports pitches or those recreational areas shown to be safeguarded in the Local Plan proposals maps. Part (B) (ii) sets out the exception to this rule and would be supportive of development where there would be no loss of amenity and alternative provision of equal community benefit and accessibility would be made available, and there is a clear long term excess of pitches, playing fields and public open space in the wider area, taking into account long term strategy and recreational and amenity value.

The particular area at Craobh Haven is safeguarded for its amenity value within this Area of Panoramic Quality and also its biodiversity as it contains Ancient Semi Natural Woodland (rather than for recreation/sporting purposes). The Reporters at the Public Local Inquiry on the 'Argyll and Bute Local Plan' stated in conclusion that:

'The landscape is both hilly and well wooded in the area of the objection site, and we agree with the council that it would be difficult to fit even a low density development into the area without causing considerable damage to trees and landscape, to an extent that it would alter the existing character irrevocably, and to its detriment. We therefore consider that there would be little purpose in adjusting any part of, or removing the designated Open Space Protection Area.'

This confirmed and supported the Council's reasoning for designation of this area as an intended Open Space Protection Area as part of the plan-making process.

During the processing of the application, the applicants have advanced the proposition of opportunity to 'trade' the OSPA, relating not only to the current application site but also their wider landholding, for protection of a choice of alternative sites located elsewhere in the locality. It is their contention that designation of alternative land as an OSPA would satisfy the terms of local plan policy LP REC 2 (B) (ii). Specifically the applicants have identified two potential sites

for designation as an OSPA in lieu of the land within their ownership. Both identified sites are located within the 'countryside around settlement' zone which presumes against development and as such are not under any immediate pressure. Furthermore, whilst the identified sites are of potentially of some amenity/historic environment/biodiversity value, the applicant has not put forward any detailed proposals for their positive enhancement and/or management, nor detailed why the benefits which would be accrued from such actions would outweigh the loss to amenity, landscape setting and biodiversity which would arise from the loss of land to development at the existing OSPA at Half Acre Hill.

The proposal would result in the loss of some 0.14ha of designated Open Space Protection Area to built development. In this instance the OSPA is neither readily accessible nor useable for recreational purposes by the public but is a significant passive amenity resource which is valued as an undeveloped green, woodland space which contributes to landscape character, setting of the built environment and biodiversity and as such is a resource which cannot readily be replaced or relocated. The proposal is therefore contrary to the provisions of LP REC 2.

D. Impact on Woodland/Biodiversity

The site is located within Tree Preservation Order (TPO 02/11) which forms part of a wider designation with adjoining TPO's (03/11 and 12/10) which was originally intended by the former District Council in 1984 (TPO 02/84) to protect the woodland as an important feature within the landscape and to establish the setting for the planned development of Craobh Haven, following the initial grant of outline planning permission for the new settlement in 1983.

However, in the event, the former District Council failed to confirm the provisional TPO served in 1984 and it consequently lapsed 6 months later, although this has only come to light in recent years. Contrary to the suggestion in the applicant's supporting documentation, it was the intention of the District Council that TPO 2/84 should be a permanent designation, but there was failure to see this through to a conclusion as a result of a procedural error.

Having been made appraised of the procedural failings of TPO 2/84 Members of the MAKI Area Committee endorsed proposals on 8th October 2008 to re-establish the TPO following re-assessment of the woodland. The report, approved by Members in 2008, states that:

"The primary issue in this case, is the value of the woodland as a feature within the landscape, and one which establishes the setting of Craobh Haven. Any loss of trees would have adverse consequences for amenity within what is a very scenic coastal landscape. The woodland is also worthy of protection as a natural resource".

Designation of the TPO has subsequently been undertaken and confirmed in three parts; the application site and other land in the same ownership (Plot 8S) (TPO 02/11) was served 4th May 2011 in response to felling which was being undertaken by the land owner at the time - presumably with a view to clearing the site for the current development proposal in the knowledge that the Council intended to re-serve a TPO. The remainder of the TPO was subsequently approved by two further Orders (TPO 03/11 and TPO 12/10) served 20th January 2012 and 25th January 2012 respectively. In addition, TPO 1/05 was served in March 2005 in the locality in relation to the approval of planning permission ref. 04/01956/DET located further to the north west of the current application site on the opposite side of Half Acre Hill.

The site also lies within a wider area listed on the Ancient Semi-Natural Woodland Inventory and is recognised as upland oakwood which is one of the key habitats in the 'Argyll and Bute Local Biodiveristy Action Plan'.

Scottish Planning Policy identifies that: *"ancient and semi-natural woodland is an important and irreplaceable resource that should be protected and enhanced. The Scottish Forestry Strategy identifies the protection of woodlands of high biodiversity value as an important consideration in the development management process. Woodland of high nature conservation value should be identified in development plans along with relevant policies for its protection and enhancement"*.

The provisions of policy LP ENV 7 set out that the Council will protect trees and areas of woodland by making Tree Preservation Orders (TPOs) where this appears necessary in the interests of amenity. This policy further sets out that the Council will resist development which is likely to have an adverse impact on trees. Furthermore where development is approved, provision is to be made for the preservation of and appropriate planting of new/woodland trees, including compensatory planting and management agreements.

The provisions of policies LP ENV 2 and LP ENV 6 seek to provide protection to species and habitats which are listed in UK and Local Biodiveristy Action Plans.

The applicant has submitted a tree survey of the site and adjoining land undertaken by a suitably qualified person in order to allow an assessment of the potential impact of the proposed development upon the woodland area within which it is situated. The submission identifies that the woodland relating to the plot is typical of the area with a strong mix of natives such as Sessile Oak (*Quercus petraea*), Common Oak (*Quercus robur*), Silver Birch (*Betula pendula*) and Hazel (*Corylus avellana*). The proposal does not identify any requirement for felling of mature trees which would be afforded protection by the TPO. The submission also acknowledges that some native scrub trees will be removed during development works, although this is not predicted to have any dramatic effects on the overall health of the woodland, nor is it expected to have any effect on the trees which form a screen on the eastern roadside of the plot. The submitted tree survey identifies that a semi-mature Common Oak which overhangs the south-western boundary of the site adjacent to the intended car parking provision is showing signs of crown die back. Whilst this requires some maintenance it is advised that the tree should be capable of being retained and should not be adversely affected site excavation works associated with the proposed development.

The Council's Horticultural Officer has not raised objection to the content of the submitted Tree Survey, but has advised that in the event of the development being permitted that it would be prudent to seek specific recommendations and detail for protection of root zones during construction works in addition to specific details on proposals for any intended replanting required to enhance the site and surrounds after building. These aspects could reasonably be secured by appropriate planning conditions in the event of a consent being granted.

It is however noted that the Council's Horticultural Officer has also advised that whilst the proposed development may have limited implications for the remaining tree cover on the site, this does not negate the fact that the loss of this land to development could have adverse implications for the adjoining protected woodland area in the longer term. In this respect it is highlighted that the site is typical of understorey in the locale, that tree cover at this location contributes significantly to the overall landscape setting, and that the tree species, condition and cover contribute to the appearance of

the site. Whilst many individual specimens in the TPO are not in good condition, it is advised that value of the woodland is in the sum of its parts, and their contribution to amenity and setting locally, rather than any individual specimens of note. In particular, concern is raised that piecemeal development of the woodland fringes will not only reduce tree cover but would result in a reduction of the seed bank and land suitable for regeneration as ancient semi-natural woodland, as would be supported by the provisions of both the UK and ABC Biodiversity Action Plans.

Whilst the proposed development is not anticipated to require any significant felling which would immediately affect the existing landscape qualities of TPO 02/11, or the area of semi-natural ancient woodland, it is considered that the loss of formerly wooded land on the periphery of this woodland area does give rise to a likelihood that the loss of such land to development has potential to give rise to longer-term impacts as detailed above, in addition to the potential pressure for further felling to provide for the safety and residential amenity of a dwelling at this location. In this respect the proposal is considered to be contrary to the provisions of STRAT DC 7, LP ENV 2, LP ENV 6 and LP ENV 7.

Third party objectors to the proposal have raised concern that the proposed development may potentially give rise to adverse impacts upon red squirrels, woodpeckers and deer. It is noted that officers have sought further comment from SNH in relation to the potential impact of the proposed development upon the protected species (and their habitats) which have been identified in those third party representations. To date, SNH have declined to provide further comment and in this respect it is assumed that they have no objections to the proposal. In light of the anticipated recommendation of refusal in relation to other policy matters, Officers have not requested that the applicant undertake any study work (at additional expense) to confirm/dispel the concerns raised in relation to impact upon wildlife in the absence of confirmation of any known issues at this location from SNH. It is, however, noted that Red Squirrels are protected under the Wildlife and Countryside Act 1981 which make it an offence to intentionally kill or injure them or to damage, destroy or obstruct access to its nesting place – there would be potential implications for the Council in the event that it were to approve planning permission which gave rise to such effects and as such it is noted that, in the event of Members being minded to support the proposal, it would first be necessary to establish whether or not the development would impact upon a red squirrel population. The provisions of policy LP ENV 2 would allow for the Council to require the applicants to undertake such further studies as necessary at their own cost.

E. Landscape Character

The application site is located within the Knapdale / Melfort Area of Panoramic Quality wherein the provisions of policies STRAT DC 8 and LP ENV 10 would seek to resist development which would have a significant adverse impact upon landscape character.

Within the context of the wider landscape setting, Half Acre Hill forms part of the wooded skyline and backdrop to the existing built development at Craobh Haven when viewed from the marina and surrounds. In this respect it is noted that whilst Craobh Haven remains under-developed relative to its local plan designations, the provisions of the adopted Local Plan allocations H-AL 12/10, 12/11 and 12/12 promote a relatively high density development to form the core of the Craobh Haven settlement focussed around the existing village centre and adjacent marina. The 'settlement area' defined within the adopted Local Plan extends southward of the settlement core encompassing Half Acre Hill and flatter land to the south, which

offers some potential for lower density development. The 'settlement area' is punctuated by Open Space Protection Area and Tree Preservation Orders which seek to protect areas which have amenity value in remaining undeveloped. Having regard to the landscape context of the settlement it is noted that the wooded backdrop of Half Acre Hill is a key environmental feature providing visual containment, backdrop and a woodland setting to land which is allocated for higher density development, and indeed, the existing lower density housing development which sits beyond this on the north facing mid slope.

Views of the application site from the north are limited by topography, existing buildings and land cover. The sectional details submitted in support of the application indicate that the proposed dwellinghouse would be cut into the existing slope of the site with a finished floor level of 24.0m AOD. This would place the dwelling approximately 1m above the level of the immediately adjoining road to the south, although it is noted that this would reduce to the west and increase to the east given the change in gradient of the road as it runs past the site. Similarly the sectional details indicate that the ridgeline to the north of the dwelling at 28.0m AOD (although this also increases in height to the west and decreases to the east) suggesting that the upper walls and roof structure would be partially visible in any views of the proposed development from the north, sitting slightly above and behind an existing group of four dwellings which sit on the mid slope of Half Acre Hill. However, the proposed dwelling would remain back-dropped by higher land further to the south, be partially screened by existing trees on the adjacent north facing slope of Half Acre Hill, and the crucial element of separation between buildings which is a characteristic of the adjacent, existing low density development would be preserved. As such the proposed building would not be viewed as either prominent or incongruous in these key views of Craobh Haven and its landscape setting.

The site can also be viewed from the east from a higher section of approach road from the A816 where the proposed building would be viewed in an elevated location to the south of the existing grouping of buildings which lie to the north of the application site. It is noted however that views from this location would be severely limited by vegetation whilst the trees are in leaf and much more evident during the winter months.

In other respects, the application site is visually well contained and the proposed dwellinghouse would only be open to full view from closer quarters as the service road passes by the southern boundary of the application site. Whilst the proposed dwelling would be located close to and readily visible from this road, the erection of a single, modest dwelling of relatively traditional design at this location within proximity of existing residential property, adjacent to the road, and within a back-dropped woodland setting, would not, in itself, be out of character with low density settlement pattern in the immediate landscape setting.

On assessment, Officers would suggest that the proposed site levels are perhaps slightly optimistic and, without undertaking further survey work to verify their accuracy, it is considered likely that the proposed dwelling would require additional excavation to the existing slope than that shown on the submitted site section. It is also unclear from the submitted plans whether the dwellinghouse could successfully be accommodated on site whilst retaining the narrow strip of roadside mixed native scrub, although that is the stated intention of the applicants. Whilst the accuracy of the submitted details are open to debate, it is considered that they provide sufficient information to allow assessment of the position, visibility and relationship of the proposed development to existing buildings within the wider landscape setting.

The woodland on Half Acre Hill has previously been identified by the Council as a key landscape feature which requires to be preserved to provide landscape setting and backdrop to the planned settlement expansion, and this, along with other factors, is reflected in its designation of a TPO and an Open Space Protection Area. The Council has previously expressed in the designation of the TPO that any loss of trees would have adverse consequences for amenity in what is a very scenic coastal landscape. Whilst the current submission stresses that additional tree felling is not required to accommodate the proposed dwellinghouse, it would be appropriate to recognise that the loss of this land to development undermines the viability of the existing woodland edge, by exposing it to construction activities and preventing the opportunity for regeneration of the ancient-semi natural woodland habitat. Furthermore it is likely that the practicalities of residential use of the site may also bring further pressure for additional tree felling to provide for managed residential curtilage, light and, protection of property. It is therefore considered that the proposed development has potential to give rise to impacts in the longer-term which would be likely to further erode the integrity of the woodland as a key environmental feature, to the significant detriment of the Area of Panoramic Quality within which it is located. The proposal is therefore contrary to the provisions of STRAT DC 8 and LP ENV 10.

F. Road Network, Parking and Associated Transport Matters.

Access to the site would be by connection to the private recently improved and prospectively adoptable road which runs past the site and connects to the A816. Parking and turning for two vehicles would be provided on site. The Council's Roads Officer has not raised objection to the proposal, subject to conditions in relation to the formation and layout of the proposed access, visibility splays, provision of parking and a refuse collection point. The proposal is considered to be acceptable in terms of access and parking having regard to the provisions of policies LP TRAN 4 and LP TRAN 6.

G. Infrastructure

Water shall be by connection to an existing private supply; foul drainage shall be by connection to an existing private sewerage system – neither SEPA or the Council's Environmental Health Officers have raised objection to the proposal, but it has been advised that conditions be attached requiring the adequacy of these existing services to be demonstrated prior to development commencing. The proposal is considered consistent with the provisions of LP SERV 1 and LP SERV 4. The proposal does not include a scheme of surface water drainage but could similarly be rendered complaint with LP SERV 2 by application of planning condition if planning permission were to be granted.

H. Other Key Policy Matters

The applicant, a significant body of the third party representations, and the Craignish Community Council have all expressed their frustration at the long term failure to realise the development potential of Craobh Haven, and have expressed their desire for a review of the Council's settlement strategy for the village with some contention that any such review should be extended to consider whether the existing OSPA designations remain appropriate.

Members will be aware that the existing allocations, settlement zones and OSPAs have been designated by the Council and subject to extensive public consultation through the Local Plan process, and as such it is not possible within the confines of the determination of the current application to undertake the scope of review which is

being requested by the community. The applicant has, however, been advised by Officers to pursue this matter through the emerging 'Argyll and Bute Local Development Plan' but has instead sought to force the issue, in our view prematurely, by pursuing the current planning application.

Whilst the applicant has put forward the argument that consent should be granted for development of this site in advance of a review of the OSPAs, Members are advised that the suggested course of action would be not only be prejudicial to the Local Development Plan process but would also be contrary to the recommendations of the Craignish Community Council who, whilst endorsing a review of OSPAs and other designations at Craobh Haven, stress that *"this issue should be taken into account when the whole Craobh area is reviewed in the development of the next Local Development Plan"*. The local plan which is in force at the moment is an up to date plan and therefore there is expectation that it should continue to be given primacy in decision-making, until such time as it becomes superseded by the emergent Local Development Plan. It does not therefore share the limitations of past local plans which could prove to be significantly outdated in view of their age, and be justifiably afforded less weight as a consequence. The lack of an up to date policy position would amount to a material consideration in decision-making, but where the plan remains relevant and up to date, as is the case here, then in accordance with Sections 25 and 37 of the 1997 Planning Act, it should continue to be afforded primacy in decision-making.

In terms of timescale it is noted that the proposed 'Argyll and Bute Local Development Plan' was published for a three month period of consultation on 4th February 2013 and affords the applicant, and any other interested parties, the opportunity to make representations to its proposed policies/designations. For information, it is noted that the published proposals map for Craobh Haven largely retains the existing 'settlement area' and OSPAs and proposes Potential Development Areas (PDAs) to replace the existing Housing Allocations. The entirety of the proposed Craobh Haven settlement area, PDAs and OSPA designations are encompassed within a proposed Masterplan Area M1/7. The provisions of proposed Supplementary Guidance SG REC/COM 1 would maintain the presumption against development of OSPA designations in a similar manner to the current provisions of policy LP REC 2 of the adopted 'Argyll and Bute Local Plan' 2009.

As part of the LDP process it is intended that a Masterplan will be prepared for Craobh Haven jointly between the Council and various parties with landholdings in the area. Work has already commenced on how the PDA at Lunga might be developed, and the marina owners are exploring how the housing allocations on their land (to become PDA's in the new plan) can be taken forward in the current climate. How these proposals develop may well have a bearing upon how the OSPA's at Craobh are dealt with. It is anticipated that the masterplanning exercise will commence towards the end of this summer.

Case law indicates that draft plans not yet adopted may carry material weight, which will increase as the plan progresses through successive stages towards adoption. Prematurity in respect of provisions yet to be formally adopted can be a legitimate reason for refusal. This argument is generally competent where a development decision is likely to predetermine decisions which are more appropriately taken in the development plan context. However, given the 5 year plan-making cycle now required by the government, there is less justification for dismissing current policy in expectation of future policy-making, given the fact that plans are now to be kept more up to date. Approval of the current application at this time would be presumptuous of an intention to seek to secure removal or amendment of the existing OSPA

designation, and as such, would be prejudicial to the Local Development Plan process.

APPENDIX B

Third Party Representation Raising Objection to the Application:

- Mr James Litster, Half Acre Hill, Craobh Haven (24.05.12)
- Alison MacColl & Donald Phillips, Caber-ri-Creig, Craobh Haven (24.05.12 & 10.08.12)
- Alexander C Morrison, An Struan, Craobh Haven (and Drum House, Kinross, KY13 0UN) (received 11.05.12 & 14.05.12)
- Duncan Phillips, Tigh na Sgurr, Craobh Haven (24.05.12)

Elected Member Representation in Support of the Application:

- Cllr Douglas Philand, Ward 3. (by e-mail) (received 25.12.12)

Third Party Representation in Support of the Application:

- A. Armstrong, 9 Hillview Terrace, Ardrishaig (13.12.12)
- Angus Bevan, Garden Cottage, Craignish (by e-mail) (21.12.12)
- Mrs P R Brooker, Catluch, Lunga Estate, Craobh Haven (14.12.12)
- Helen Buchanan (by e-mail) (17.12.12)
- D. Clark, 35 Lorne Rd, Dunbeg, Oban (18.12.12)
- Mr Jonathon Coggans (by e-mail) (13.12.12)
- Amanda Hampton, Bluebell Cottage, Ardfern (by e-mail) (17.12.12)
- Roger J. Hipkiss (by e-mail) (17.12.12)
- John Holmes, Barbreck Building Services Ltd. (by e-mail) (14.12.12)
- Edward J Livingston (by e-mail) (14.12.12)
- Annie Loughton, Ardfield, Kilduskland Road, Ardrishaig (14.12.12)
- A. McDowall, 30 The Green, Craobh Haven (18.12.12)
- Mr Robert Mackilligan, Corranbeg House, Ardfern (14.12.12)
- M S MacMillan, The Lair, Lunga Estate, Craobh Haven (17.12.12)
- Clare McNiven, The Anchorag, Ardfern (by e-mail) (14.12.12)
- Mark Potter-Irwin, Camus Arsa, Lunga, Craobh Haven (17.12.12)
- Ken Pugh (by e-mail) (17.12.12)
- Duncan Robertson, Moine Ruadh, Ardfern (by e-mail)(17.12.12)
- Katarina Robertson, Moine Ruadh, Ardfern (by e-mail)(17.12.12)
- Falcon Scott, Loch Shuna Lodges, Eilean Buidhe, Craobh Haven (17.12.12)
- George Seator (by e-mail) (17.12.12) (Note: Mr Seator is identified as the Agent for the application and consequently should not be counted as third party representation).
- Mr John Ward, West Barravullin, Barbreck, Ardfern (14.12.12)
- Andy Weston, Craobh Haven Watersport, Buidhe Island, Craobh Haven (17.12.12)