

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Customer Services
Executive Director: Douglas Hendry



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15 May 2013

NOTICE OF MEETING

A meeting of the **PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE** will be held in the **COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD** on **WEDNESDAY, 22 MAY 2013 at 11:15 AM**, or at the conclusion of the Planning, Protective Services and Licensing Committee at 10.40 am, whichever is the later, which you are requested to attend.

Douglas Hendry
Executive Director - Customer Services

BUSINESS

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST (IF ANY)

3. MINUTES

- (a) Planning, Protective Services and Licensing Committee 16 April 2013 (Pages 1 - 14)
- (b) Planning, Protective Services and Licensing Committee 17 April 2013 (10.00 am) (Pages 15 - 18)
- (c) Planning, Protective Services and Licensing Committee 17 April 2013 (10.20 am) (Pages 19 - 20)
- (d) Planning, Protective Services and Licensing Committee 17 April 2013 (11.00 am) (Pages 21 - 26)
- (e) Planning, Protective Services and Licensing Committee 17 April 2013 (2.00 pm) (Pages 27 - 28)
- (f) Planning, Protective Services and Licensing Committee 24 April 2013 (Pages 29 - 46)

4. **ARGYLL & BUTE SUSTAINABLE DESIGN AWARDS 2012**
Report by Executive Director – Development and Infrastructure Services (Pages 47 - 58)
5. **PROTECTION OF CHILDREN AT WORK EMPLOYMENT OF CHILDREN BYELAWS**
Report by Executive Director – Customer Services (Pages 59 - 60)
6. **CIVIC GOVERNMENT (SCOTLAND) ACT 1982: PUBLIC ENTERTAINMENT LICENCES - FEES FOR CHARITABLE & VOLUNTARY ORGANISATIONS**
Report by Executive Director – Customer Services (Pages 61 - 72)
7. **FOOD SAFETY LAW ENFORCEMENT WORKPLAN AND ENFORCEMENT POLICY**
Report by Head of Planning and Regulatory Services (Pages 73 - 112)
8. **OCCUPATIONAL HEALTH & SAFETY LAW ENFORCEMENT PLAN 2013/2014**
Report by Head of Planning and Regulatory Services (Pages 113 - 138)
9. **PROTECTING CONSUMERS: IMPROVING MEMBER AWARENESS OF THE WORK OF REGULATORY SERVICES**
Report by Head of Planning and Regulatory Services (Pages 139 - 142)
10. **HELENA JANE CRAGGS-FLYER: CHANGE OF USE FROM HAIRDRESSER (CLASS 1) TO TEAROOM (CLASS 3): TRINITY'S HAIR SALON, THE CLACHAN, ROSNEATH (REF: 09/00939/PP)**
Report by Head of Planning and Regulatory Services (Pages 143 - 154)
11. **MR ADRIAN TEAR: ERECTION OF THREE WIND TURBINES (74 METRES TO BLADE TIP) AND TURBINE CONTROL BUILDING, FORMATION OF ACCESS ROAD AND HARDSTANDING AREAS: ASCOG FARM, ISLE OF BUTE (REF: 12/02202/PP)**
Report by Head of Planning and Regulatory Services (Pages 155 - 226)
12. **INTELLIGENT LAND INVESTMENTS LTD: ERECTION OF WIND TURBINE (225KW, 45.9 HEIGHT TO TIP) WITH TEMPORARY ACCESS TRACK AND SUBSTATION: HIGH UGADALE, CAMPBELTOWN (REF: 12/02281/PP)**
Report by Head of Planning and Regulatory Services (Pages 227 - 244)
13. **THE GENERAL TRUSTEES OF THE CHURCH OF SCOTLAND: ERECTION OF RESIDENTIAL DEVELOPMENT COMPRISING 11 DWELLINGHOUSES (6 AFFORDABLE), INSTALLATION OF TREATMENT PLANT AND ASSOCIATED VEHICULAR ACCESSES: LAND SOUTH WEST OF ARDFERN HOUSE, ARDFERN (REF: 12/02766/PP)**
Report by Head of Planning and Regulatory Services (Pages 245 - 272)
14. **GLENFEOCHAN ESTATE: ERECTION OF 2 DWELLINGHOUSES, FORMATION OF VEHICULAR ACCESS AND INSTALLATION OF PRIVATE WASTEWATER TREATMENT SYSTEMS: LAND EAST OF BALNAGOWAN, KILMORE, BY OBAN (REF: 13/00064/PP)**
Report by Head of Planning and Regulatory Services (Pages 273 - 290)

15. **W D CODONA: CHANGE OF USE OF CAR PARK TO AMUSEMENT PARK (RENEWAL OF PLANNING PERMISSION 12/00191/PP): HELENSBURGH PIER, WEST CLYDE STREET, HELENSBURGH (REF: 13/00446/PP)**
Report by Head of Planning and Regulatory Services (Pages 291 - 298)
16. **MR ANDREW WATTS: ALTERATIONS AND CHANGE OF USE OF COMMUNITY CENTRE TO FORM 3 DWELLINGHOUSES INCLUDING DEMOLITION OF PLANT ROOM: COVE AND KILCREGGAN COMMUNITY CENTRE, SCHOOL ROAD, KILCREGGAN (REF: 13/00591/PP)**
Report by Head of Planning and Regulatory Services (Pages 299 - 312)
17. **UPDATE ON RECENT SCOTTISH GOVERNMENT PLANNING DECISION**
Report by Head of Planning and Regulatory Services (Pages 313 - 314)
18. **THE PLANNING PERFORMANCE FRAMEWORK (PPF): PROGRESS REPORT ON SUSTAINABLE ECONOMIC GROWTH AND OPEN FOR BUSINESS**
Report by Head of Planning and Regulatory Services (Pages 315 - 320)

- E1 19. ASSESSMENT OF REQUEST FOR PROVISIONAL TREE PRESERVATION ORDER**
Report by Head of Planning and Regulatory Services (Pages 321 - 324)

The Committee will be asked to pass a resolution in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the public for items of business with an "E" on the grounds that it is likely to involve the disclosure of exempt information as defined in the appropriate paragraph of Part I of Schedule 7a to the Local Government (Scotland) Act 1973.

The appropriate paragraph is:-

- E1 Paragraph 13** Information which, if disclosed to the public, would reveal that the authority proposes-

- (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
- (b) to make an order or direction under any enactment.

PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE

Councillor Sandy Taylor (Chair)	Councillor Gordon Blair
Councillor Rory Colville	Councillor Robin Currie
Councillor Mary-Jean Devon	Councillor George Freeman
Councillor Fred Hall	Councillor David Kinniburgh
Councillor Iain MacDonald	Councillor Alistair MacDougall
Councillor Robert Graham MacIntyre	Councillor Donald MacMillan
Councillor Alex McNaughton	Councillor James McQueen
Councillor Richard Trail	

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MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the MAIN HALL, CORRAN HALLS, THE ESPLANADE, OBAN
on TUESDAY, 16 APRIL 2013

Present: Councillor Sandy Taylor (Chair)

Councillor Gordon Blair	Councillor Iain MacDonald
Councillor Rory Colville	Councillor Donald MacMillan
Councillor Mary-Jean Devon	Councillor Alex McNaughton
Councillor George Freeman	Councillor James McQueen
Councillor Fred Hall	Councillor Richard Trail
Councillor David Kinniburgh	

Attending: Charles Reppke, Head of Governance and Law
 Stephen Fair, Area Team Leader – Oban, Lorn and the Isles
 Lesley Cuthbertson, Planning Officer – Oban, Lorn and the Isles
 Gregor Cameron, Applicant – West Highland Housing Association
 Alex Dobbie, Applicant's Representative – Arcade Building Services Limited
 Malcolm Forsyth, Transport Scotland
 Derek Garside, Objector
 Dugald Munro, Objector

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Robin Currie, Alistair MacDougall and Robert G MacIntyre.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. WEST HIGHLAND HOUSING ASSOCIATION AND ARCADE BUILDING SERVICES LTD: FORMATION OF ROUNDABOUT TO SERVE FUTURE DEVELOPMENT LAND NORTH AND SOUTH OF THE A85, DUNBEG, OBAN: LAND SOUTH WEST OF PENNYFUIR COTTAGE, DUNBEG (REF: 12/01520/PP)

The Chair welcomed everyone to the meeting and introductions were made.

Charles Reppke, Head of Governance and Law, outlined the hearing procedure that would be followed and invited anyone who wished to speak at the meeting to identify themselves. Once that process had been completed the Chair invited the Planning Officer to set out his recommendations.

PLANNING

Stephen Fair presented the case on behalf of the Head of Planning and Regulatory Services. He advised that this application had been submitted jointly by West Highland Housing Association and Arcade Building Services Limited and that the proposal was for a roundabout on the A85 south of Dunbeg and

associated alterations to the existing footpaths and provision of a footpath/cycle path on the former carriageway. He advised that the proposal comprises a four arm roundabout located south of Dunbeg and close to the halfway filling station and Pennyfuir Cottage. He referred to several photographs showing the viewpoints of the existing A85 at that location. He also referred to plans giving an overview of the development proposal showing the four arm roundabout, Pennyfuir Cottage and the existing A85. He advised that in terms of planning policy the roundabout was a key piece of infrastructure to enable access to future developments designated in the Local Plan Development Road Action 5/1. He advised that the adjacent land included a business allocation, several housing allocations and a leisure allocation. He highlighted on presentation slides the existing junction at Kirk Road leading down to Dunbeg and the SAMS complex and advised that consent had been granted for 50 housing units in this area. He also highlighted the second means of access into Dunbeg shown in the Local Plan. In terms of the Local Plan, he advised that the site was partially within the 'Countryside Around Settlement' zone which was highlighted in yellow on an extract from the Local Plan. He also pointed out the Potential Development Area (PDA) Allocation at Tom Liath and a lower lying PDA alongside the allocation for recreational uses. He referred to Section C of the report of handling which detailed the planning history of the site. He advised that there was nothing in terms of the existing site but there were some developments nearby which were detailed in the report including approval for an additional house within the grounds of Pennyfuir Cottage. He referred to the forthcoming Local Development Plan currently out for consultation until 29 April 2013 which maintained and slightly adapted a number of the Allocations. He advised that the proposed new Development Plan was not a material consideration at this time and was simply for Members to note. Mr Fair went on to refer to a number of further photographs showing views of the site from the existing cycle path; views of the bend itself on the A85; views of Pennyfuir Cottage further round the bend; and views beyond the bend looking south. He referred to Section D of the report which highlighted responses received from Statutory Consultees and advised that no objections were received from Scottish Water, the Council's Transport Planner and the Council's Area Roads Engineer and that no objections subject to conditions were received from Environmental Health and Transport Scotland. He advised that an objection had been raised by Dunbeg Community Council on the basis of road safety, lack of pre application consultation, alleged differences from Local Plan position, future potential movement of the roundabout position and traffic management at Kirk Road. He advised that 63 individual objections had been received and 1 letter of representation. He advised that in addition to those listed in the report of handling one additional objection had been received from Fiona McCormack which raised the same issues as other objectors. He also advised of a letter of representation received from Donald McNeill requesting that the roundabout ensure ease of passage for cyclists. He referred to and listed the issues raised by objectors which were summarised at section F of the report of handling. He advised that in terms of the Policy position this was a significant development for Dunbeg including the Development Road and the requirement for a second access into Dunbeg which was critical to facilitate development allocations on either side of the trunk road. He advised that the proposal has been thoroughly scrutinised and accords with the existing Development Plan and is supported by Statutory Consultees. He advised that the objections received from 63 members of the public and Dunbeg Community Council were appraised and that some of these were shared by Planning but were deemed appropriately covered by

conditions. In summary, he advised that the proposal was a key piece of infrastructure to unlock existing land allocations to develop housing needs, business sites and leisure facilities. He recommended that planning permission be granted subject to the conditions detailed in the report of handling.

APPLICANT

Gregor Cameron advised that he was representing West Highland Housing Association and was accompanied by Alex Dobbie who was representing Arcade Building Services Limited. He advised that the application was submitted jointly by both organisations due to either ownership or control of land by each party. He advised that a number of discussions and meetings had taken place relative to the land north and south of the site to which the roundabout will serve. He advised that the current Local Plan highlighted development through the Dunbeg corridor and south and that the Tom Liath roundabout would enable allocations to be fully developed. He advised that without this roundabout these allocations would not be able to be developed. He advised that the location and design of the proposed roundabout was selected through discussions with the Council, Transport Scotland and through the Local Plan process. He referred to a Stage 1 Safety Audit which had been carried out. He advised that prior to the application being lodged both applicants had visited the owners of the neighbouring cottage and had also notified the owner of the filling station. He advised that once the application was submitted the Housing Association had met with Dunbeg Community Council. He confirmed that the location of the roundabout was as detailed in the planning application. He advised that prior to construction a method statement would be drafted and issued to statutory consultees. He referred to concerns raised about the removal of rock and confirmed that this will be fully appraised by specialist contractors.

Alex Dobbie advised that he was the consultant Architect for Arcade Building Services Limited who had an interest in the future developments at Tom Liath which were included in a Masterplan and would be the subject of future applications.

STATUTORY CONSULTTEES

Malcolm Forsyth from Transport Scotland advised that they had been approached by Argyll and Bute Council regarding Local Plan aspirations for development at Dunbeg and that they had assessed the many documents placed before them. He advised that Transport Scotland had come to the view in terms of future development for the Council that the allocation of a second access at this site would secure future development at Dunbeg. He advised that the existing access would not allow for future development and that in terms of emergency access there was a need for two access routes into Dunbeg. He advised that Transport Scotland had no objection to this proposal subject to two conditions which related to design aspects of the roundabout. He advised that Transport Scotland approved the principle of having a roundabout but that there would be a need for their further consideration of the detailed design of the roundabout in the future if planning permission was given to ensure it conformed to all current design standards. He referred to the Stage 1 Safety Audit which indicated no problems in terms of safety issues at the roundabout and near to the roundabout. He advised that Safety Audits will continue throughout the process with a Stage 2 Safety Audit accompanying the detailed design of the

roundabout for submission to Transport Scotland and a Stage 3 Safety Audit would be undertaken when the roundabout was constructed.

OBJECTORS

Derek Garside advised that he lived at Pennyfuir Cottage and thanked the Committee for bringing this application to a hearing. He referred to a lack of communication with Transport Scotland whom he believed would be making the final decision. He advised that he had phoned Transport Scotland on 4 separate occasions, 3 calls to Glasgow and 1 call to Oban, requesting a visit to the Cottage to discuss a number of issues and that each request had been rejected with no reason given. He referred to reasons for refusal having to be based on material considerations and advised that he would like to highlight 8 issues which he believed were material. The first one was relative to surroundings and he advised that the roundabout would be too close to Pennyfuir Cottage as it would only be 100 yards from the Cottage. He referred to an original plan which showed the roundabout further away from the Cottage and that he had no objection to this plan. Secondly, he advised that he believed the value of day to day life at the Cottage would be changed as they would be surrounded by roads on 3 sides of the Cottage. He advised that there would be road movements constantly day and night and there would be danger to pedestrians crossing the road. Thirdly, he advised there would be visual intrusion as the plan does not allow 125 yards for line of sight for pedestrians crossing the road from the property access. Fourthly, he referred to means of access and advised that entry to and exit from the premises would be dangerous due to the speed of traffic. He also referred to lighting and signage at the roundabout. Fifthly, he referred to noise, advising that this will be increased due to an additional 1500 vehicles at this intersection. Sixthly, he referred to potential health concerns due to the increase in vehicles and the fumes coming from the exhausts of slowing and accelerating traffic. The seventh issue he raised was the significant body of objection with 63 objections received from Dunbeg and the surrounding area and an objection from Dunbeg Community Council in respect of this application and advised that no one who attended the Community Council meeting was in favour of this roundabout. He advised that the safest place for the roundabout would be at the existing Dunbeg road end. The eighth issue he raised was in regard to stability of the site. He advised that the site was unsuitable as it would not be straight on the road as it would create a dog leg. He advised that this would create a safety issue for pedestrians crossing the road due to the concentration of traffic. He advised that there would also be a safety issue for cyclists joining the flow of traffic and for vehicles turning into the cottage. He advised that he believed the roundabout would create an accident black spot. He referred to the potential for two families homes at the cottage site and that there could be children at the cottage. He advised that he had no objection to the roundabout on the original plan but objected to the current proposed siting. He advised that if the roundabout was placed at Pennyfuir Cottage lives could be lost but if the roundabout was placed at the Dunbeg road end lives could be saved.

Dugald Munro advised that he was from the Halfway Filling Station and that he supported the comments made by Mr Garside. He referred to congestion of traffic created by roundabouts. He advised that similar to Mr Garside he did not object to a roundabout just the proximity of it to the filling station and the cottage which he believed would create congestion and asked if a compromise could be sought in terms of road safety. He advised that he accepted that statutory

bodies had not raised any objections. He also advised of his concerns regarding the method that would be used for the removal of rock and sought assurance that wet stop measurements would be utilised. He also advised that the Applicants should be made fully liable in the event of any damage to the filling station as a result of any blasting of rock to ensure that the filling station was fully operational again. He advised this would mean a requirement to repair damage and meet current standards which have advanced since the fuel tanks were initially installed.

MEMBERS' QUESTIONS

Councillor Devon advised she had concerns regarding the removal of rock and that there was not enough information contained within the report regarding the removal of rock and that the condition regarding the requirement for a construction method statement was quite vague. She asked whether a survey could be carried out before construction and if a monitoring system could be installed during construction.

Mr Fair advised that the issue regarding the method of rock removal was the subject of communications with Planning Officers and the Applicants. He advised that the Applicants have stated that specialist contractors will be used to assess whether blasting or pecking was required for the removal of rock. He advised that the construction method statement will be the subject of consultation with Environmental Health and Transport Scotland.

Councillor Devon asked the Applicant if he would agree to a baseline survey being carried out prior to construction and the installation of a monitoring system until completion of work.

Mr Cameron advised that the method used for rock removal will be assessed in detail and that the Applicants will ensure necessary surveys will be carried out and that plans will be put in place for measurements to be taken to safeguard neighbouring properties and the Applicants themselves. He advised that full consultation will be undertaken with the neighbouring properties during and before the process and that the Applicants wished no harm to neighbours and businesses.

Councillor Hall sought clarification on the problem of roundabouts on trunk roads.

Mr Forsyth advised that there was a general presumption against new accesses onto trunk roads and that there was a need to weigh up the balance of need for any new access on to a trunk road. He advised that Transport Scotland had no problem with roundabouts as long as they were properly designed and constructed to meet current standards.

Councillor Hall referred to the filling station being more than just a filling station and sought assurance that this essential business would be able to continue to operate for the people of Dunbeg and those travelling back into Oban.

Mr Fair advised that in terms of assessing an application consideration must be given to the presence of existing businesses.

Mr Cameron advised that the Applicants were well aware of the importance of the filling station as a community business and shop and they would do everything they could not to interfere with the operation of this. He advised that operators on site will probably utilise the services of the shop during construction and would expect that business will continue during the construction process.

Councillor Trail referred to street lighting and lighting at the roundabout and the concerns that have been raised about the effect this would have on the cottage and asked how this would compare to street lights spilling onto properties in the main town of Oban.

Mr Fair advised that Environmental Health were invited to the Hearing but noted that they were not in attendance. He advised that there will be a requirement for lighting as part of the design of the roundabout and that following assessment by Environmental Health Officers they had raised no objections to the Application including the potential impact of light pollution. He advised that there was a degree of separation of 100 yards between the roundabout and the cottage.

Councillor Blair asked if the Council had a strategy in place for light pollution.

Mr Fair advised that he was not aware of a strategy in place for light pollution.

Councillor Blair asked if Transport Scotland were happy with the consultation process with the Council.

Mr Forsyth advised that he was surprised by the comments regarding Transport Scotland's lack of consultation with the public as at the end of the day Transport Scotland were a consultee to Argyll and Bute Council. He advised that if the Council had come back to Transport Scotland requesting a meeting they would have done so as they have done today by attending this Hearing. If a request had been made to attend a public meeting this would have been taken on board. He advised that he had received many letters of objection to this proposal direct from the public and that he had gone back to the objectors to make sure they had forwarded these objections to the Council and that he had also passed these onto the Council.

Councillor Blair asked if a roundabout was the only option for access onto the trunk road or if any other means of access were considered.

Mr Forsyth advised that when looking at options for new accesses onto trunk roads priority T junctions were usually the preferred option. If they were not possible roundabouts are then looked at followed by traffic signals. He advised that Transport Scotland ruled out the possibility of a priority T junction at this location as it would have been difficult to engineer as it would have resulted in even more rock excavation. He advised that a roundabout at this location was the best option in terms of engineering requirements.

Councillor Blair asked about the cost of the road.

Mr Forsyth advised that he did not have this information.

Councillor McNaughton advised that he had concerns regarding safety at Pennyfuir Cottage. He advised that there was going to be a backup of traffic at

the roundabout which would impinge on access to the cottage and the filling station. He asked if the roundabout could not be moved further down the road.

Mr Forsyth advised that in terms of the Council's Local Plan this was the location for a new access into Dunbeg.

Councillor McNaughton advised that he still had concerns regarding access into the cottage and asked if this site had been properly assessed.

Mr Forsyth advised that he had looked at the accident statistics over the last 5 years and that there had been a cluster of accidents at that location. He advised that a properly constructed roundabout will slow traffic down and could be a satisfactory solution to that bend in the road.

Councillor Taylor asked if the Stage 1 Safety Audit had fully embraced the road safety issue.

Mr Forsyth advised yes and that this was the main requirement of the Road Safety Audit to highlight if there were any show stoppers. He confirmed that the Stage 1 Road Safety Audit had highlighted no issues. He advised that the Road Safety Auditors would have been aware of the concerns of the public when doing their audit. He advised that the Road Safety Auditors were a separate entity employed to carry out the Audit by the Applicants but having no interest in the Applicant companies.

Councillor MacDonald advised that the perceived lack of consultation was a disappointment and that this was something that may need to be looked at in the future.

Mr Fair advised that pre application consultation was only necessary for major applications and that this Application did not meet that threshold. In terms of local applications it was a matter of choice for the applicants when to engage with the public.

Councillor MacDonald advised that he thought it should be best practice to carry out pre application consultation.

Mr Fair advised that pre application discussions at the outset and discussions with neighbours was usually more beneficial than not.

Councillor MacDonald referred to the detail of the roundabout still having to be purified and asked if there was still flexibility in the location of the roundabout.

Mr Fair advised that the position of the roundabout accorded with the allocation in the Local Plan which remained the primary consideration. He advised that the second means of access into Dunbeg has already been through the consultation process through the Local Plan. He advised that the Stage 1 Safety Audit had been independently prepared and then scrutinised by Transport Scotland. He advised that the layout submitted was detailed enough for assessment of the Application. If the Application was granted today there would be the ability to make minor variations thereafter as long as they did not affect third parties. If there were any variations requested that would affect third parties or move the development then a fresh application would be required to be submitted.

Councillor Kinniburgh sought clarity on why the roundabout site was chosen as opposed to the Dunbeg road end.

Mr Fair advised that this location was allocated in the Local Plan. He advised that there were no issues with the existing junction to his knowledge and that it worked quite well. He advised that the advantage of having a roundabout would unlock development on both sides of the road, would provide a second means of access into Dunbeg and that without it the other development allocations would fail to be developed. There was no requirement for a roundabout at the existing junction as it operated safely.

Councillor Freeman referred to road safety and the location of the roundabout and sought clarification that Members had already approved this location during the Local Plan process and as such the proposal fully complied with the Local Plan and Council policies.

Mr Fair confirmed that this location was allocated in the Local Plan as the second means of access into Dunbeg. He advised that the Application was assessed as compliant with the Local Plan policies. He advised that it was assessed in terms of road safety and that it had not generated any road safety concerns and will be the subject of further road safety assessments.

Councillor Freeman referred to the road safety issue and noted that the first audit had been carried out and that further audits will be assessed by Transport Scotland. He advised that he was assured Transport Scotland had no concerns regarding road safety. He had noted that the existing access was not adequate to serve future developments.

Mr Forsyth advised that during assessment of the Application traffic generated was taken into account.

Councillor Freeman referred to the Community Council's concerns about a lack of consultation and asked Planning if they had any concerns regarding consultation on the Application.

Mr Fair replied no.

Councillor MacMillan asked if the link road would be finished before or after the roundabout.

Mr Fair advised that this Application was just for the roundabout. He advised that during the first phase of development of the whole area 50 units were approved which will utilise the existing access. This second access will allow other allocations to come forward. He advised there was no direct control over the timing of the link through.

Councillor McNaughton referred to the area belonging to the Applicant and asked if there was any reason why the roundabout could not be moved 100 metres and approved as a minor departure to the Local Plan.

Mr Fair advised that would involve speculation and that anyone can propose any application and that you could not prejudge.

Mr Forsyth advised that if you tried to move the location of the roundabout south there would be a need to slew the whole road south and that this would involve more excavation.

Councillor McNaughton referred to the Stage 1 Road Safety Audit which had been carried out and asked if the Stage 2 Road Safety Audit could end the job if it was found not to be safe.

Mr Forsyth advised that the whole aspect of the design of the roundabout was looked at against a set of parameters and that independent people will look at the whole project during the Stage 2 Audit.

Councillor McNaughton advised that it seemed peculiar that all issues were not addressed before construction started.

Mr Forsyth advised that consideration had to be given to what was reasonable to be asked of the Applicant at this stage.

Councillor Colville sought clarification on the redundant bit of carriage way that could be used by cyclists and highlighted his concerns about this.

Mr Fair referred to the plans showing the alignment of the existing A85 and advised that some of this could be used as a combined footpath and cycle route. He advised that the preferred position of Transport Scotland is for cyclists to use the road and that the Police have indicated a preference for the footpath to be used. He advised that landscaping was recommended not to hide cyclists but to ensure drivers knew where to go on the new stretch of road.

Councillor Colville asked why the old road could not just be closed off.

Mr Fair advised that the proposal was not to divert cyclists off the new road onto the old road but to provide cyclists with a more direct route by continuing on the old road.

Councillor Colville asked if this Application was approved today, what assurances would be given that these issues would be picked up during the Stage 2 Road Safety Audit.

Mr Forsyth advised that these were the very issues that would be addressed during the Stage 2 Road Safety Audit. He advised that these Audits were not just for motorists but for pedestrians and cyclists too.

Councillor Colville referred to concerns about a break in the core path and concerns that granting this roundabout would generate a lot more housing and a lot more children and asked if consideration could be given to an underpass being built for the cycle path.

Mr Fair advised that this Application was purely for the roundabout and that the Local Plan had already allocated the route of the development road through to further developments in the area. He advised that the context of the cycle path will change and consideration of the crossing will be taken when further applications come forward.

Mr Cameron advised that development of the Masterplan for this corridor had been going on for a number of years.

Mr Dobbie confirmed that safety was paramount and that concerns raised have been thoroughly checked through.

Councillor Blair asked if consultation on the new Local Plan ended on 29 April 2013 and Mr Fair confirmed that this was correct and that the contents of the proposed new Plan were not a material consideration at this time.

Councillor Blair advised that like most other Plans it was not set in stone.

Mr Fair advised that as material considerations were taken account of, this allowed the possibility of a departure.

Councillor Hall asked Mr Fair if he would agree that cyclists could cycle to Dunbeg from Oban via a route through Ganavan and Mr Fair replied yes.

Councillor Hall asked Mr Fair if he would agree that cyclists could cycle on a pavement from Dunbeg to Connel and Mr Fair replied yes.

Councillor Hall asked Mr Fair if he would agree that cyclists could cycle on a route from Mossfield to Connel close to the railway line.

Mr Fair advised that Councillor Hall's knowledge of this route exceeded his.

Councillor Kinniburgh sought clarification on what was established during the Stage 1 and Stage 2 Road Safety Audits.

Mr Forysth advised that Stage 1 looked to see if there were any major safety issues that could be show stoppers. Stage 2 looked at the design of the project in more detail.

SUM UP

Planning

Mr Fair advised that the Application before the Committee was for a four arm roundabout south of Dunbeg. He advised that this infrastructure was required and allocated in the Local Plan to unlock a number of allocations for further development of Dunbeg. The proposal had been thoroughly scrutinised and a road safety audit was properly carried out. No objections have been received from key Consultees and that all the issues raised by the 63 individual objectors and the Community Council were fully appraised with some being controlled through conditions and others not supported by Statutory bodies. He advised that this was a key piece of infrastructure considered necessary to meet the Council's ambitions to open up land for housing, business and leisure. He advised that the proposal was compliant with the Local Plan and recommended that planning permission be granted subject to the conditions listed in the report of handling.

Applicant

Mr Cameron advised that he had heard the concerns regarding the nearby property and business and will be happy to open up lines of communication with them if this Application is granted.

Statutory Consultee

Mr Forsyth advised that he had nothing further to add.

Objectors

Mr Garside advised that the one thing that was most important was safety and that the road had been described as horrendous by one Councillor. He advised that a number of years ago the road was horrendous but following a successful campaign for anti-skid road surfacing there had been no accidents on this part of the road for 8 years. He advised that the road could not be made better than it is now but it could be made worse and that he anticipated it becoming more of an accident black spot.

Mr Munro advised that he had nothing further to add.

The Chair asked all parties to confirm that they had received a fair hearing and they all confirmed this to be the case.

DEBATE

Councillor Devon thanked everyone for their presentations and advised that she was very sympathetic to the people of Dunbeg. However, she advised that when determining applications the Committee had to take account of the Local Plan policies and listen to Statutory Consultees. She advised that she felt she had been given assurance that the Local Plan policies have been met and advised that in terms of road safety the Stage 2 Road Safety Audit will be very detailed. She advised that she has received assurances from the Applicant that they have no problem with carrying out a baseline survey and having monitoring systems in place during construction. She advised that this proposal was central to the growth and development of Dunbeg and that she supported the Planning recommendation.

Councillor Hall advised that most development at the moment had been in the south of Oban and that there was a need to develop the north of Oban and to do that there was a need to build transport infrastructure like roundabouts on trunk roads. He advised that he believed that traffic calming measures will be robust to make the road safer. He advised that he was reassured that West Highland Housing Association will continue to consult with the residents of the houses and businesses and that he supported the Planning recommendation.

Councillor Freeman advised that he was likeminded to Councillors Devon and Hall. He advised that there was a need for a roundabout and that this access has been identified in the Local Plan. He advised that he was reassured that the Road Safety Audits will ensure there are no safety issues and that no road was 100% safe. He advised that the roundabout would improve road safety as it would slow traffic down as there have been several accidents there over the

years. He advised that he supported the Planning recommendation.

Councillor Blair advised that he still had concerns regarding the location of the roundabout and would have felt better if an alternative to the roundabout could have been found. He advised that this was the gateway into Dunbeg and that a roundabout in this location was inappropriate and that he did not support the Planning recommendation.

Councillor Kinniburgh advised that he agreed with Councillors Devon, Freeman and Hall and supported the Planning recommendation. He advised that concerns regarding rock removal and safety issues had been adequately addressed.

Councillor McNaughton advised that he had concerns about the location of the roundabout and did not support the Planning recommendation.

Councillors McQueen and MacMillan advised that they supported the Planning recommendation.

Councillor Taylor advised that he noted a division of views and asked if anyone wished to move a Motion.

Councillor Devon moved the Officer's recommendation to grant planning permission subject to the conditions detailed in the report of handling. Councillor Freeman agreed to second that Motion.

As it was established there were no amendments the Motion became the decision of the Committee.

DECISION

Agreed to grant planning permission subject to the following conditions and reasons:-

1. The proposed development shall be carried out in accordance with the details specified in the application form dated 11th July 2012; and the approved drawings numbered: 1414-001 – Site Location Plan; 23A – Proposed Roundabout Planning Boundary; 15B – Roundabout General Arrangement – Existing; 17D – Roundabout General Arrangement – Proposed; and, 18D – Proposed Roundabout Capacity Assessment; 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 proposed new roundabout junction on the A85 trunk road shall be constructed to a layout and type (and method) of construction to be approved by Transport Scotland, as the Trunk Roads Authority. (Note: The junction modifications will be generally as detailed in RDA Construction Ltd drawing number 17 Revision D and titled Roundabout GA - Proposed).

Reason: To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not

diminished.

3. The angle of repose of the finished rock face shall be as shown in the section on drawing 17D and prior to the completion of the rock extraction operations details of the treatment of the newly exposed rock face, including the approach to and the means of dressing the rock face following primary rock modelling and measures to establish vegetation, shall be submitted to and be approved in writing by the Planning Authority, along with details of a mitigation monitoring plan relative to the establishment of vegetation on the rock cut. The rock face shall be formed and the vegetation established in accordance with the duly approved details.

Reason: In the interests of visual amenity in order to ensure that the finished rock cut appears as natural as possible and allows colonisation by vegetation.

4. That no works in connection with this permission hereby approved shall commence unless a detailed site-specific construction method statement has been submitted to and approved in writing by the planning authority in consultation with Transport Scotland and the Environmental Health Officer. The construction method statement shall include details of the measures proposed to deal with the removal of rock, and reuse of rock on site. Once agreed, all construction works on site shall comply with the approved construction method statement.

Reason: In the interests of public safety and the amenity of the area.

5. No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Planning Authority in consultation with Transport Scotland. The landscaping scheme, which shall comply with the Landscaping recommendations of the Independent Stage 1 Road Safety Audit (November 2012) shall include: a plan (at a scale of 1:500 or greater) showing a site appraisal including contours (at 0.5 metre intervals), drainage characteristics, vegetation patterns, significant site features, area of existing landscaping within the site, and details of any to be retained, together with measures for their protection in the course of development and shall indicate the siting, numbers, species and heights (at the time of planting) of all trees, shrubs and hedges to be planted and to the extent of any areas of earth mounding, cross sections and relationship to existing land form and the location of the site in its wider landscape context. The development shall be landscaped and maintained in accordance with the approved scheme as follows: -

- (a) Completion of the scheme during the first planting season prior to the completion of the development, or such other date as may be approved in writing with the Planning Authority.
- (b) The maintenance of the landscaped areas in perpetuity in accordance with the detailed maintenance schedule/table. Any trees or shrubs removed, or which in the opinion of the Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: The proposed development and its location requires landscaping to fully integrate the proposal with its surroundings.

6. Prior to the commencement of development, the developer shall submit full working details of the method of on-site disposal of surface water drainage. This shall be in accordance with the CIRIA SUDS Manual for Scotland and Northern Ireland, to the satisfaction of the Planning Authority in consultation with Transport Scotland.

Reason: To ensure the site is adequately drained to meet Best Management Practice and to prevent pollution of watercourses.

(Reference: Report by Head of Planning and Regulatory Services dated 10 March 2013, submitted)

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 17 APRIL 2013**

Present: Councillor Sandy Taylor (Chair)

Councillor Robin Currie	Councillor Alistair MacDougall
Councillor Mary-Jean Devon	Councillor Donald MacMillan
Councillor George Freeman	Councillor Alex McNaughton
Councillor Fred Hall	Councillor James McQueen
Councillor David Kinniburgh	Councillor Richard Trail

Attending: Charles Reppke, Head of Governance and Law
Patricia O'Neill, Central Governance Manager
Graeme Forrester, Solicitor
Inspector McLeish, Police Scotland
M Munro, Applicant
Applicant's Partner

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Gordon Blair, Councillor Rory Colville and Councillor Iain MacDonald.

2. DECLARATIONS OF INTEREST

There were no declarations of interest intimated.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE (M MUNRO, OBAN)

The Chair welcomed all those present to the meeting and outlined the procedure that would be followed. He invited the applicant to speak in support of her application.

Ms Munro's partner spoke on her behalf. He advised that all of the charges had been the result of a past relationship and that no offences had been committed since. He advised that Ms Munro had an alcohol problem at the time of the charges and had since joined AA. He told the Committee that she now had her problem under control and that he was of the opinion that she would make a great taxi driver and was ready to go back to work.

Inspector McLeish confirmed that she had no questions for the applicant and the Chair invited Inspector McLeish to speak on behalf of the representation from the Police.

Inspector McLeish advised that Ms Munro had been very open on her application form and had been very agreeable to the charges against her but advised that the Police representation was due to concerns that the charges were from May 2012 which had been very recent and therefore they were

concerns over her suitability as a taxi driver.

Ms Munro advised that not long after submitting her application she had been contacted by the Police and told that they would not be objecting to her application and questioned why they had objected.

Inspector McLeish explained that the Police were not objecting to the application but were obliged to submit a representation due to their concerns over the recentness of the charges.

The Chair invited Members to ask questions of the applicant and of the Police.

Councillor Freeman referred to the road traffic offence detailed in the Police representation on page 6 of the agenda pack stating that the applicant had received a fine of £80, and asked if this was the same offence the applicant had disclosed on page 5 of the agenda pack in which she had detailed receiving a £60 fine. Inspector McLeish confirmed that this was the same offence.

Councillor Freeman referred to the domestic assault offence and asked if this was still a conviction given that it had been admonished and dismissed. Mr Reppke confirmed that it was a conviction.

Councillor Kinniburgh asked the applicant to expand on the breach of the peace incident. Ms Munro advised that this had been a minor incident for which she had received a £40 on the spot fine but had included it in her application as she had wished to disclose everything. Councillor Kinniburgh asked Ms Munro how long she had been a member of AA to which she replied she had been a member since June 2012; straight after the convictions had taken place.

The Chair invited Inspector McLeish to sum up.

Inspector McLeish advised the police representation had been due to concerns regarding Ms Munro's suitability as a taxi driver as a result of alcohol related incidents that had taken place fairly recently.

The Chair invited Ms Munro to sum up.

Ms Munro advised that the convictions she had were minor and had been a result of a bad relationship and had been fuelled by alcohol, which she was now addressing; and that there had been no incidents since. She advised that the assault charge against her, which seemed the worst, had not resulted in any injury and that she had pled guilty out of fear. She advised that she now wished she had pled not guilty.

The Chair asked both parties to confirm that they had received a fair hearing to which they confirmed that they had.

The Chair invited Members to debate the application.

Councillor Freeman advised that he had been partly reassured by what he had heard but given that the offences had been so recent he suggested the grant of a licence for one year. Councillor Hall agreed.

Councillor Devon advised that the road traffic offences had been a long time ago and given that Ms Munro was now addressing her alcohol issues; that she agreed that a licence should be granted for a period of 1 year.

Decision

The Committee agreed to grant Ms Munro a taxi driver's licence for a period of 1 year.

(Reference: Report by Head of Governance and Law dated April 2013, submitted)

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**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 17 APRIL 2013**

Present: Councillor Sandy Taylor (Chair)

Councillor Robin Currie	Councillor Alistair MacDougall
Councillor Mary-Jean Devon	Councillor Donald MacMillan
Councillor George Freeman	Councillor Alex McNaughton
Councillor Fred Hall	Councillor James McQueen
Councillor David Kinniburgh	Councillor Richard Trail

Attending: Charles Reppke, Head of Governance and Law
Patricia O'Neill, Central Governance Manager
Graeme Forrester, Solicitor
Inspector McLeish, Police Scotland
Mr MacDougall, Applicant
Mrs MacDougall, Applicant's Wife

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Gordon Blair, Councillor Rory Colville and Councillor Iain MacDonald.

2. DECLARATIONS OF INTEREST

There were no declarations of interest intimated.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF TAXI DRIVER'S LICENCE (D MACDOUGALL, OBAN)

The Chair welcomed all those present to the meeting and introductions were made. He outlined the procedure that would be followed during the hearing and invited the applicant to speak in support of his application.

Mr MacDougall advised that he had submitted a previous application to be a taxi driver and this had been refused due to his convictions. He advised that he had not now been in any sort of trouble for more than 13 years and was now married with a family.

Inspector McLeish had no questions for the applicant. The Chair invited Inspector McLeish to speak on behalf of the representation made by the Police.

Inspector McLeish advised that the representation made by the Police was due to the high volume and variety of offences that had taken place over a 15 year period. She added that the Police did appreciate there had been no incidents for the past 13 years but there were still concerns over Mr MacDougall's suitability as a taxi driver.

Mr MacDougall had no questions for Inspector McLeish.

The Chair invited Members to ask questions of the applicant and the Police.

Councillor Trail asked the applicant if the previous application he had made was with Argyll and Bute, when it was made and why it had not been granted. Mr MacDougall responded by saying that the previous application had been made through Argyll and Bute Council three years previous and had been refused due to his convictions.

Mr Reppke advised that the application had actually been submitted in 2007 which was 6 years ago.

The Chair invited Inspector McLeish to sum up.

Inspector McLeish advised she had no more to add. She advised that the representation was due to the high volume and variety of convictions and therefore the Police had concerns over Mr MacDougall's suitability as a taxi driver.

The Chair invited Mr MacDougall to sum up.

Mr MacDougall advised that he had now been out of trouble for 13 years; he advised that he now had a family and was a grandfather. Mrs MacDougall added that when the offences had taken place Mr MacDougall had been going through a bad time due to the loss of a child at 8 months old.

The Chair asked both parties to confirm that they had received a fair hearing to which they confirmed that they had.

The Chair invited Members to debate the application.

Councillor Freeman advised that although Mr MacDougall had a horrendous record he could see an improvement over 13 years. He added that he could see why the application may have been refused 6 years previously but that he had no concerns over granting the licence given the time now since the offences had taken place. Councillor Hall agreed.

Decision

The Committee agreed to grant Mr MacDougall a taxi driver's licence.

(Reference: Report by Head of Governance and Law dated April 2013, submitted)

MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 17 APRIL 2013

Present: Councillor Sandy Taylor (Chair)

Councillor Gordon Blair	Councillor David Kinniburgh
Councillor Rory Colville	Councillor Alistair MacDougall
Councillor Robin Currie	Councillor Robert G MacIntyre
Councillor Mary-Jean Devon	Councillor Alex McNaughton
Councillor George Freeman	Councillor James McQueen
Councillor Fred Hall	Councillor Richard Trail

Attending: Charles Reppke, Head of Governance and Law
Angus Gilmour, Head of Planning and Regulatory Services
Richard Kerr, Principal Planning Officer
Alan Morrison, Regulatory Services Manager
Patricia O'Neill, Central Governance Manager

1. APOLOGIES

Apologies for absence were received from Councillor Iain MacDonald and Councillor Donald MacMillan.

2. DECLARATIONS OF INTEREST

There were no declarations of interest intimated.

3. MINUTES

- (a) The Minutes of the Planning, Protective Services and Licensing Committee of 20 March 2013 at 11.30 am were approved as a correct record.
- (b) The Minutes of the Planning, Protective Services and Licensing Committee of 20 March 2013 at 2.00 pm were approved as a correct record.
- (c) The Minutes of the Planning, Protective Services and Licensing Committee of 20 March 2013 at 2.20 pm were approved as a correct record.
- (d) The Minutes of the Planning, Protective Services and Licensing Committee of 25 March 2013 were approved as a correct record.

4. AUDIT SCOTLAND'S "PROTECTING CONSUMERS" REPORT: THE SERVICE RESPONSE

A report advising Members of the Audit Scotland report "Protecting Consumers" which reviewed arrangements for the delivery of trading standards and food safety services across Scotland and proposed an action plan at a local and national level to address Audit Scotland's concerns was considered.

Decision

1. Noted the significance of the Audit Scotland “Protecting Consumers” report to Regulatory Services as it relates to trading standards and food safety services to consumers and agreed to endorse the Action Plan detailed at Appendix 1 of the Executive Director’s report;
2. Considered the recommendations detailed at paragraph 4.4 (viii) of the Executive Director’s report and agreed the steps to be taken in 2013-14; and
3. Requested that the Regulatory Services Manager bring a progress report to the next meeting of the Planning, Protective Services and Licensing Committee taking into account the issues raised by Members.

(Reference: Report by Executive Director – Development and Infrastructure Services dated March 2013, submitted)

5. MR JAMES PAUL DALY AND ANDREENA DALY: ERECTION OF DWELLINGHOUSE, FORMATION OF CAR PARKING, AND SITING OF A STEEL CONTAINER UNIT (RETROSPECTIVE): 3 KYLE VIEW, KILCREGGAN, HELENSBURGH (REF: 12/02761/PP)

The Head of Planning and Regulatory Services advised that when he had visited the site discrepancies had become apparent in the layout plans and block plans submitted as part of the application and as a result the application had been withdrawn. He advised that it was intended that the application would be resubmitted once these issues had been resolved and would be considered at a future meeting of the Committee.

6. THE SCOTTISH SALMON COMPANY: FORMATION OF 16 CAGE FISH FARM AND INSTALLATION OF FEED BARGE: SGIAN DUBH, NORTH OF STRONE POINT, LOCH STRIVEN (REF:12/02585/MFF)

The Principal Planning Officer spoke to the terms of the report advising that this proposal seeks permission for the installation of a marine finfish development of 16 (No.) 32m diameter cages and a feed/service barge to be utilised for the production of farmed salmon. The application site is located off the west coast of Loch Striven approximately 3 km north of Strone Point. There is currently one existing salmon farm operated by the applicants within Loch Striven just to the north of Strone Point and that site is currently the subject of a separate application for extension (planning ref: 12/02589/MFF). The applicants operate a third site off Ardyne, by Toward at the entrance of the loch where their shore base is located. There have been 37 individual expressions of interest of support plus 12 objections. Notwithstanding the third party concerns and the position of Colintrave and Glendaruel Community Council, the application has been recommended for approval. The recommendation to approve this proposal has had regard to the associated application for the extension of the existing fish farm at Strone and the cumulative consequences in the event of both applications being permitted. Although the balance of representation is in support of the proposal, 12 objections have been received from local interests along with objection from the Colintrave and Glendaruel Community Council. The Community Council has indicated that the decision to object was the

unanimous view of all community councillors and members of the public present at a meeting and a request has been made by them for the matter to be determined by way of a hearing. In view of the matters raised in the context of a small community it is recommended that a discretionary pre determination hearing be convened. The Committee were advised verbally of 2 further late representations that had been submitted from a resident in Colintrave which raised issues over the level of support given by Scottish Salmon Fisheries Staff and separation distance between the proposal and the nearest residential property.

Decision

Agreed to hold a discretionary pre-determination hearing at the earliest opportunity.

(Reference: Report by Head of Planning and Regulatory Services dated 22 March 2013, submitted)

7. THE SCOTTISH SALMON COMPANY: EXTENSION TO FISH FARM (ADDITIONAL 6 CAGES): STRONE FISH FARM, LOCH STRIVEN (REF: 12/02589/MFF)

The Principal Planning Officer spoke to the terms of the report advising that this proposal seeks permission for the extension of a site in use for the production of farmed salmon. The development involves the addition of 6 No. additional cages to the installation which currently comprises 8 No. cages. An existing feed barge will be repositioned to allow for the enlargement of the cage group. The application site is located off the west coast of Loch Striven approximately 8.8 km north of Strone Point. The applicants operate a further site off Ardyne, by Toward and they also have an undetermined application for the establishment of a third fish farm on the west coast of Loch Striven (planning ref: 12/02585/MFF). There have been 36 individual expressions of support plus 11 objections along with an objection from Colintrave and Glendaruel Community Council. Notwithstanding the third party concerns and the position of the Community Council, the application has been recommended for approval. The recommendation to approve this proposal has had regard to the associated application for the establishment of a further fish farm at Sgian Dhubh in Loch Striven and the cumulative consequences in the event of both applications being permitted. Although the balance of representation is in support of the proposal, 11 objections have been received from local interests along with objection from Colintrave and Glendaruel Community Council. The Community Council has indicated that the decision to object was the unanimous view of all community councillors and members of the public present at a meeting and a request has been made by them for the matter to be determined by way of a hearing. In view of the matters raised in the context of a small community it is recommended that a discretionary pre determination hearing be convened.

Decision

Agreed to hold a discretionary pre-determination hearing to run in conjunction with the discretionary hearing to be held to consider planning application number 12/02585/MFF previously agreed at item 6 of this Minute.

(Reference: Report by Head of Planning and Regulatory Services dated 26 March 2013, submitted)

8. MR JOHN STIRLING: ERECTION OF TWO 225KW WIND TURBINES (47.02 METRES TO BLADE TIP) AND ASSOCIATED METER HOUSES, FORMATION OF CRANE HARDSTANDING AND VEHICULAR ACCESS: LAND WEST OF NEWTON PARK, TOWARD, DUNOON (REF: 13/00004/PP)

The Principal Planning Officer spoke to the terms of the report advising that the proposal seeks the construction of two wind turbines with hub heights of 32m and rotor diameters of 29m (47m to blade tip), the formation of a new access track and ancillary development. The application has been submitted by the owner of Toward Taynult Farm, which is located 1 km south of the proposed wind turbines. The current application has been submitted and very slightly revised following withdrawal of a previous application. Twenty individuals have raised objections and four expressions of support have been received. There have been no objections from statutory consultees but concerns have been raised by SNH, Inverclyde Council and North Ayrshire Council. This proposal is inconsistent with the provisions of the Development Plan due to its potential adverse landscape and visual impact and insufficient information on potential impact to protected species and to private water supplies. All other material issues have been taken into account but these are not of such weight as to overcome these potential adverse impacts, which cannot be overcome by the imposition of planning conditions or by way of a Section 75 legal agreement and therefore it is recommended that this application be refused.

Decision

The Committee –

1. Requested that further information be sought by the Head of Planning and Regulatory Services in respect of the potential impact to protected species including otter, bats and bird species; and in respect of the potential impact to existing registered and unregistered private water supplies in the vicinity of the development site.
2. Agreed to hold a discretionary pre-determination hearing at the earliest opportunity after the information requested at 1 above has been obtained.

(Reference: Report by Head of Planning and Regulatory Services dated 9 April 2013, submitted)

9. CLYDESDALE BANK: EXTERNAL ALTERATIONS INCLUDING INSTALLATION OF PEDESTRIAN ACCESS RAMP: 120 ARGYLL STREET, DUNOON (REF: 13/00116/PP)

The Principal Planning Officer spoke to the terms of the report advising that the application premises are located within the core shopping area of Dunoon. The bank premises are also located within a Special Built Environment Area which covers Argyll Street's retail core area. The application requires to be determined by the PPSL Committee as it involves works within the public footway which is in

control of the Council. There have been no objections from statutory consultees and no third party representations received. The proposal is considered to be acceptable and consistent with policies LP ENV 14, LP ENV 19 (including Appendix A: Sustainable Siting and Design Principles), LP RET 6, LP TRAN 1 and LP TRAN 3 of the Argyll and Bute Local Plan and is therefore recommended for approval subject to conditions detailed in the report.

Decision

Agreed to grant planning permission subject to the following conditions:-

1. The development shall be implemented in accordance with the details specified on the application form dated 18 January 2013 and the approved drawing reference numbers: L(-2)100, L(-2)10, L(-2)11, L(-2)12, L(90)01, unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

2. Prior to the commencement of any works, samples and/or full details of all external finishes shall be submitted for the written approval of the Planning Authority. The development shall be implemented wholly in accordance with the duly approved details.

Reason: In the interest of visual amenity and to help integrate the proposal within its surroundings

(Reference: Report by Head of Planning and Regulatory Services dated 26 March 2013, submitted)

10. ARGYLL AND BUTE COUNCIL: INSTALLATION OF REPLACEMENT WINDOWS AND DOOR: UNIT 1 ARGYLL HOUSE, HARBOUR STREET, TARBERT (REF: 13/00201/PP)

The Principal Planning Officer spoke to the terms of the report advising that this application relates to a ground floor, former shop unit, located within Tarbert Conservation Area, which has for some time operated as an office for Argyll and Bute Council. It is proposed to replace an existing timber door and screen and two existing windows, one of which has been damaged and is currently boarded up, with double glazed, aluminium framed curtain walling. There have been no objections from statutory consultees and no third party representations received. This proposal is considered to be appropriate in terms of scale, siting and design and complies with all the relevant Development Plan policies. With no other material considerations to be taken into account the proposal is considered to be acceptable and it is recommended that planning permission is granted subject to one condition detailed in the report.

Decision

Agreed to grant planning permission subject to the following condition:-

The proposed development shall be carried out in accordance with the details specified in the application form dated 31st January 2013 and the approved drawings numbered 1 to 2 of 2 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.

(Reference: Report by Head of Planning and Regulatory Services dated 27 March 2013, submitted)

The Committee resolved in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the public for the following 2 items of business on the grounds that they were likely to involve the disclosure of exempt information as defined in Paragraph 13; and 13 respectively of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

11. ENFORCEMENT REPORT - 11/00243/ENOTH1

Consideration was given to enforcement case 11/00243/ENOTH 1.

Decision

The Committee -

1. Noted the situation and agreed that consideration be continued.
2. Requested that a further report be submitted to the Committee in August.

(Reference: Report by Head of Planning and Regulatory Services, submitted).

Having previously intimated his apologies Councillor MacMillan joined the meeting at this point.

12. ENFORCEMENT REPORT - 13/00073/ENFOC1

Consideration was given to enforcement case 13/00073/ENFOC1.

Decision

Agreed the recommendation as contained within the report.

(Reference: Report by Head of Planning and Regulatory Services dated 2 April 2013, submitted)

MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 17 APRIL 2013

Present: Councillor Sandy Taylor (Chair)

Councillor Gordon Blair	Councillor Alistair MacDougall
Councillor Rory Colville	Councillor Robert G MacIntyre
Councillor Robin Currie	Councillor Donald MacMillan
Councillor Mary-Jean Devon	Councillor Alex McNaughton
Councillor George Freeman	Councillor James McQueen
Councillor Fred Hall	Councillor Richard Trail
Councillor David Kinniburgh	

Attending: Charles Reppke, Head of Governance and Law
Graeme Forrester, Solicitor
Tricia O'Neill, Central Governance Manager
Melanie Carr, Applicant
Inspector Julie McLeish, Police Scotland
Mary Watt, Environmental Health Officer

1. APOLOGIES FOR ABSENCE

An apology for absence was intimated from Councillor Iain MacDonald.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF SKIN PIERCING AND TATTOOING LICENCE (M CARR, HELENSBURGH)

The Chair welcomed everyone to the meeting and introductions were made. Thereafter the Chair outlined the procedure that would be followed.

Charles Reppke, Head of Governance and Law, advised that a late objection had been received from Environmental Health out with the time period allowed by the Civic Government (Scotland) Act 1982 for making objections or representations. Mr Reppke advised that the Environmental Health Officer was present to explain the reasons for the objection being submitted late.

Mr Reppke further advised that if the Committee wished to take this late objection into consideration then they would need to adjourn the meeting to another day to allow the proper period of notice (14 days) to be afforded to the Applicant.

The Chair invited Miss Watt to explain the reasons why the objection had been submitted late.

Miss Watt advised that she had received notification of the Application on 14

February 2013 and that she had made several attempts to contact the Applicant so that arrangements could be made to inspect the premises. She advised that due to a number of factors the inspection of the premises only took place on 16 April 2013.

The Chair invited the Applicant to comment on Miss Watt's reasons for the late objection.

Ms Carr advised that she had not been aware of where Environmental Health fitted in with regard to her Application and had not realised it was important that this inspection took place prior to the hearing being held.

Councillor Blair sought and received clarification on the time periods for submission of paperwork to Civic Hearings.

Councillor Colville sought clarification on whether or not Environmental Health had submitted a representation or an objection.

Mr Reppke advised that an objection had been submitted.

Councillor Freeman asked if it would be possible for the Applicant to waive her right to have 14 days to consider this objection.

Mr Reppke advised that he would not recommend this course of action as the Applicant did not have legal representation at this time.

Councillor Currie advised that it was a shame that everyone had been brought to this hearing today and would now have to be asked to attend on another day and that it would be better if the Application could be considered today.

Councillor McNaughton advised that it was important that the Applicant received the proper period of notice.

Councillor Taylor advised that he thought the objection should be taken into consideration and that the meeting should be adjourned to another day.

Decision

It was agreed to take the late objection submitted by Environmental Health into consideration and to continue determination of this Application to the next scheduled meeting of the PPSL Committee on Wednesday 22 May 2013.

(Reference: Report by Head of Governance and Law, submitted)

MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the MAIN HALL, CORRAN HALLS, THE ESPLANADE, OBAN
on WEDNESDAY, 24 APRIL 2013

Present: Councillor Sandy Taylor (Chair)

Councillor Gordon Blair	Councillor Iain MacDonald
Councillor Rory Colville	Councillor Alistair MacDougall
Councillor Robin Currie	Councillor Donald MacMillan
Councillor Mary-Jean Devon	Councillor Alex McNaughton
Councillor George Freeman	Councillor James McQueen
Councillor Fred Hall	

Attending: Charles Reppke, Head of Governance and Law
 Richard Kerr, Area Team Leader, Major Applications
 Mark Steward, Marine and Coastal Manager
 Angus Mathieson, Applicant
 Colin Blair, Applicant
 John Webster, Applicant
 Antoinette Mitchell, Kilninver and Kilmelford Community Council
 Michael Shaw, Seil and Easdale Community Council
 Craig MacIntyre, Argyll and Salmon District Fishery Board
 Ben Wilson, Supporter
 Iain Forbes, Supporter
 Peter MacKerral, Supporter
 David Ainsley, Objector
 Ewan Kennedy, Objector
 Richard Pierce, Objector

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors David Kinniburgh, Robert G MacIntyre and Richard Trail.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. LAKELAND MARINE FARMS LTD: RELOCATION OF ARDMADDY FISH FARM COMPRISING 12 NO. 100M CIRCUMFERENCE CAGES PLUS INSTALLATION OF FEED BARGE: PORT NA MORACHD, SEIL SOUND (REF: 11/01066/MFF)

The Chair welcomed everyone to the meeting and introductions were made.

Charles Reppke, Head of Governance and Law, outlined the hearing procedure that would be followed and invited anyone who wished to speak at the meeting to identify themselves.

The Chair then invited the Planning Officer to set out his recommendations.

PLANNING

Richard Kerr presented the case on behalf of the Head of Planning and Regulatory Services advising that this was a detailed application for the establishment of a new marine fish farm in Seil Sound. He advised that it was proposed as a replacement facility for a smaller fish farm operated by the Applicant 900m north of the proposed site. Although the production capacity of the proposed site represents a substantial enlargement of that provided by the existing site, the proposal is described as a relocation to indicate that the current site would be surrendered should this new site be permitted and therefore would remain a single, albeit expanded site, within Seil Sound. The Application site lies inshore and parallel to the mainland coast close to the southern entrance to the Sound, opposite the island of Torsa. In terms of the Local Plan the site lies off the 'sensitive countryside' zone which triggers the undeveloped coast policy CST2. It also lies within a wider Area of Panoramic Quality which accords the locality a scenic designation of regional status. Mr Kerr referred to a number of plans showing the location and layout of the existing fish farm and the proposed site some 900m further south of the equipment to be removed. The existing site due to hydrographical conditions, does not lend itself to expansion in terms of pollution control, hence the intention to relocate to a more favourable site which has had better prospects for a larger discharge consent being obtained from SEPA. Mr Kerr also referred to plans showing the proposed location and configuration of the proposed equipment and the extent of moorings. He advised that this represents the area of the sea bed affected, but does not indicate that navigation would be precluded from this area. He advised that the construction of the moorings and the navigational marking requirements are such that boat traffic is only excluded from an area close in to the surface equipment. Mr Kerr also referred to a plan showing the site in the context of the Admiralty Chart with water depths shown and to a plan showing the equipment layout and cage schematics. He advised that the site currently has consent for mussel rafts with a mooring area about $\frac{1}{4}$ of that now proposed. The site is not currently equipped for shellfish production and if this proposal is consented it would supersede any use for shellfish. The proposed maximum biomass for the site is 2,500 tonnes which is almost double the biomass licensed to be held at the existing fin fish site. He advised that the nets are to be held in tension to minimise risk of them being breached by predators and are to be fitted with false bottoms to resist any attacks from below. They are specified, and are to be maintained, in accordance with the Scottish Salmon Producers Organisation (SSPO) Code of Good Practice. Mr Kerr referred to a photograph showing the type of feed barge to be installed at the north end of the cage group. He advised that SNH had expressed a preference in landscape terms for this to be sited at the south end. The Applicant's operational practice is to site barges on the least exposed sides of their sites, so their response has been to reduce the scale of the model to be employed, from a 26m long barge, as originally proposed, to a 14m long model. Mr Kerr advised that a major consideration of this case is the acceptability of the development relative to the Firth of Lorn European Special Area of Conservation (SAC) designated for its rocky reef habitat. The Application site lies out with the SAC, the closest point of which is Cuan Sound some 2km to the west. As the operation of the site would contribute to solid waste and chemical residues being transported through the water body into the designated area, given the possibility of significant environmental effects arising as a consequence, it has been necessary to carry out a Habitats Regulations Appropriate Assessment, the conclusions of which are set out in an Appendix to

the report of handling. He advised that it should be noted that whilst both the existing site and the proposed site have similar relationships with the SAC, the doubling of biomass by the proposed site represents a materially enhanced risk requiring assessment. Consideration has also been given to the White Cluster Anemone population in Seil Sound given its proximity to the site and its status as a Priority Marine feature. Mr Kerr advised that this Application attracted a high volume of objection founded predominantly upon the concerns objectors have with the scale of the development, the consequent level of pollution the site would produce, and, in turn, the likely adverse effects upon marine habitats and species, both locally and further afield within the SAC. As pollution control is the responsibility of SEPA and not the planning process, the Applicant's accepted Officer's advice that it would be appropriate for the planning application to be held in abeyance for them to be able to pursue a CAR licence application with SEPA. In so doing that enables the acceptability or otherwise of the pollution implications of the development to be put beyond doubt, along with the nature conservation consequences given the need for SEPA to carry out their own Habitats Regulations Appropriate Assessment as part of their CAR licensing process. Mr Kerr advised that despite significant objection to the CAR application and a review of SEPA's intended decision to grant by the Scottish Ministers, a CAR licence was granted by SEPA at the end of 2012 thereby prompting the resuscitation of this planning application. It now falls to the Council as Planning Authority to consider the planning merits of the development, in the knowledge that the pollution consequences of the development and its implications for the national environment within the SAC, have been accepted by SEPA as part of their separate regulatory powers. Mr Kerr advised that there have been no objections raised by key consultees including Marine Scotland Science, SEPA and SNH. Objections have, however, been raised by the Clyde Fishermen's Association, the Scottish Wildlife Trust and the Community Councils surrounding the Seil Sound and Mr Kerr referred to the concerns raised by these Objectors. He advised that in terms of representations received from third parties there have been 816 objections, 44 expressions of support and 2 making observations and that these representations were summarised in the report of handling and supplementary planning report. He advised that the primary issue in this case is the extent to which the increase in biomass, which would be enabled by this relocation of the site, would contribute to pollution in the Sound and beyond out into the SAC, and the acceptability of this in terms of nature conservation interests, both local to the site and further afield within the SAC. Other than the implications of the development for wild fish, which is a material planning consideration, the pollution consequences of the development are controlled by SEPA under the CAR licencing process which is an entirely separate regulatory regime to that of planning. In view of its importance in this case a CAR licence has been sought and obtained from SEPA for the proposed biomass to be held on this site, so that the pollution consequences of the development could be assessed and conclusions reached in advance of the determination of this Application. He advised that whilst SEPA are content with the proposal and are not present today, in response to the proposed hearing they have commented as follows: "SEPA's position is one of record and we have issued a CAR licence for a marine cage fish farm operation at Ardmaddy South (Port na Morachd). The application for this licence was subject to consultation, including public notice adverts which attracted a number of objections. These objections and additional comments from consultees including SNH and Marine Scotland were taken into consideration when assessing the CAR application. SEPA's proposed

determination to grant this CAR licence was notified to the objectors, some of whom exercised their statutory right to refer our decision to the Scottish Ministers and request that they direct SEPA to refer the application to them for their own determination. The Scottish Ministers subsequently considered it to be inappropriate to issue such a direction and a licence was thereafter issued on 2 November 2012". In view of the possibility of adverse consequences for the integrity of the nearby SAC designation SEPA undertook a Habitats Regulations Appropriate Assessment to inform their decision. In turn, following consultation with SNH and with SEPA, Officers have also carried out a further Appropriate Assessment for the purposes of this planning application. This is appended to the main report along with that produced by SEPA. Having given consideration to the distance of the proposal to the SAC boundary and its qualifying rocky reef habitat, the proposed changes to the deposition of solid waste and the use of chemical treatment from those associated with the existing site at Ardmaddy North, and having regard to cumulative nutrient enrichment associated with other fish farming sites, it has been concluded that the proposal will not affect the integrity of the Firth of Lorn SAC in the light of its conservation objectives. Having regard to the various criteria set out in local plan policy LP AQUA 1, and other relevant development plan policies, and having taken into account other material considerations including views expressed by consultees and third parties, Mr Kerr advised that it is concluded that there is no justifiable reason for withholding planning permission in this case subject to the imposition of conditions recommended on page 19 of the main report of handling and he recommended approval of this Application on that basis.

APPLICANT

Angus Mathieson spoke on behalf of the Applicant which was part of the Meridian Salmon Group and provided some background information for the Committee. He advised that in 1990 9% of seafood was farmed and that by 2011 almost 50% was farmed with 120 million tonnes of seafood consumed globally. He advised that farming is the only sustainable way to meet growing demand for seafood. He advised that salmon farming in Scotland was a major economic success story and that Scotland was the largest producer of farmed Atlantic Salmon in the EU and the 3rd largest in the world, representing 8% of the global market. He referred to the economic contribution of Scottish salmon farming, advising that 2124 people were directly employed and that 90% of new jobs were full time with 489 of these jobs in Argyll and Bute. In terms of capital investment, he advised that from 2006 – 2011 this was £206 million for Scotland (£36 million for Argyll and Bute). In terms of the future, he advised that the Scottish industry wishes to grow production sustainably at 3-5% per year to increase salmon production by 50% by 2020. He advised that the Scottish Government supports the aquaculture sector's targets for sustainable growth. He advised that increasing production helps the Scottish industry remain competitive in a global market and helps meet the growing demand for seafood in a sustainable way. He referred to a number of accreditations and certifications Meridian Salmon Group had obtained. He also advised that 26,000 tonnes of salmon were produced in Scotland by Meridian per year, 8,000 in Argyll on 10 sea sites, 6,000 in Orkney on 16 sea sites and 12,000 in Shetland on 17 sea sites. He also referred to a number of maps showing the marine and freshwater production sites operated by the Meridian Salmon Group. He advised that in Argyll Meridian employed 44 full time and 10 part time staff across 8 marine, 5 freshwater and 2 broodstock sites. He also advised of Meridian's contribution to

Argyll and Bute's economy. In terms of the proposal, he advised that the existing site would be closed and the farm would be relocated 900m south. He advised of the change of design from 18 x 24 square metal cages to 12 x 34m diameter circular cages, the addition of a 14m x 10m feed barge and an increase in production from 1,300 tonne to 2,500 tonne. He advised that 3 extra jobs would be created and that the additional capacity and lower production costs will help safeguard existing jobs and make the company more competitive on the world stage. He advised of £2.4 million capital investment with equipment from Argyll, Inverness and Ayrshire companies and increased supply and services business for local companies. He referred to the areas of concern raised by objectors including impacts on the landscape, noise levels, light levels, tourism, other marine users, wildlife and wild fisheries and responded to each of these in turn.

CONSULTEES

Antoinette Mitchell spoke on behalf of Kilninver and Kilmelford Community Council and advised that to her knowledge 24 letters of objection and 1 letter of support had been submitted by the community of Kilninver and Kilmelford. She referred to the concerns raised by the Community Council and advised that there were more than enough marine installations in the area and that there was no need for another. She advised that this relocated farm 900m south would be bigger, with bigger cage dimensions and increase in tonnage of fish produced. She advised that at a meeting of the Community Council on 9 August 2011 it was quite clear from the floor that an Environmental Impact Assessment (EIA) should be undertaken. She advised that fish farms were self-regulatory and referred to SEPA concerns that they did not have enough manpower to carry out inspections as often as they would like. She advised that due to the growth in fish farms this situation could only get worse. She advised that a major concern of the Community Council was that there was no pre application consultation and that the community feel they were not consulted sufficiently. She advised that this area depends on tourism and that tourism and not fish farming were the drivers for the area's economy. She advised that there was the potential for pollution production to destroy wildlife in the area. She advised that this area was a playground for locals and tourists alike and that this was not a suitable site for a large fish farm. She referred to pollution from fish faeces and suffocation of fish due to the depth of the fish cages. She also advised of concerns regarding the disposal of dead fish. She advised that the community support small scale developments like shellfish. She advised that proper procedures had not been carried out due to there being no EIA and no pre application consultation and that this was a breach in the Aarhus Convention.

Michael Shaw advised that he was representing Seil and Easdale Community Council. He advised that the Community Council did not write a letter of outright objection to the Application. He advised that theirs was a balanced letter recognising the importance of fish farming to the community which, he advised, had been ably demonstrated by the Applicant. He advised that he was not concerned with discharge consents, pollution and technology of wildlife. He advised that 80 objections had been submitted by Community Council representatives which was around 10% of the total objections and that some of these were a criticism of fish farming. He advised that most of the objections were unscientific and that the community seen this as another assault on a small scale landscape. He referred to having heard that there were not many houses

overlooking the site and advised that this was true but that this was the advantage of this area. He referred to people being on the water and to walkers and that this was an area of recreation for all and that people care out it. He referred to concerns about the type of feed barge that would be used and that the Applicant was not certain which type would be used. He advised that if this Application was for a building on dry land more detail would have been required. He advised that the Community Council don't have an overall objection to fish farms but that there had been some astonishment that no EIA was required. He advised that Argyll and Bute Council has a clear responsibility to protect our local scenery. He advised that it was a matter of the operators acting very responsibly and that they should enjoy the benefits with the least mitigation. He advised that the community should be protected by Planning from any operations and that it was not unreasonable to ask for conditions and enforcement of these conditions in respect of this Application in the same way as others.

Craig MacIntyre spoke on behalf of the Argyll and District Salmon Fishery Board. He advised that Mr Kerr had stated that biomass was not a material planning consideration other than in respect of implications for the development of wild fish. Mr MacIntyre advised that his main concern was the size of the biomass. He advised that he did not object to the relocation of this but that he would feel better if the biomass could be limited initially to 1,300 tonnes so that monitoring of sea lice could be undertaken. He advised that in terms of the SSPO Code of Good Practice sea lice were considered in the context of the welfare of farmed fish and not wild fish.

SUPPORTERS

Ben Wilson advised that he has worked all over Argyll to support the fish farming industry. He advised that it was important to look after the Marine environment but it was also important to look after the people ashore and that there was a need to provide good opportunities for fish farming careers for people.

Iain Forbes advised that he represented Fusion Marine, a local company based in Barcaldine which has supplied locally to fish farms and globally to the industry for 22 years, specialising in aquaculture equipment with an annual turnover of £500,000 with much of that contained in Argyll. He advised that he was extremely supportive of this Application which will bring sustainability to businesses in the area. He advised that he currently employs 14 people and has a close working relationship with Meridian. He advised that aquaculture gives opportunities for real economic growth. He advised that he supplies cages to this company and would be happy to answer any questions regarding the cages.

Peter MacKerral advised that he represented a haulage company from Campbeltown which employs 53 staff throughout Argyll in Campbeltown, Lochgilphead and Strachur and that wages were £500,000 per year. He advised that his company transport fish, fish food, nets and various equipment and advised that it was alarming that the relocation of this fish farm was under scrutiny and might not get approved. He advised that any threat to fish farming in this area would be a threat to jobs in his company. He referred to being in the process of applying for planning permission to overhaul and improve the firm's workshop in Campbeltown and that if this proposal was under threat he was not sure if they could continue with their own proposals. He advised that every job in the area was worth a lot to the economy of Argyll.

OBJECTORS

David Ainsley advised that he represented the Scottish Wildlife Trust and Sealife Adventures, and has been a wildlife tourism charter skipper for over 25 years and took out 18,000 tourists a year and that they were one of 10 boats in the area. He advised that tourists stay in the area and spend money in local accommodation, restaurants and shops. He also advised that he had a Marine Zoology degree. He referred to the biomass tonnage at the site of 2,500 tonnes and advised that this was the biggest biomass allowance, twice the size of most existing farms including the existing site. He advised that a recent study found the nearby Sound of Jura to be one of the two most important areas in Scotland for porpoise. He advised that 25 years ago we used to see wild salmon jumping and that now we don't. He referred to a map showing sites of some of the old salmon fisheries which have almost all closed during the period of growth in fish farms. He referred to a number of photographs showing the different types of wildlife that can be found at the proposed site and advised that this was an important wildlife corridor. He advised that no one disputed the importance of jobs in fish farming. He advised that wildlife tourism in this area was also important and that jobs could be protected in both industries if farms were sensibly located. He advised that from the start of the planning process the Scottish Wildlife Trust has maintained that an EIA should have been carried out. He referred to a flow chart showing the Environmental Impact Assessment Critical Guidelines Toolkit for Marine Fish Farming and advised on what the EIA would have considered. He advised that the Appropriate Assessment carried out by SEPA was unreliable and could not prove "beyond reasonable scientific doubt" that there would be no adverse effect on the integrity of the SAC. He advised that risks to wildlife and tourism would be partly mitigated by insisting on double nets and no seal scarers or shooting of seals. He advised that the best option would be to relocate the farm to an area of low conservation and landscape importance and that fish farms and tourism can both exist and flourish with sensible farm location and controls.

Ewan Kennedy advised that he has lived in Kilmelford for many years and has been involved with Argyll since 1974 and has always been involved in some way with small boats in this area. He advised that he would like to focus his comments on the local economy in this area and advised that it was dependent on tourism, water tourism and leisure recreation. He advised that he was not trying to argue that fish farming should be stopped as that was not a planning issue. He advised that the general public had a right to use the surface of the sea for many purposes such as leisure, recreation and navigation. He advised that to grant planning permission to this Application would exclude people from an area covering 30 hectares. He advised that it would be extremely imprudent to navigate small boats in between the cages of most fish farms. He advised that we may have a good operator now but if consent was granted this would be almost creating a new right of property and that it could be operated in the future by a bad operator. He advised that there were a significant number of holiday visitors coming to Scotland for the first time to kayak, to canoe and to operate small boats. He referred to Historic Scotland's comments about Dun Fadaidh and whilst they did not formally object they would have liked the site moved further north. He also referred to the Castle of the Dogs on the other side of the Sound. He referred to 2 dozen kayaks on the Sound the previous weekend and that visitors played a significant part in the micro economy of Seil. He referred to

the granting of £300,000 of LEADER money to assist the establishment of an Argyll Kayak Trail from Oban to Helensburgh. He referred to the May holiday weekend when there would be 30 small vessels visiting Toberonochy for a 3 day annual event and that this will be the 11th year this has happened with visitors living in local bed and breakfast establishments. He referred to an Open Sea Sailing Group from the Lake District which also visited the area every year and to the Waverly Paddle Steamer's spring cruise through this area. He also advised of several trips made by the Hebridean Princess which in the past has moored at Port Na Morachd and that it would no longer be able to do so if consent was granted. He advised that this was not a blanket opposition to fish farms but it was a concern about the effect this will have on this micro economy for tourism and leisure recreation and that jobs were being put at risk if this massive industrial installation was allowed on the Sound. He advised that the future of this community of Argyll was entirely dependent on tourism and leisure.

Richard Pierce advised that his objection was on the basis that this was an industrial encroachment on an unspoilt area. He advised that there has been a change in the vessels navigating these waters with an increase in shore huggers like canoes and dinghies. He advised that the local economy of Luing was predominantly retired and the reason for this was that the area was unspoilt. He referred to a number of photographs taken around the proposed site and advised that it was wrong to suggest that the area was for the intrepid hiker. He advised that you could see quite regularly people walking in this area. He referred to plans showing where it was difficult to navigate on the Sound and advised that the fish farm would force boats away from the natural passage west towards Torsa. He also referred to a plan showing areas which were excluded from anchorage and advised that this area of anchorage would be dramatically reduced if planning permission was granted as the proposed site is the only area where boats could berth for respite before entering the Cuan Sound. He advised that the proposed barge would be relocated 50m from the only beach where you could actually land. Mr Pierce also showed some photographs of the fish farm at the north end of Shuna.

MEMBERS' QUESTIONS

Councillor Currie asked why there had been objection to enlargement of the fish farm when there was a reduction in cages from 18 to 12.

Mr Kerr advised that there would be an increase in biomass. He advised that when comparing the 2 sites the aggregate surface of the equipment was not much different but the capacity to hold fish was a lot greater at the new site.

Councillor Currie referred to wild salmon fishing and asked how many jobs were in the area.

Mr MacIntyre advised that there were no jobs anymore in the area and that these were quite badly affected by a number of factors with aquaculture being a contributor. He advised there were indirect jobs with people coming to fish for sea trout.

Councillor Currie asked Mr Ainsley if seal scarers were like goose scarers and advised that when goose scarers were implemented on Islay this increased the population of geese. He also asked Mr Ainsley if he agreed that seals had a

devastating detrimental effect on commercial fishing.

Mr Ainsley advised that seal scarers had a major impact on dolphins and porpoises and advised that it was illegal to disturb cetaceans and that three farms on the Sound of Mull had managed to close that area off to dolphins and porpoises. He advised that in America it was illegal to sell fish farmed in anyway which harmed animals. He advised that he was in no doubt that the common seal was in serious decline and that he did not believe they had an effect on commercial fishing.

Councillor Devon referred to the determination that an EIA was not required and asked was she not correct in saying that the CAR licence was a valid record and would have covered all aspects of an EIA.

Mr Kerr advised there was no mandatory requirement for an EIA in this case. He advised that this Application came under the category of a Schedule 2 development in terms of the EIA Regulations, where the Council has discretion to ask for an EIA or not. The Applicants had submitted at pre-application stage an EIA screening request which was the subject of consultation with Marine Scotland, Scottish Natural Heritage, SEPA, and the Salmon Fishery Board, and the conclusion was that an EIA was not necessary in the circumstances of this case. One consideration in the reaching of that conclusion was the fact that the Council would be required to carry out a Habitats Regulation 'appropriate assessment' as part of the determination process, and that would deal with the implications of the proposal for the integrity of the qualifying interests of the nearby Firth of Lorn SAC.

Councillor Devon referred to objectors concerns about the impact this fish farm would have on tourism and asked how many existing jobs would be impacted on.

Mr Kennedy advised that of those working around Seil and Loch Melfort almost everyone was involved in some way with tourism and leisure.

Councillor Devon referred to Mr Ainsley's comment that 900 seals were killed and asked if this happened on these waters.

Mr Ainsley advised that the figures were produced by Marine Scotland and that the 900 seals were from around Scotland. He advised that even a small number of seals shot was significant.

Councillor Hall referred to a couple of companies now using natural methods for sea lice treatments and asked the Applicant if they were one of these companies or did they solely use chemicals.

Mr Blair confirmed that they were one of the companies now using natural methods and when asked advised that approximately 90% of the treatments were still with chemicals as other methods were at an early stage.

Councillor Hall referred to the natural landscape and advised that Scotland was once covered in natural woodland. He asked if housing impacted on the natural landscape.

Mr Kerr advised that landscape character is defined by physical attributes of the

landscape and that it was also influenced by land use and the presence of development. He advised that buildings, fish farming and agriculture all resulted in physical features in the landscape, and that the incidence of development was a component of landscape character.

Councillor Hall advised that a view from a house over a landscape could be impacted on and asked if a view of a landscape could be impacted by a house.

Mr Kerr advised that views from properties were not planning considerations but that views afforded to the public as a whole could be. He advised that the visual amenity of an area was a planning consideration. He advised that it was the presence of development in the landscape that was important rather than the view obtained from a specific house to a particular location.

Mr Shaw advised that it was his view and he suspected it was the view of the Community Council that yes indeed a house could impinge on a landscape. He advised that all they were asking was for the layout of the fish farm, the lighting and the feed barge to be treated in the same way as a house.

Councillor Colville asked for assurance that condition 6 could be enforced.

Mr Kerr referred to it being implied earlier that there was doubt to what type of feed barge would be used. He advised that the Applicants had started off with a large barge and that this had been reduced in size and that the amended design submitted would be the type which would be consented. He advised that if the Applicants wished to move the barge to another location or use another type of feed barge then this would require another planning application to be submitted. He advised that the appearance would be as shown on the plan and that it was only the colour that would be agreed afterwards and that it would be enforceable. He advised that there were different types of barge out there and that this was a concrete one and he invited the applicants to comment on their selection of barge design.

Mr Blair advised that confusion has arisen around dialogue about the barge. He advised that the concern was about the height of the barge rather than the width. He confirmed that he knew it would not be possible to change the barge from the one applied for but if given the opportunity to purchase a new barge of improved design this would be looked into. He advised that they wished to be seen as good neighbours.

The Chair ruled, and the Committee agreed, to adjourn the hearing at 1.00 pm for lunch.

The Committee reconvened at 1.40 pm and the hearing continued.

MEMBERS' QUESTIONS (CONTINUED)

Councillor McNaughton sought more information on sea lice and asked Mr MacIntyre if he considered the amount of pollution and the amount of chemicals used to control sea lice an area of concern.

Mr MacIntyre advised that enough chemicals will be used to control sea lice as stated in the Code of Practice. He advised that doubling the size of the fish farm

will lead to double the amount of sea lice being released into the environment. He advised that the Code of Practice looks at the average number of sea lice per fish. He advised that he was trying to protect the fish that are left and advised that salmon and sea trout numbers in the area were massively suppressed. He advised that the fish in Loch Melfort was in a disastrous state with low numbers. He advised that he believed the biggest reason for this was inappropriate hydro development. He advised that at Loch Feodan the fish there were in a reasonable state of health. He advised that he would like to see if Meridian can demonstrate they can adequately control sea lice at this site and that he would have no objection if there was $\frac{1}{2}$ a lice per fish.

Councillor MacDonald referred to noise from generators and other aspects of operation of the fish farm and asked if this had been taken into account.

Mr Kerr confirmed that this was taken into account. He advised that the generator would be accommodated in the service barge below the water level and that in his experience given the noise generated from the water and waves the generator would be barely audible on deck unless the hatch cover was opened. He advised that there would be some noise from the pneumatic feed equipment which would not be running all the time. He also advised that there would be some noise from boat traffic to and from the site and from more intensive periods of activity associated with well boat visits. He advised that the site was a long way off from occupied properties, some 2km from the nearest dwelling. He advised that whilst noise did travel across water and even from that distance could potentially be audible, it would not be such as to give rise to a statutory noise nuisance.

Councillor MacDonald referred to industries working in rural areas and that other type of industries had best practice codes of practice. He asked if there was a mechanism for the Applicant to monitor situations as they arise and report back to the community such as a community engagement strategy.

Mr Blair advised that they would not have a mechanism for that and that they would need to take advice. He advised that he would like to improve communication with the three Community Councils whatever happened.

Councillor MacDonald asked if there was a bond or similar mechanism in place to ensure removal of equipment if the business was to go out of operation.

Mr Steward advised that bonds were not used for aquaculture and that it would be the responsibility of the Applicant to remove any equipment and that there was a planning condition to cover this.

Councillor Freeman referred to the fish farm being serviced from Loch Craignish and Croabh Haven and asked how far away this was from the site.

Mr Mathieson advised that it was about $1\frac{1}{2}$ hours travel time.

Councillor Freeman referred to the number of representations made and advised that he was amazed some of these representations were received globally and well out with Argyll. He advised that he thought about 25% of the representations received were from within Argyll and asked if this was a correct approximation.

Mr Kerr advised that he had not carried out an analysis of split and that these days with the internet it was not uncommon to get representations from far and wide. He advised that it was for Members to give weight to the representations received as they saw fit.

Councillor Freeman referred to 18 cages being reduced down to 12 cages which was a reduction of 33% and asked what the difference in capacity was for holding fish.

Mr Mathieson advised that there would be double the capacity of the existing cages.

Councillor Blair asked if double netting was a possibility.

Mr Webster advised that this issue has been discussed for a number of years. He advised that he has been in the industry for about 30 years and any attempts to trial this have failed. He advised that double netting tends to trap young seals and sea birds and that seals can die if they become trapped. He advised that there was also a difficulty for fish as nets become fouled by mussels. He advised that double netting was very bad for fish and very bad for the wildlife and if they worked they would be used.

Councillor Blair asked if monitoring of the sea bed was carried out at the same time as nets were repaired.

Mr Blair referred to the CAR licencing and advised that benthic sampling was taken during the production cycle every two years.

Councillor Blair referred to decommissioning of the site and asked if monitoring analysis was undertaken to see what the effects are on the sea bed at the end of the life of a fish farm.

Mr Blair advised that in terms of removal of equipment they would do that. He advised that the sea bed would recover.

Councillor Blair asked how long the existing fish farm had been there and Mr Blair advised almost 25 years.

Mr Webster advised that the sea bed maintained a good state because of the CAR consent. He advised that the principle rate of deposits of feed and faeces onto the seabed was the same rate as what is broken down and dispersed. He advised that anything left after a fish farm was removed would disappear from the sea bed within 6 – 9 months and that this was all built into the consents process.

Councillor Blair referred to the status and look of the barge and asked if there was any way of making it more aesthetically pleasing for the tourist.

Mr Mathieson advised that they were always looking for ways to improve the site and would welcome any suggestions and that they wished to be good neighbours.

SUM UPPlanning

Richard Kerr advised that the Scottish Salmon farming industry has stated its intention to seek to expand its production by 50% by 2020, and growth in the sector is being actively promoted by the Scottish Government, given that it is one of the only growth sectors in the economy, and because it is of importance not only in terms of exports, but also in terms of providing full time employment opportunities in rural areas. The aquaculture sector is of particular importance to the economy of Argyll, both in terms of direct employment, and also indirect jobs in fish processing, servicing of sites and so on. It is therefore incumbent upon us to help the industry find sites which enables the sector to grow sustainably in locations where they can do so without giving rise to unacceptable environmental impacts. As with all planning applications, in determining this proposal there are two primary things which we are required to do. Firstly, to confine ourselves to material planning considerations and to exclude irrelevancies, and secondly, to determine the application in accordance with the development plan policies unless those other relevant material considerations indicate otherwise. The starting point is therefore to turn to local plan policy LP AQUA 1 which indicates those matters to be taken into consideration, which reflect the government's advice on aquaculture as set out in Scottish Planning Policy. As with all aquaculture applications, there are a wide range of matters which pertain, including landscape, amenity, nature conservation, historic environment, wild fish, sea fishing and navigation considerations. Conversely, there are other aspects of the proposal which ought not to be taken into account, as they are subject to an entirely separate regulatory regime administered by SEPA, notably the licensing of biomass and the administration of medicines and chemicals, in the interests of pollution control. SEPA have granted a licence for this development, having undertaken a Habitats Regulations Appropriate Assessment in order to satisfy themselves that solid and chemical discharges from the site will not threaten the integrity of the nearby Firth of Lorn Special Area of Conservation. He advised that Members should therefore discount pollution and biomass considerations, other than for any implications that the enlargement of the capacity of the relocated site may have for wild salmonoids, given that SEPA has no remit to protect the interests of wild fish. In line with legislative requirements Planning have also carried out an Appropriate Assessment under the Habitats Regulations following on from that conducted by SEPA as part of their licensing process, and further to consultation which was carried out with SNH and SEPA on the matter. That has concluded that the proposal will not undermine the integrity of the rocky reef habitat within the SAC out to the west of Seil Sound. SNH have not objected to the Application either in terms of its consequences for the SAC, or in terms of its local nature conservation consequences within the Sound itself. In terms of remaining considerations which are material to the Application, and having regard to the presence of and the proposed removal of the existing farm, there have not been identified any adverse landscape, noise, lighting, wild fish, sea fishing, navigation or recreational interests identified which indicate that it would be justifiable to withhold consent on planning grounds. Criticism has been levelled that an Environmental Impact Assessment has not been required in this case. The type and scale of the development is such that there is no mandatory requirement for an EIA in this case. There is, however, a requirement for the development to be screened by the Council, to determine whether it should nonetheless exercise its

discretion and ask for an Environmental Statement. A screening request was made by the Applicants to the Council in advance of the submission of the Application to determine whether it ought to be accompanied by an Environmental Statement. That was in turn subject to consultation with key consultees including Marine Scotland, SEPA, SNH and the District Salmon Fishery Board, none of which considered that an Environmental Statement should be required in this case, particularly in the knowledge that it would be a requirement that the Council as the competent body under the Habitats Regulations would be required to complete its own Appropriate Assessment as part of its adjudication of the Application, in order to satisfy itself that the integrity of the nearby Special Area of Conservation would not be prejudiced. Criticism has also been levelled at the science behind SEPA's Appropriate Assessment, which in turn underpins the conclusion of the Appropriate Assessment accompanying the planning assessment. That is not a matter for us here given that the Scottish Ministers have already considered such criticism in their review of SEPA's intended decision and that they have not decided to intervene, and a CAR licence has been issued by SEPA on the basis of that Appropriate Assessment, which is therefore a matter of record. Criticism has also been raised in terms of the ability to navigate Seil Sound. Neither the Northern Lighthouse Board nor the Royal Yachting Association has objected to this proposal. Although as part of the planning process it is necessary to take into account other marine users, such as commercial fishing and recreational boating, the detailed implications of the siting of the equipment and its implications for navigation will be considered separately outside the planning process, as part of the Marine Licence which the Applicants will need to obtain from Marine Scotland for the placement of their equipment and moorings in this area. That is a separate public process and there is opportunity for yachting interests to express a view at that point. Objections in relation to obstruction and potential difficulties for the ability of those to navigate the Sound are therefore more properly addressed by Marine Scotland's licensing process. In the event that planning permission is granted, such a permission would be of no influence on Marine Scotland's decision whether or not to issue a Marine licence, which would be assessed separately on its own merits and in the light of any representations received. Having taken into account Development Plan Policy, Government Policy on aquaculture, and all other considerations relevant to planning, it is recommended that planning permission should be granted subject to the conditions recommended in the main report.

Applicant

Angus Mathieson advised that Marine Scotland, SNH, SEPA, the Fishery Board, Lighthouse Board and Royal Yachting Association had no objection to this proposal and that SEPA has granted a CAR licence. He advised that they wish to be seen as good neighbours and good employers and would be happy to engage with the local community.

Consultees

Antoinette Mitchell referred to overwhelming and significant objection to this proposal from the community that will be affected by it. She expressed her concern about the level of pollution and its effect on the marine environment and that no answer was given to how dead fish would be disposed of and where.

Michael Shaw and Craig MacIntyre advised they had nothing further to add.

Supporters

Ben Wilson, Iain Forbes and Peter MacKerrall advised that they had nothing further to add.

Objectors

David Ainsley advised that in 2006 the existing site had to have an Environmental Impact Assessment when the biomass was increased from 800 to 1,300 tonnes and no relocation so asked why an EIA was not required now. He advised that it was unsatisfactory to rely on the science of the Appropriate Assessment. He advised that the existing nets don't trap wildlife. He referred to doubling the size of the net mesh. He referred to 2 full time and 1 part job being created by the farm and advised that those jobs would still be created if the farm was moved somewhere else. He advised that wildlife tourism brought a lot of money into the area. He asked that a condition be added to require double netting.

Ewan Kennedy advised that he had not heard anything to change his view and asked that the Application be refused on the grounds that he had set out earlier.

Richard Pierce advised that he had nothing further to add.

The Chair asked those present to confirm they had received a fair hearing and after clarification of the purpose they all confirmed this to be the case.

DEBATE

Councillor Devon thanked everyone for their very informative presentations. She advised that the Council encouraged development whilst protecting the natural environment and that in this case all the Local Plan policies had been adhered to. She advised that concerns regarding the EIA had, in her opinion, been addressed. She advised that in Argyll there was a tradition of farming, forestry, fishing and tourism and that all sectors were facing difficulties. She advised that if we want the rural community to prosper we need to allow new opportunities. She advised that she would be proposing that planning permission be granted subject to the conditions detailed in the main report.

Councillor Hall advised that of the 816 objections received, 229 of these were from residents of Argyll. He referred to the cost of sending letters to the objectors and advised that Argyll and Bute Council needed to make representation to the Scottish Government to advise that only representations received from the Council area should be taken into consideration. He advised that every interaction by a human being on the planet has an impact and that it was all a question of balance. He advised that he agreed with Councillor Devon and that the planning department had taken a balanced view that he would be supporting the recommendation to grant planning permission.

Councillor Currie advised that the planning reasons for granting were overwhelming in favour to grant and that there was no case to answer to. He advised that he supported the Application and supported the reasons and

conditions.

Councillor Colville advised that he supported the Application.

Councillor Freeman advised that he was more than happy to second Councillor Devon's Motion to approve.

Councillor MacDonald thanked everyone for their contribution. He advised that he was aware fish farms were undergoing change to meet Scottish Government targets. He advised that the arguments were laid out very well. He advised that the barge concerned him slightly but that he was happy to support the Application.

Councillor Taylor asked if anyone was otherwise minded than to approve this Application and it was confirmed that everyone was in support of the Application.

DECISION

It was unanimously agreed to grant planning permission subject to the following conditions and reasons:-

1. The development hereby permitted shall not be carried out other than wholly in accordance with the following plans and details unless previously approved in writing by the Planning Authority:

- Application Form dated 13.06.11;
- Plan 1 of 9 – current and proposed site locations and layout;
- Plan 2 of 9 – location plan 1:10,000;
- Plan 3 of 9 – location plan 1:25,000;
- Plan 4 of 9 – Admiralty chart indicating mooring containment area;
- Plan 5 of 9 – site layout plan;
- Plan 6 of 9 – cage sections;
- Plan 7 of 9 – net specifications;
- Plan 8 of 9 – feed barge specifications (amended 18.12.12);
- Plan 9 of 9 – feed barge appearance (amended 18.12.12).

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

2. The stocking of the farm hereby approved with fish shall not take place until the fish pens walkways, associated structures and moorings have been removed from the existing site at Ardmaddy North (0.9km north of the consented site) and evidence has been presented to the Planning Authority that the existing Crown Estate lease has been relinquished in order to prevent subsequent re-equipping of that site.

Reason: Consent for this development is granted solely on the basis that this development will replace the existing operation. Occupation of this site in association with the existing site would produce unacceptable cumulative impacts as a result of the presence and operation of multiple sites in inappropriately close proximity which would exceed the carrying capacity of the receiving environment.

3. In the event that the development or any associated equipment approved by this permission ceases to be in operational use for a period exceeding three years, the equipment shall be wholly removed from the site thereafter unless otherwise agreed

in writing by the Planning Authority.

Reason: In the interest of visual amenity and to ensure that redundant development does not sterilise capacity for future development within the same water body.

4. In the event of equipment falling into disrepair or becoming damaged, adrift, stranded, abandoned or sunk in such a manner as to cause an obstruction or danger to navigation, the developer shall carry out or make suitable arrangements for the carrying out of all measures necessary for lighting, buoying, raising, repairing, moving or destroying, as appropriate, the whole or any part of the equipment.

Reason: In the interest of visual amenity.

5. All lighting above the water surface and not required for safe navigation purposes should be directed downwards by shielding and be extinguished when not required for the purpose for which it is installed on the site.

Reason: In the interest of visual amenity.

6. The finished surfaces of all equipment above the water surface including the feed barge and surface floats and buoys associated with the development hereby permitted (excluding those required to comply with navigational requirements) shall be non-reflective and finished in a dark recessive colour in accordance with colour schemes to be agreed in advance in writing by the Planning Authority (by way of BS numbers or manufacturer's specifications) unless otherwise agreed in advance in writing by the Planning Authority.

Reason: In the interest of visual amenity.

7. No deployment of Acoustic Deterrent Devices shall be permitted at the site unless the model intended for use and the means of its use have been submitted to and approved in writing by the Planning Authority, following consultation with Scottish Natural Heritage. Thereafter deployment shall only take place in accordance with the duly approved details unless any subsequent variation thereof is agreed in writing by the Planning Authority.

Reason: In the interests of nature conservation.

(Reference: Report by Head of Planning and Regulatory Services dated 29 February 2013 and Supplementary Planning Report No. 1 dated 19 April 2013, submitted)

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**ARGYLL AND BUTE COUNCIL
DEVELOPMENT &
INFRASTRUCTURE SERVICES**

**Planning, Protective Services &
Licensing Committee**

Date 22nd May 2013

ARGYLL & BUTE SUSTAINABLE DESIGN AWARDS 2012

1. SUMMARY

- 1.1** This report outlines the results for the 2012 Sustainable Design Awards.

2. RECOMMENDATIONS

- 2.1** That Members note and endorse the final results of the competition as set out below.

3. BACKGROUND

- 3.1** The Sustainable Design Awards is a bi-annual competition run by Development and Infrastructure Services, the purpose of which is to highlight good examples of sustainable design in new developments within Argyll and Bute.
- 3.2** Members will be aware that the council has published a suite of design guides as supplementary guidance associated with the current Development Plan and the emerging Local Development Plan. The Argyll and Bute Sustainable Design Awards serve as a mechanism to highlight this design guidance and to put design quality and sustainability at the heart of improving development outcomes across Argyll and Bute.
- 3.3** The 2012 competition attracted some 25 entries across the four categories of development:-
1. New build small scale residential.
 2. New build large scale residential
 3. New build non-residential
 4. Redevelopment or refurbishment.

The judges for the competition were:-

- 3.4** Councillor Sandy Taylor in his role as chair of the PPSL Committee
Michael Stewart (Retired Head of Planning – Stirling)
Gareth Hoskins – Gareth Hoskins Architects

- 3.5** The 25 entries were subject to a shortlisting process which resulted in the following entries being taken forward to final judging and site visits:

New build small scale residential

Square House, Taynult
White House, Grishipol, Coll

New build large scale residential

Tigh Na Cladach, Bullwood, Dunoon.

New build non-residential

Workshop, Alt-an-Duin, Kilmory Knap

Marine sciences building, Dunstaffnage

- 3.6** The judges determined that the overall winner of the 2012 Sustainable Design Awards is :-

Tigh Na Cladach, Bullwood, Dunoon

All of the other shortlisted entries were considered to merit commendations.

The comments made by the judges on each entry are appended to this report as Appendix A.

4. CONCLUSION

- 4.1** Determining the results of the competition has taken longer than anticipated due a number of factors relating to the judges capacity to undertake site visits and concur on their views within their own busy workloads.

- 4.2** It is heartening to see that the judges considered a public sector housing development as the best overall design and which will hopefully demonstrates that public sector funded

buildings can continue to lead the way in pushing technical innovation and design quality that will ultimately benefit the occupants of these dwellings over the course of the buildings' lifespan.

5. IMPLICATIONS

Policy: None

Financial: None

Personnel: None

Equal Opportunity: None

For further information contact:

Fergus Murray

Telephone 01546 604293


LIST OF BACKGROUND PAPERS: None

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ARGYLL AND BUTE SUSTAINABLE DESIGN AWARDS 2012

List of Awards



Argyll and Bute Sustainable Design Awards – List of Awards				
Scheme name	Architect	Nominated by	Award category	Judges Commentary
Former Rothesay Court House 	Collective Architecture	Gerry Hogan	Re-development/refurbishment Commendation	<i>The project clearly demonstrates community interest and enhances the environment as well as being sustainable in terms of reusing a much loved existing building. The architects, design team and contractor have demonstrated considerable professional tenacity to see such a complex project through.</i>
Workshop, Kilmory Knap	ECRU Architects	Andrew Brown	New build non-residential	<i>While borrowing elements of design and materials from its</i>



Marine sciences building, Dunstaffnage



The Argyll Partnership

Andy Kitson


Commendation

associated dwellinghouse, this small ancillary building shows that architecture can often to most effect be writ small. The building, conceived and executed for its unique place and time demonstrates that architecture and craft can bring joy to the humblest of buildings. A gem.

New build non-residential

Commendation


The environmental and sustainable credentials of this building reflect those of the client. While not unduly capitalizing on the locus genii, especially the setting and views through orientation and site planning, functionally the building achieves very high standards and provides an enviable learning facility. The approach to the design

				<i>of this building must become the baseline for all such projects.</i>
Tigh-na-Cladach, Dunoon 	G.Deveci Chartered Architect	Gokay Deveci	Large Scale residential Overall Winner	<i>Given the tight and awkward site, together with the seaward setting and the context of shore side frontage, this development is exceptional in its manifestation. That the development is social housing with low energy design, including "passivehaus" standards, within such budget constraints, makes the development all the more remarkable. These factors along with the high quality architectural response have resulted in a development which has set a high benchmark for future</i>



affordable housing, and important lesson for private housing developers on how new housing can be successfully developed. The continuing community involvement with the Bullwood Group, and the establishment of a neighbourhood through careful design reflect the social inclusion values of the developer.

This development is unanimously decided to be the most outstanding amongst a strong and varied competition. It is considered that Tigh Na Cladach sets an unmatched example of exceptional design in terms of response to the site and setting, building performance and architectural solutions in the context of social housing

				<i>budget constraints.</i>
White House, Grishipol 	WT Architecture	Tamsin Cunningham	Small scale residential Commendation	<i>The retention and reinvention of this import local landmark is an exemplar of radical intervention in the conservation of a listed building. The resultant modern house with its high sustainability credentials provides an enviable home worthy of its location and setting.</i>
Square House, Taynuilt	Roxburgh McEwan Architects	Justine Fernandes	Small scale residential	<i>The SquareHouse aims at a new low energy vernacular for building detached homes in the Highlands. This it does</i>



Commendation

with minimal fuss and not a little style.

A deceptively large brief; four bedrooms, two bathrooms, generous double height family room, study and ancillaries; are contained within its compact form. It inhabits a standard plot within a small group of new homes backing onto birch trees lining the West Highland line as it passes through Taynuilt. The Square House distains the neo-Norwegian log hut look of its neighbours with their solar collectors conspicuously displayed, for a simple rectangular form where the ugly collectors are concealed behind a “butterfly roof” . Large south facing glazing, rather than mean little

				<p><i>windows, welcome the sun to help heat its generous interior. The sun will also soon bleach its locally sourced larch cladding to silver to match its birch setting.</i></p> <p><i>Wearing its accredited Passiv Haus rating lightly, and aspiring to architecture rather than a dull “green”, the Square House is indeed a good basis for a vernacular, and a welcome alternative to the often rather dismal new houses which ring many Highland villages.</i></p>
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ARGYLL AND BUTE COUNCIL**PLANNING, PROTECTIVE SERVICES
AND LICENSING****GOVERNANCE AND LAW****22 MAY 2013**

**PROTECTION OF CHILDREN AT WORK
EMPLOYMENT OF CHILDREN BYELAWS**

1.0 SUMMARY

1.1 Argyll and Bute Council made byelaws on 14 August 2002 in relation to the employment of children at work. These byelaws came into force on 24 June 2003. Members were advised at their meeting of 19 September 2012 that, in terms of Section 201 of the Local Government (Scotland) Act 1973, byelaws require to be renewed not later than 10 years from coming into force.

2.0 RECOMMENDATIONS

2.1 Members are asked to agree that, having considered the consultation responses, the byelaws continue in force and that no amendment is required to them.

3.0 BACKGROUND

3.1 Members agreed at their meeting on 19 September 2012 that a review of the existing byelaws be progressed by initially consulting with Strathclyde Police and the Procurator Fiscal with a further report being placed before members indicating what actions could or should be taken in relation to the review of the byelaws.

3.2 The Scottish Government had previously been contacted to check if they intended to recommend any amendments to the model byelaws upon which the Council's current byelaws are closely based. They have advised that there are no plans at the moment to recommend any amendments.

3.3 The Procurator Fiscal Service has advised that they would not have any amendments to propose.

The Police have confirmed they have no amendments to propose

3.4 The Education Service have consulted with the secondary Head Teachers who are also supportive of the current position.

3.5 The byelaws are intended to protect the health and safety of young workers.

4.0 CONCLUSION

4.1 It is recommended that the existing byelaws remain in force and no amendment be made to them at this time.

4.2 A copy of the byelaws and the application form is on the Council's website to raise public awareness of the need for a permit.

5.0 IMPLICATIONS

5.1 Policy - No changes are proposed

5.2 Financial - None

5.3 Legal – There is a statutory requirement to review the byelaws every 10 years

5.4 HR - None

5.5 Equalities - None

5.6 Risk - None

5.7 Customer Services – There may be an increased workload if more applications are received

Executive Director of Customer Services
April 2013

For further information contact: Sheila MacFadyen; tel: 01546 604265; e-mail:
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ARGYLL AND BUTE COUNCIL**PLANNING, PROTECTIVE SERVICES
AND LICENSING COMMITTEE**

CUSTOMER SERVICES**22ND MAY 2013**

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

PUBLIC ENTERTAINMENT LICENCES

FEES FOR CHARITABLE & VOLUNTARY ORGANISATIONS

1. SUMMARY

- 1.1 The issue of fees for charities and voluntary organisations for public entertainment licences was considered by Members on 30th May 2012. Following the amendment of the Civic Government (Scotland) Act 1982 by the Criminal Justice and Licensing (Scotland) Act 2010 in relation to public entertainment licensing, free to enter events were included in the definition of public entertainment. At that time concerns had been expressed about the impact of this change on voluntary and charitable organisations.
- 1.2 The decision of the Council of the 14th June 2012, following the recommendation from this committee, was as noted below:-
- (i) No fee should be charged for a free to enter event if the event is organised by a formally constituted voluntary or charitable organisation on the basis that this exemption from payment of a fee only applying if the following criteria are met (i) there is no admission charge or fee; (ii) no charge for use of any of the facilities provided by the event organiser; and (iii) no donations are made towards the cost of running the event;
 - (ii) If entry to an event held by a voluntary or charitable organisation is not free there is no fee for the first 2 events held per year by the organisation with subsequent events held in the same year being charged a reduced fee of £40 per event but that this fee be waived until June 2013.
 - (i) There is a robust monitoring period of a year in relation to any change in the fees agreed in relation to voluntary and charitable based organisations with a further report being placed before the PPSL Committee to advise on cost implications in administering and any other issues in June 2013.

2. RECOMMENDATIONS

- 2.1 Members are asked to consider whether all or a selection of the options detailed at section 4 below should be subject to public consultation and instruct officers to make the necessary arrangements as appropriate.

- 2.2 If Members determine that public consultation is not required then they are asked to identify the preferred option from those detailed at section 4 below and instruct officers to make appropriate arrangements to implement any required changes to the current regime.
- 2.3 A further report should be presented to Members to detail progress in terms of the decision at this meeting.
- 2.4 If members agree to undertake public consultation as recommended, that the current regime continues until new arrangements are agreed and implemented.

3. BACKGROUND

- 3.1 The Council's current resolution requires that a public entertainment licence is obtained in relation to a range of specific classes of entertainment, namely:-

Amusement arcades, boxing, wrestling. Judo or similar presentations, circuses, concerts, dancing, discotheques, roller discos, fairgrounds, ice rinks and leisure centres (with audience accommodation), snooker or billiard halls, theatrical performances, video shows.

- 3.2 On 30th May 2012 Members considered the option of reduced fees for voluntary or charity groups as well as the option to require licensing but not to apply a fee for 'free to enter' events.
- 3.3 After the meeting, Members received significant feedback from groups in their constituencies expressing concern in relation to the new regime. During June 2012 the Head of Governance and Law gave presentations at Local Area Committee meetings to address those concerns.
- 3.4 In recent months, Legal Services have undertaken a further benchmarking exercise to identify the approach taken by 14 other Scottish councils. A summary of these results is attached as **Annex 1**. A summary of the results is shown below:-

Voluntary groups & charities: 12 councils have specific provisions for these groups although some councils impose additional conditions in regard to the fee payable

Consultation: 11 of the councils have undertaken or are planning to consult the public on changes to the licence scheme

Free events: 8 councils apply discounted fees if the event is free to enter

Capacity: 7 councils consider the capacity of the event in their criteria for exemptions e.g. events with less than 500 attendees

4. OPTIONS

4.1 Option 1: Small, non-commercial events

4.1.1 SCOPE: Only a nominal fee would be charged if the event, whether indoor or outdoor, is –

(i) organised by a formally constituted voluntary group

AND

(ii) below a specified threshold (e.g. 100 attendees)

4.1.2 COST: Organisers of non-commercial, small scale events would incur a nominal fee for a Public Entertainment licence but would be liable for hire costs of the relevant premises.

4.1.3 POTENTIAL ADVANTAGES:

(a) This option supports local and charitable fund raising for low capacity events

(b) The administrative burden on the organiser is minimal (simplified licence application)

(c) Public safety is still being protected through imposition of a maximum capacity and simplified risk assessment

4.1.4 POTENTIAL DISADVANTAGES:

(a) Potential breach of the statutory requirement for local authorities to ensure that fees received are sufficient to meet expenses incurred in exercising its functions as licensing authority

(b) Loss of income that would otherwise be received from the full licence fee

(c) Non-commercial organisers may opt to hold their events in council areas where no fee is charged for low capacity events.

4.2 Option 2: No change

4.2.1 SCOPE: This option is to continue with approach as implemented following the Council decision on 14 June 2012 i.e.

(i) No fee should be charged for a free to enter event if the event is organised by a formally constituted voluntary or charitable organisation on the basis that this exemption from payment of a fee only applying if the following criteria are met (a) there is no admission charge or fee; (b) no charge for use of any of the facilities provided by the event organiser; and (c) no donations are made towards the cost of running the event;

(ii) If entry to an event held by a voluntary or charitable organisation is not free there is no fee for the first 2 events held per year by the organisation with subsequent events held in the same year being charged a reduced fee of £40 per event.

- 4.2.2 **COST:** Prior to the introduction of the current discounted arrangements for voluntary and charitable groups, **six** temporary public entertainment licenses were granted, with associated Council income of **£750**. Following the introduction of these arrangements **twenty seven** licences were granted (for voluntary and charitable groups) which would otherwise have generated an income of **£3,375** under the previous regime.
- 4.2.3 **POTENTIAL ADVANTAGES:** This regime has been running for a full year; relevant groups should now be more familiar with the criteria and should acknowledge a reduction in costs.
- 4.2.4 **POTENTIAL DISADVANTAGES:** This approach could be regarded as involving more complexity than options 1-3 above.

4.3 Option 3: Use of licensed Council premises

- 4.3.1 **SCOPE:** The Council could licence all council owned schools and halls (subject to appropriate risk assessments) for use by community groups.
- 4.3.2 **COST:** The organiser of the event would not incur a fee for a Public Entertainment licence but would be liable for hire costs of the relevant school or hall. However there would be a cost to the Council in licensing these premises.
- 4.3.3 **ADVANTAGES:**
- (a) This option supports local and charitable fund raising
 - (b) Event organisers can use a licensed school or hall
 - (d) Public safety is still being protected through inspection and risk assessment
- DISADVANTAGES:**
- (a) Potential breach of the statutory requirement for local authorities to ensure that fees received are sufficient to meet expenses incurred in exercising its functions as licensing authority
 - (b) Loss of income that would otherwise be received from the full licence fee

4.4 Option 4: Annual, non-commercial events

- 4.4.1 **SCOPE:** Only a nominal fee would be charged if the event, whether indoor or outdoor, is
- (i) organised by a formally constituted voluntary group based within the boundary of Argyll and Bute Council
- AND**
- (ii) the event will be held no more than once annually

4.4.2 COST: Organisers of non-commercial, events would not incur a fee for a Public Entertainment licence but would be liable for hire costs of the relevant premises.

4.4.3 POTENTIAL ADVANTAGES:

- (a) This option supports local and charitable fund raising
- (b) The administrative burden on the organiser is minimal (simplified licence application)
- (c) Public safety is still being protected through imposition of a maximum of one event annually and simplified risk assessment

4.4.4 POTENTIAL DISADVANTAGES:

- (a) Potential breach of the statutory requirement for local authorities to ensure that fees received are sufficient to meet expenses incurred in exercising its functions as licensing authority
- (b) Loss of income that would otherwise be received by the full licence fee
- (c) Non-commercial organisers may opt to hold single annual events in council areas where no fee is charged for non-commercial organisations.

4.5 Option 5: No licence fee for voluntary groups

4.5.1 SCOPE: No licence fee would be payable for events (indoor or outdoor) where the event is –

- (i) organised by a formally constituted voluntary group based in Argyll and Bute
AND
- (ii) below a specified threshold (e.g. 100 attendees)

4.5.2 COST: the only cost payable by the organiser would be for the hire charge of the venue. However, as noted at s4.2.2 above this option could result in a loss of income of £3,375.

4.5.3 POTENTIAL ADVANTAGES:

- (a) This option supports local and charitable fund raising for low capacity events
- (b) The administrative burden on the organiser is minimal (simplified licence application)
- (c) Public safety is still being protected through imposition of a maximum capacity and simplified risk assessment

4.5.4 POTENTIAL DISADVANTAGES:

- (a) Potential breach of the statutory requirement for local authorities to ensure that fees received are sufficient to meet expenses incurred in exercising its functions as licensing authority
- (b) Loss of income that would otherwise be received from the full licence fee.

4.6 No requirement for Public Entertainment Licences

- 4.6.1 SCOPE: This option involves a radical change in that none of the public entertainment activities included in the current Council resolution would require to be licensed.
- 4.6.2 COST: All existing licence holders would be entitled to a refund on a pro rata basis for the remaining period of their current licence. However, as noted at s4.2.2 above this option could result in a loss of income of £3,375.
- 4.6.3 POTENTIAL ADVANTAGES: Organisers would avoid the administrative and financial burden of the licensing regime.
- 4.6.4 POTENTIAL DISADVANTAGES:
 - (a) Significant health and safety concerns for the Council, Police and other agencies, linked to uncontrolled activities. By not licensing public entertainment events the Council would not be adhering to the licensing principles of securing public safety, preventing crime and disorder and preventing nuisance.
 - (b) Council failure to exercise statutory controls incorporated in the Civic Government (Scotland) Act 1982
 - (c) Increased burden on Council and other statutory agencies through alternative enforcement activity to address unlicensed activities
 - (d) The Council's current resolution for Public Entertainment Licences would require to be amended
 - (e) Loss of income to the Council

5. CONCLUSIONS

- 5.1 Benchmarking: the benchmarking exercise indicates that Councils have made arrangements to reduce the financial burden for voluntary groups involved in public entertainment activities.
- 5.2 Options:
 - (i) Option 6 detailed above would require amendment of the Council's current resolution for Public Entertainment Licences. In order to vary the existing resolution, the licensing authority must give notice of its intention to do so and detail the places and classes of entertainment which are to be included. The notice must be advertised in a local newspaper and members of the public may make representations within 28 days of the notice being published. Any representations must be considered by the licensing authority before agreeing to vary the resolution.
 - (ii) All of the options are likely to result in decreased income for the Council (relative to the income received prior to the 2012 changes), with the associated concern that the

Council may be in breach of its statutory duty to ensure that the total amount of fees it receives is sufficient to meet the expenses incurred in exercising its functions as licensing authority

(iii) The option of not licensing any public entertainment activities (Option 6) could be regarded as creating a significant risk for members of the public and potentially result in the Council failing to meet its obligations in regulating public entertainment activities

5.3 The Council's policy on public entertainment licensing could change significantly depending on the option selected. It may therefore be advisable to undertake public consultation in relation to the options under consideration, as numerous other Scottish Councils have done already.

6. IMPLICATIONS

6.1 Policy: potentially significant impact depending on the option selected

6.2 Financial: several of the options detailed will result in reduced income to the Council.

6.3 Legal: implementation of option 6 would require amendment of the Council's resolution on Public Entertainment Licensing. Implementing option 6 may also result in the Council failing to regulate public entertainment activities. Options 1-5 may lead to a breach of the statutory requirement for local authorities to ensure that fees received are sufficient to meet expenses incurred in exercising its functions as licensing authority

6.4 HR: none identified

6.5 Equalities: require assessment to assess potential impact on relevant groups.

6.6 Risk: potential financial and legal risks as at 6.2, 6.3 and 6.5 above.

6.7 Customer Service: if the option selected is linked to significant change in the current arrangements, public consultation may be appropriate.

7. APPENDICES

7.1 Annex 1 provides a summary of the results of the benchmarking exercise undertaken in relation to this issue.

CHARLES REPPKE
Head of Governance and Law

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PUBLIC ENTERTAINMENT LICENCES BENCHMARKING DATA

COUNCIL / FACTOR	CAPACITY	EXEMPTIONS	FREE TO ENTER	LICENCE FEE	CONSULTATION	OTHER COMMENTS
		(Definition / criteria)				
ABERDEEN CITY	not specified	still require PEL; community, charity, voluntary	not specified	75% reduction for charities etc.	via community councils, elected members + website	Resolution; issues @ free firework displays
DUMFRIES & GALLOWAY	not specified	Still require PEL; community based events	Discounted if free to enter	Discounted	via community councils	Resolution; issues @ free firework displays Fees; negative response @ charges for small groups
DUNDEE	not specified	Still require PEL; charity events	Check	Discounted	?	No response as yet
EAST RENFREWSHIRE	not specified	not specified	not specified	Discounted for 'minor' events	No	Premises; Licence numerous council buildings to minimise costs for small groups
EDINBURGH	small scale (<500)	small events exempt from PEL IF charity, community etc.+ free to enter	specified in exemption criteria	discounted for large charity etc. events	yes	no plans for further review

COUNCIL / FACTOR	CAPACITY	EXEMPTIONS	FREE TO ENTER	LICENCE FEE	CONSULTATION	OTHER COMMENTS
GLASGOW	small scale (<500)	events held in school or church halls + small scale	not specified	Review pending	yes	Schools and church halls can be used without need for PEL - see Option 1 Scope already reviewed, planning review of fees
HIGHLAND	specified for commercial events	Still require PEL; charity events etc.	No fee if free to enter	Discount for non commercial + different for indoor / outdoor	planned	Resolution; originally stated no fee for free to enter events. Activities; plan to amend + will include bonfires/fireworks Application forms; plan to simplify for small events
MID Lothian	not specified	Still require PEL; charity events etc.	No fee for free events	Discounted	Planned	No plans for further review
MORAY	not specified	Exemption if charity applicant + charity even	not specified	groups exempt, no fee	Not planned	No response as yet
NORTH Ayrshire	Different for small / large events	Completely exempt if Council premises OR no fee / donation AND charity, community etc.	as in exemptions	groups exempt, no fee	Still to confirm detail	Resolution; currently have temporary amendment to resolution, due for review next year

COUNCIL / FACTOR	CAPACITY	EXEMPTIONS	FREE TO ENTER	LICENCE FEE	CONSULTATION	OTHER COMMENTS
SCOTTISH BORDERS	Different for small / large scale events	Exempt if non-commercial + free to enter + period < 6 weeks	see exemption	groups exempt, no fee	Plan to consult elected members, community councils	Activities ; plan to review specified activities Numerous enquiries received initially
SOUTH AYRSHIRE	not specified	exempt if non-commercial + < 6 weeks	not specified	no fee if meet exemption	Basic consultation complete but more planned	Activities ; plan to review specified activities, probably next year
STIRLING	300	completely exempt if not for profit + < 300 + charge < £10 or voluntary donation	see exemption	no fee if meet exemption	Via press, website+ community groups	Resolution ; changed so that small groups etc. were completely exempt, as a means of reducing workload.No further review for at least a year
WEST LOTHIAN	250	Still need licence for non-profit voluntary / community groups	No fee if non-profit voluntary / community groups	no fee if meet exemption	Yes	Resolution ; extended activities Application ; different for individual, businesses, vol orgs

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**ARGYLL AND BUTE COUNCIL
PLANNING AND REGULATORY
SERVICES**

**PLANNING, PROTECTIVE SERVICES
AND LICENSING COMMITTEE
22ND MAY 2013**

**FOOD SAFETY LAW ENFORCEMENT WORKPLAN
AND ENFORCEMENT POLICY**

1. PURPOSE

- 1.1** The Council, as a Food Authority, is required by the Food Standards Agency Framework Agreement to produce and review an annual Food Safety Law Enforcement Plan which is endorsed by elected Members.
- 1.2** This report produces the Food Safety Law Enforcement Plan for 2013/2014 for Members' approval which covers the areas of food hygiene, food standards and feed standards.

2. RECOMMENDATIONS

- 2.1** Members are asked to endorse the Food Safety Law Enforcement Plan for 2013/2014 and the Enforcement Policy which are attached to this report.
- 2.2** Affirm the statutory appointments of the Council's Head of Food Safety, Lead Officer (Food Hygiene Standards) and Lead Officer (Feed); the status of authorised officers within the Council and the external appointments for the Public Analyst, Agricultural Analyst, and Food Examiners

3. FOOD SAFETY IN ARGYLL AND BUTE

- 3.1** The strategic objectives of Regulatory Services in terms of food safety are to protect public health and promote the production and sale of safe food. This work is also consistent with the Council's objectives of supporting our economy (given the importance of the food and drinks sector to Argyll and Bute) and supporting our local communities.
- 3.2** Food Safety consists of food hygiene (how food is produced), and food standards (i.e. composition and traceability, labelling, etc.), with this work is undertaken by Environmental Health. There is another component, namely the safety of feed (animal feed) which is regulated by Trading Standards.
- 3.3** The Food Safety Law Enforcement Service Plan details the arrangements and service priorities and targets for 2013/2014. This is our first Plan which provides an integrated approach to food safety and feed as the Feed Plan is attached as an appendix to the Food Safety Plan. It is my intention to further integrate this in 2014/2015.

3.4 The changing landscape of food safety nationally, allied with the financial climate affecting public services, businesses and consumers, poses considerable challenges to food safety. These challenges have been reflected in the Service Plan for 2013/2014, and I would highlight the following :-

- (i) There is a consultation paper relating to the provision of a new Food Body for Scotland, which is considering how food safety will be delivered. It is clear that it is likely that food safety enforcement will be retained within Local Authorities, and that there will be changes as to how it is delivered.
- (ii) The National *E.coli* Strategy on Cross-Contamination highlights the importance of separation between raw and cooked foods, effective handwashing and cleaning and disinfection. There are significant impacts on businesses in implementing these new requirements, and we have developed an *E.coli* 0157 Strategy to support the introduction of higher standards, whilst supporting the economy, yet protecting public health. Our strategy targets specific businesses and interventions will be directed on a risk basis.
- (iii) Food safety standards in Argyll and Bute are generally good, and we have the third highest number of EatSafe Awards (which recognise compliant businesses) in Scotland, have 96% of catering premises identified with "Pass" certificates under the Food Hygiene Information Scheme, and have 91.8% of food businesses classed as "broadly compliant". (This is a measure that they have adequate systems and management in place.)

However, the Food Standards Agency and the Audit Scotland report, "Protecting Consumers", identify that we have 19% (342) of premises unrated, which would take this figure down to 71%. We need to address this, and this falls within our Service Plan for 2013/2014.

- (iv) The horsemeat scandal indicated the importance of food standards and traceability of food, given the international supply chains. Food standards have generally taken a lower priority to food hygiene, although I would expect this to change in the forthcoming year.

3.5 In 2012/2013 we achieved the majority of the Service Plan, although reactive workload, including demands from the Food Standards Agency through audits, resulted in some activities not being achieved. Section 4.1 of the Plan reviews this, but I would highlight :-

- (i) The Action Plan to address the Food Standards Agency audit report was formally "signed off", with our inspection procedures being regarded as best practice in Scotland.
- (ii) We met, and exceeded, our inspection programme targets for high risk (100%) and medium risk (96%, with target of 80%).

- (iii) Alternative enforcement is critical to provide information to lower risk businesses so they can manage their business, minimising risks. We embarked on this work in 2012/2013, providing targeted information to business sectors and through attendance at the Food Fayre in Oban.
- (iv) Preparation continues to deliver the *E.coli* Strategy, although implementation has been delayed.
- (v) We continue to support businesses in Argyll and Bute which are vital to our economy. In particular, the shellfish sector, which exports internationally, is supported through our work, the shellfish monitoring contract, and we have made amendments to the formal movement of shellfish documentation to address concerns of fraudulent use of certificates. This is also an area we are working closely with Police Scotland on, through joint working
- (vii) We have reviewed our procedures for feed and have a strategy and work plan in place to take this forward in 13-14.

- 3.6** We have a generic Environmental Health Service which focuses on risk, can redeploy resources across the service to deal with significant issues (e.g., food outbreaks), and have mutual aid arrangements in place with other Local Authorities.

We do not have sufficient resources to undertake the full range of duties and the 100% targets expected of Local Authorities through the Food Safety's Code. Argyll and Bute Council are no different from other Local Authorities in this regard.

Members should note that we deploy resources in a manner in which to manage the risks to the Council, as the Food Authority, to issues of non-compliance with the Code, although the Food Standards Agency audits will undoubtedly identify this issue as a "non-conformance".

The Food Safety Law Enforcement Plan has been developed having regard to the statutory requirements and our available resource.

- 3.7** Our Enforcement Policy across Regulatory Services, and in particular food safety, is predicated on targeted, risk-based enforcement, working with businesses to secure compliance. Formal enforcement action, which consists of service of formal Notices, prohibition of activities or premises, seizure of goods, and reports to the Procurator Fiscal, are used where there are significant risks to food safety or where management are unco-operative.

The Enforcement Policy is consistent with the Better Regulation principles, has proven effective given the figures in 3.4 (iii), and the Policy is appended to the Plan for endorsement by Members.

4. WORKPLAN 2013/2014

- 4.1** The 2013/2014 Service Plan builds upon this work, and Section 5 of the Plan outlines our priorities. These include our intervention work, the delivery of the *E.coli* 0157 Strategy, a programme for rating our “unrated low risk businesses”, revitalising food standards interventions; and a gap analysis on the resource requirements to deliver the food safety service. We also need to prepare for pending audits from the Food Standards Agency.
- 4.2** Critical to this work is joint working with other Local Authorities, the Food Standards Agency, NHS Highland (disease control) and businesses/consumers. We have positive relationships in place and these will continue.

5 DELIVERY ARRANGEMENTS

- 5.1** To deliver this Plan, and recognising our available resource, we are to recruit a 0.5 FTE Environmental Health Officer/Regulatory Services Officer to undertake specific project-related work including the unrated premises, projects, specific work in terms of food standards, and support the wider service, for a 12-month period.
- 5.2** The implementation of the *E.coli* guidance is the key priority for the period 2013-16 at a local and national level. It has been recognised nationally that this may be unachievable unless there are allowances made by the Food Standards Agency to relax the burden of the programmed inspection frequency for medium risk premises on local authorities, allowing these resources to be targeted at the *E.coli* interventions. . The Food Standards Agency has agreed to this and local authorities require to make formal application where this is necessary.

We are current evaluating the resource allocation required to deliver the *E.coli* 0157 strategy and this will be assessed against the planed intervention programme required by the Code. The decision on whether there is a need for a “relaxation” will be made by the Regulatory Services Manager once the priority businesses have been identified for the *E.coli* 0157 strategy. Members are asked to endorse this approach.

5. CONCLUSIONS

- 5.1** The Service Plan satisfies the requirement to review annually our Food Safety Enforcement Service Plan, and our Enforcement Policy relating to food safety.
- 5.2** The Plan is designed to deliver food safety on a risk-rated, targeted and proportionate approach. It focuses activity on key priority areas and, as the Council’s Head of Food Safety, I commend the Service Plan and the Enforcement Policy to Members for endorsement.

6. IMPLICATIONS

6.1 Policy	Consistent with corporate agenda in terms of the economy and protecting health.
6.2 Personnel	The Plan will be delivered using available resources and does not meet the full requirements of the Code. Additional resource is provided for 2013/2014 through the provision of a temporary contract.
6.3 Finance	None
6.4 Equal Opportunities	None
6.5 Risk	The risk-based enforcement approach targets resources at key priorities and manages the risk of “non-compliance” with the National Code.
6.6 Legal	Meets the Council’s duty as “Food Authority” under the Food Safety Act 1990.

ALAN MORRISON
Regulatory Services Manager

AM/KT/7104 May 2013

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Argyll and Bute Council

Food Law Enforcement Policy - Extract and Summary

1 Purpose

- 1.1 The Council Food Law Enforcement Policy falls to be approved by Council annually in accordance with the Food Framework Agreement. The purpose of this briefing is to obtain Members approval for revisions to the Enforcement Policies on Food Safety and on Food Standards which were approved at the Protective Services and Licensing Committee on the 19th April 2012

2 Recommendations

- 2.1 That Members formally agree this enforcement policy for Food Safety Law Enforcement and require the Regulatory Services Manager to implement this policy

3 Enforcement Policy

- 3.1 The service ethos to enforcement remains unchanged. It seeks to :-
- Ensure that all enforcement activity is proportionate, consistent to the risks to food safety; statutory requirements and public health
 - Provide an effective food law enforcement service by focusing resources on a risk-based approach
 - That enforcement staff are competent and authorised officers.
 - To protect food safety through working with businesses and the public. As appropriate
 - To support the concept of the “informed consumer”.
- 3.2 A revision to current policies has been undertaken against ‘emerging regulatory landscape’ and our service delivery arrangements. The policy is predicated on proportionate risk-based, enforcement action designed to protect food safety and public health, whilst also avoiding placing undue regulatory burdens upon business. This is consistent with the national better regulation agenda.
- 3.3 The revision has identified that there is no need to amend the enforcement policy although there is a programme to review our enforcement procedures in the course of 2013-14. These will be approved by the Regulatory Services Manager who will ensure they are consistent with this Policy and national Frameworks.
- 3.4 The enforcement policy relates to the areas of food hygiene, food standards and feed.

4 Conclusions

- 4.1 The existing policies have been reviewed by the service and in my opinion, are sufficient to enable Argyll and Bute Council to meet its duties as “the food authority”,

Regulatory Services Manager; 10th May 2013



Food Safety Law Enforcement Plan 2013/14

1. SERVICE AIMS AND OBJECTIVES

1.1 Aims and Objectives

The Council's Regulatory Services is **committed to the protection of the public.**

As a competent Authority under Regulation (EC) 882/2004 and a statutory Food Authority under the Food Safety Act 1990, the Council seeks to ensure that all food and drink intended for sale for human consumption which is produced, stored, distributed, handled or consumed within Argyll and Bute is without risk to the health or safety of the consumer

Regulatory Services achieve this through the following aims and objectives:-

- Undertaking the statutory enforcement role of the "Food Authority", working with and in accordance with Service standards and specific requirements and guidance from the Food Standards Agency Scotland. This includes the Framework Agreement which outlines the responsibilities of the "food authority" and the Food Law Code of Practice.
- Provision of an effective, quality food service focusing resources on a risk-based approach and ensuring that all enforcement activity is proportionate, consistent and undertaken by competent and authorised officers.
- Developing, and working to a service plan, which will describe the work to be undertaken and identify the resources available to the Service.
- Provision of food safety advice and respond appropriately to requests from the public, voluntary groups and businesses and provide advice on food safety issues.
- Working with local businesses in an open and transparent manner, to improve the safety of food and the level of compliance with relevant legislation, in line with the Service's Food Safety Enforcement Policy, the Enforcement Concordat and the principles of Hampton and better regulation.
- Ensuring the effective management of the Council's food safety law enforcement service through effective performance management and reporting
- Contributing as a participant where it is relevant and appropriate having regards to local and national food safety issue as a member of a range of national and regional working groups recognising their role in the promotion of consistency and best practice among local authorities.
- Maintaining adequate systems including a computer-based inspection and reporting system, designed to improve the quality of food law enforcement activity data, management information and reporting

1.2 /....

1.2 Links to Corporate Objectives

This plan links to the Single Outcome Agreement and to the Council's Corporate priorities of protecting the environment; the economy through supporting new and existing business; and protecting health. More importantly, it allows the Council to meet its regulatory duties as a food authority.

2. BACKGROUND

2.1 Profile of the Local Authority

Argyll and Bute Council is a unitary authority, with a resident population of 90,550 and a geographical area of 693,500 hectares, including 26 inhabited islands, located within the west highlands of Scotland.

2.2 Organisational Structure

Regulatory Services delivers the Council's statutory food safety law enforcement role in a team which provides the range of services within environmental health, animal health, trading standards and licensing standards. This service is located within the Development and Infrastructure Directorate in a Planning and Regulatory service.

Regulatory Services is managed at a third tier level through the Regulatory Services Manager with operational management being provided by the Environmental Health Manager (East); Environmental Health Manager (West) and the Trading Standards Manager. There is no specific food safety law enforcement team as officers undertake generic work relating to their profession, although management lead for food safety is taken by the Environmental Health Manager (West) supported by the Environmental Health Officer (Food Control and Service Support).

The work of Regulatory Services can be directed to the Planning, Regulatory Services and Licensing Committee or the Full Council as determined by the nature of the report. In addition, the Service has access to the Area Committees and the Argyll and Bute Licensing Boards.

The statutory appointments required under Regulation (EC) 882/2004 and the Food Safety Act 1990 are:-

Head of Food Safety	Regulatory Services Manager
Lead Officer Food Hygiene and Standards	Environmental Health Officer (Food Control and Service Support)
Lead Officer- Feed	Trading Standards Manager

2.3 The Scope of the Food Service

Food Safety law enforcement is undertaken principally by authorised Environmental Health staff, although some work is undertaken by Animal Health and the feed aspects by Trading Standards professionals. We have been, and continue to, review roles and

responsibilities in respect of food and feed, as far as the Code allows, to integrate work across disciplines so we can make better use of the wider service resource.

- Environmental Health professionals are responsible for the Council's Food Safety law enforcement work, which encompasses food hygiene, food standards and control, (which includes food premises inspection, food quality, composition and labelling inspection and certification). In the event of systems failures, the team will respond by investigating and controlling communicable disease, investigating complaints and reports and withdrawing unsafe/unsound food.
- Trading Standards staff undertakes work in relation to animal feeding-stuffs controls although there are links into food standards through misleading claims..
- Animal Health Officers undertake primary production activities which include integrating food hygiene and feed into the animal health inspection for targeted businesses. .

The service priorities detailed in the Food Safety Law Enforcement Service Plan, which also includes as an appendix, the Feed Enforcement Plan are determined through statutory activities; the Food Law Code of practice; national, local and service priorities. The Council's Enforcement Policies, food safety procedures and internal monitoring and standards inform the standards for this work.

2.4 Laboratory Arrangements

The Council has a formal Service Level Agreement with Glasgow Scientific Services (GSS) for the provision of laboratory services, including the microbiological examination of foodstuffs. We are required to provide specialist support services and this plan seeks approval of Glasgow Scientific services and named staff to meet the requirements for a public analyst; food examiner and agricultural analyst.. Formal arrangements are in place for 2013-14 and these appointments (Appendix II) form part of the formal endorsement of this plan

2.5 Professional Support Network

The Service works closely with the Food Standards Agency Scotland, the Scottish Food Law Enforcement Liaison Committee, the Crown Office (Procurators Fiscal) and NHS Highland. The Service benefits from the support of the Royal Environmental Health Institute of Scotland, the Society of Chief Officers of Environmental Health, and the Trading Standards Institute.

The Service values and participates as is appropriate and relevant to do so, within established inter-authority liaison and professional network mechanisms operating within Environmental Health and Trading Standards in Scotland. Of specific note are the FSA Shellfish Enforcement Group, the SFELC Approved business Inspection Working Group, the Food Hygiene Information Scheme Working Group, West of Scotland Food Liaison Group; Environmental Health/ NHS Highland Liaison Group; the Scottish Fish and Shellfish Hygiene Working Group and SCOTSS Animal Feedstuff Group. The Service is also a subscribing member of Camden BRI.

2.6 Food Safety in Argyll and Bute

The nature, type and scale of food businesses in Argyll and Bute are influenced by its geography and infrastructure and these factors can create some difficulties in delivering the Environmental Health service. Examples of these are:-

- A high number of incidents and trade withdrawals with a regional and international scope. This also has a significant impact on the work of the Service.
- An atypical high number of approved manufacturing and processing food establishments, utilising specialist processing techniques and technology and Home Authority requests for assistance and advice.
- A significant seafood industry, which has a significant impact on the work of the Service and includes a separate shellfish team, which delivers the monitoring programmes for biotoxin and classification of shellfish harvesting waters through a contract with the Food Standards Agency.
- Decentralised Area offices pose specific challenges to ensure that there is adequate support provided to field staff and to ensure and promote consistency. This support includes training, specialist support, quality auditing and the management and direction of staff within the decentralised Area offices.
- There is a significant officer time spent travelling as part of their operational work. The Service is seeking to reduce this through the flexible and mobile working, through integrating roles where practical with other officers and the improved use of information technology, with the objective of improving productivity.

2.7 Uniqueness of Argyll and Bute Council as a “food authority”

- 2.7.1** The Service has responsibility for 1590 food premises in Argyll and Bute excluding the businesses which operate on a temporary or ad-hoc basis. The premises are divided into risk inspection bands.

The premises which will be subject to a formal intervention in 2013-14 total 537

Category	Minimum Inspection Frequency	Number of Establishments to be inspected 2013=14
A	Every 6 months	11
B	Every 12 months	86
C	Every 18 months	351
D	Every 2 years	59
E	Use other intervention strategies	30

- 2.7.2** We have identified that the implementation of the *E.coli* guidance from the Food Standards Agency cannot be achieved, within a managed timescale, unless there are allowances made by the FSA to relax the burden of the programmed inspection frequency for medium risk premises. This view has been supported by the Society of Chief Officers of Environmental Health in Scotland and also the Scottish Food Safety Liaison Committee.

We are current evaluating the resource allocation required to deliver the E.coli 0157 strategy and this will be assessed against the planed intervention programme required by the Code. We have yet to identify whether there is a need to request a “PI holiday” from the Food Standards Agency for medium risk premises. This decision will be made by the Regulatory Services Manager once the priority businesses have been identified for the E.coli 0157 strategy. Members are asked to endorse the decision of the Regulatory Services Manager.

There are 67 approved establishments (smokeries, shellfish processors and harvesters etc) compared to other Scottish Local Authorities, this amounts to the third highest number in Scotland. These operate processes that potentially pose a higher risk to food safety and fall to be inspected by the Service more frequently and in greater depth. A significant proportion of them use critical ingredients within traditional 'artisan' style products. The technical challenge in Approving such processes, together with the ongoing verification of safety, during inspections is significant. These establishments also embody increased political risks for the Council and commercial risks and opportunities for the local economy, in that they distribute high risk products throughout the UK and in fact globally

Fish processing	Shellfish Processing	Dairy	Meat / meat products	Egg Products
28	23	7	6	3

Consistent with Council Policy in Argyll and Bute, the Service will continue to work with these businesses to promote food safety standards.

- 2.7.3** Argyll and Bute Council has 43 classified shellfish harvesting sites (the second highest in Scotland, with Shetland Islands with 48), with a further 8 sites currently undergoing the classification process. These waters are classified for the growing and harvesting of shellfish and there may be restriction in their use due to the microbiological quality of water or shellfish flesh. The Service undertakes a monitoring programme which is designed to ensure that shellfish being harvested are safe in food safety terms. These also require businesses to continue trading as there is a requirement for all waters to have a minimum of six samples annually to maintain their classification. This work is undertaken by a dedicated team of four Officers who also carry out the shellfish biotoxin sampling work which is funded directly by the Food Standards Agency Scotland.

3. SERVICE PLANNING PROCESS

3.1 Service Plan

The Food Safety Service Plan is submitted to the Planning, Regulatory Services and Licensing Committee for approval. The Plan represents the recommendations of the Regulatory Services Manager as to the level of service and scope of work required to meet the statutory obligations placed on the Council.

It should be noted that the service does not have adequate resources in place to undertake the full requirements of the Food and Feed Safety Codes. We therefore adopt as risk based approach focussing resources to areas of highest risk. This approach allows us to focus on high and medium risk activities, service requests, food alerts and incidents where there are suspected or confirmed risks to food safety or health. A key aspect of our work is alternative enforcement where we provide support to low risk businesses to allow them to make the right decisions in how they manage their businesses; and to consumers to allow them to make "informed choices". Examples of the latter are the Food Hygiene Information Scheme and the EatSafe Awards which are in place in Argyll and Bute

This approach to managing risk through the effective targeting of resources is wholly appropriate although the risk is that the Food Standards Agency are likely, through formal audit, to raise a major non-conformance that the Council do not have significant resources to deliver the Food Safety Code.

3.2 Review

The Service Plan is reviewed annually and otherwise in light of indicated need having regard to many issues including performance standards, service management and auditing; areas identified for improvement and emerging or new demands specific tasks and targets.

4. SERVICE REVIEW – PAST YEAR (2012-13)

4.1 Summary Food Service Plan Review 2012-2013

We have achieved 90% of the service plan and the table in Appendix III illustrates the status against each of the planned activities. Notwithstanding this, it is important to recognise that the service plan does not include reactive workloads which have arisen in the course of the year, which in many cases have taken precedence over some planned activities. Examples include the work associated with enforcement action and the national horsemeat scandal.

Our work against the service plan for 2012-13 is detailed in Appendix XXX, although the main achievements:-

1. The Service has met its targets for programmed workload of 100% for high risk premises and 80% for medium risk premises in respect of food hygiene. We have achieved 100% and 96% respectively
2. We have undertaken a range of alternative enforcement activities which are designed to support businesses who may not be the subject to formal inspection in the course of the year, and to provide more informed advice to consumers. This work has included:
 - Representation at the Food Fare in Oban in February 2013 when we provided a manned display on the implications of the E.coli 1057 cross contamination guidance to food businesses. This allowed us to meet and speak to businesses who were attending the Food Fare on a variety of issues and concerns they had. This has received very positive feedback
 - A survey of B&B establishments in our area seeking information on their operations and also providing general advice across a range of issues including food safety
3. The inspection of new businesses and provision of business advice as required, including working with Business Gateway
4. Our focus on developing our own staff and ensuring competency and currency continues. We have delivered the food training plan and the training of three new EHO's who have been appointed in the last 18 months
5. We have successfully implemented the Food Hygiene Information Scheme to all caterers across Argyll and Bute. Of the 830 premises, 96% had sufficient standards of food hygiene to be issued with a "PASS" certificate.
6. The Service has continued to deliver the service review of Regulatory Services in accordance with corporate standards and identified the required savings target
7. Supporting the economy, as well as generating new income, we have successfully introduced a system of auditing export certificates in relation to products destined for China. This meets the needs of the industry; protects food safety and has generated £3000 of additional income to the Council in the first year.

8. We have supported the economy of Argyll and Bute thorough our regulatory work and in particular:-
 - Increased certification of food exports to 'Third Countries' (I.e. outwith the EU), which is an expanding demand.
 - Successful Participation in a Russian Veterinary Mission, which has opened up the Russian Federation as a new export market for local manufacturers.
 - Introduced a new system of Registration documentation for the local shellfish trade, which will more accurately assure provenance and reduce Food Frauds in this sector thereby securing the international reputre of this sector and also protect honest Food Business Operators.
 - The broadly compliant food businesses (i.e. those who have adequate standards of food hygiene and management) have increased from 88% to 91% for food premises risk rated by the service. This indicates increasing standards of food hygiene.
 - Met the requirements of the contract with the FSA to deliver the shellfish monitoring programme enabling us to support the industry and protect food safety for a sector which trades internationally

4.2 There has also been unplanned or reactive work which we have had to respond to and in some cases, the redeployes resources from our planned activities.. These tend to be high priority as they may relate to national alerts; be as a result of the need for formal enforcement action and are necessary to protect food safety and public health. Some examples of this work include:

- Participated in the Veterinary Mission of the Russian Federation
- Participated in the investigations into Horse meat adulteration in meat products, whereby several local manufacturers were ruled out of the issue
- Supported local manufacturing and processing in meeting a significantly increased demand for Approval applications.
- Met significant Service requests from the Council's catering Services, in relation to application of the FSA's Cross Contamination guidance, during an on-going programme of school kitchen refurbishment.
- Represented the Council's interests in the development of the 'New Scottish Food Body', which will replace the FSA in 2014/15.
- Investigated a number of suspected and confirmed cases of foodborne or viral illness associated with food businesses. These have included campylobacter and salmonella infections
- Met significant Service requests from the FSA in relation to resource questionnaires on Food Hygiene, Food Standards and Shellfish as well as Enforcement activity.

4.3 Areas which we did not deliver as planned are detailed below and where appropriate, they are carried forward into the 13-14 service plan

1. We achieved our targets for then planned inspections of high and medium risk premises achieving 100% and 96% accordingly. Howveer, this does not meet the requirements of the Code which requires all planned inspections to be achieved
2. We have a total of 342 unrated food businesses and we have been unable to make significant progress in rating them and bring them into our intervention programme. We believe that many are low risk businesses which do not require formal programmed inspections under the Code, although they require to be rated. This has been raised at FSA Board level and the recent report by Audit Scotland "Protecting Consumers" highlights this failing. A strategy is in place and this will be delivered in 2013.

3. We have not implemented the E.coli strategy and the cross contamination guidance as quickly as we had intended. This work will be a priority between 2013 and 2015.

4.3 Food Monitoring

The focus of the monitoring was on locally produced high risk produce. This includes smoked produce and dairy produce manufactured locally and sold to national and international markets. Formal action, as appropriate, was initiated where the results were unsatisfactory. The table indicates that there was an increase in the quality of the food sampled than in 2012-13 -

FOOD SAMPLES	2010/2011		2011/2012		2012/2013	
	No. Taken	No satisfactory	No. Taken	No satisfactory	No. Taken	No satisfactory
Food – Composition	68	64	21	18	43	40
Food- Microbiological	199	187	65	52	97	93

Shellfish

The shellfish biotoxin and classification of shellfish harvesting areas continues. This work has been funded by the Food Standards Agency Scotland and there is a team of four dedicated staff which has implemented and deliver this programme working in conjunction with the shellfish industry. The work undertaken in 2012-2013 was as follows:-

	Number of sampling sites	Number of samples taken	Number of satisfactory samples
Shellfish Biotoxins	17	692	677
Classification of shellfish waters	44	483	467
<p>Narrative</p> <p>Shellfish is an important sector in the food industry in Argyll and Bute Council. Of the samples taken, 97.4.% met the required standards for biotoxins and water classification. Of the samples which failed to meet the standards, action was taken by the service in conjunction with the harvesters or operators to ensure that the shellfish did not enter the food chain. This resulted in the service of 6 Temporary Closure Notices (biotoxins) and 12 6 voluntary closure agreements. These sites remained closed until standards had been met and the shellfish did not pose a risk to food safety.</p>			

4.4 Food Complaints Investigations

The Service received 67 food related complaints which required action. These complaints range from the sale of out of date food to foreign bodies in food.

4.5 Communicable Disease Investigations/Food Alerts

The Service continued to respond to suspected or confirmed cases of food-borne disease and also to the formal Food Alerts issued by the Food Standards Agency.

4.6 External Audit and Internal Monitoring

No external audits of the service were undertaken in 2012-13 although the Food Standards Agency successfully signed off the Audit Report of 2011 as complete. There were 3 “desk-top” audits undertaken by the FSA in 2012-13 where they sought information and data from local authorities including Argyll and Bute. The results are to be published later in 2013 and the outcomes are as of yet, unknown. We do, however predict that the food standards audit may not be positive, as food standards, both locally and nationally, has historically taken a lower priority than food hygiene. The recent horsemeat incident and concerns regarding traceability are likely to pose a significant change to food safety enforcing authorities in terms of resources and workload. ,

Monitoring against our own internal monitoring plan has been undertaken. This established an inadequate level of compliance. Subsequent monitoring continues to show growing improvement. The internal monitoring procedures have been reviewed and re-invigorated for 2013-14.

4.7 Enforcement Action

The Service seeks to achieve statutory compliance and protect food safety through the ethos of supporting business. In the period 2012-13, this work entailed –

	2010-11	2011-12	2012-13
Total number of visits:-			
Programmed inspections	794	779	726
Other inspections	64	742	616
Revisits	47	44	55
% of premises broadly complaint	90.3%	90.7%	91.6%
Number of Hygiene Improvement Notices served	34	13	12
Number of Hygiene Prohibition Notices served	0	0	0
Number of Remedial Action Notices served	1	3	10
Number of prosecutions	1	0	0

Of note is the increasing trend in the premises which are broadly complaint which indicates good standards of food safety and management in the premises inspected.

5. SERVICE PRIORITIES AND WORKPLAN 2013-14

- 5.1 The service plan details the planned activities and priorities for 2013-14 but cannot identify the reactive work which may arise which may include communicable disease and food related illness, significant enforcement activity; national and local; food withdrawals and emerging issues.

It should be noted that these reactive demands will be assessed based on risk, and adequately resourced. In certain circumstances, this work will be undertaken at the expenses of planned activity

- 5.2 The design of this Service is based on the Council's statutory duties that devolve from Regulation (EC) 882/2004, and the Food Safety Act, 1990, to monitor and ensure minimum standards of food safety within Argyll and Bute. The principal food safety enforcement activity undertaken by the Council is that done by Officers in carrying out planned food hygiene and food standards inspections.

- 5.3 It is the intention to meet the requirements of the Code of Practice for food safety and that low risk premises will be subject to an alternative enforcement strategy. The implications of the E.coli guidance are likely to increase our workload although the implications of this are still to be determined.

Where we have limited resources, we aim to deliver this service plan and to take a risk-based approach focussing resources of the higher risk priorities.

This approach does not, however, meet the requirements of the Framework Agreement and the Food Law Code of Practice from the Food Standards Agency. The targets set by the service for Members approval are:-

- High risk visits 100%
- Medium risk visits 90%
- 70% completion of the alternative enforcement workplan
- 30% of the E.coli 0157 interventions plan (2013-2015)
- Complete the rating of 342 unrated food hygiene

In terms of medium and low risk, these targets may be amended in light of the decision on resources to deliver the E.coli 0157 cross contamination strategy discussed in section 2.7.2

- 5.4 /....

5.4 The priorities for the food service plan for 2013-14, including 5.3 above, are:-

1	Implement an integrated programme, in order to deliver enhanced protection of the Public from pathogenic E.coli including E.coli 0157H relevant to the operating context of Argyll and Bute; applying the FSA's Guidance " <i>E.coli 0157 Control of Cross Contamination Guidance for Food Business Operators and Enforcement Authorities</i> ", in accordance with the E.coli implementation programme.
2.	Undertake the interventions programme for food hygiene, food standards; feed and primary production.
3.	Build upon the work undertaken in 2013, by continuing an investigation into the wider extent of non-compliance and Food Fraud within the wild shellfish sector, with the intention of reporting to the Food Fraud unit of the Food Standards Agency in 2013 and with the intention of developing an operational plan to address none compliance in the ensuing Food Service Plans
4.	Provide advice and support to the management of the Council's various catering operations, in relation to protection of the Councils customers and compliance with the FSA's Cross Contamination Guidance, in relation to the refurbishment of Council kitchens and the central validation of cleaning and disinfection regimes.
5.	Review policies and procedures, in accordance with our plan, to reflect emerging operational realities, new service delivery arrangement and changes to the Food Law Code of Practice or internal service issues
6.	Undertake a ' <i>GAP Analysis</i> ' with the intention of developing a report and recommendations, in relation to the position of the Service in relation to performance on Official Controls for Food Standards and Food Hygiene and the statutory requirements.
7.	Undertake a Training Needs assessment in relation to Food Standards. In order to provide for further authorisation. Provide CPD specific to Food Standards and in particular in relation to Regulation (EU) 1169/2011 on the Provision of Food Information to Consumers, and produce a plan for the authorisation of all Officers within the subsequent Food Service plan 2014/15.
8.	Participate in regional surveys with other local authorities in the West of Scotland Food Liaison Group which are of interest to the nature of our food industry in Argyll and Bute .
9.	Work in partnership, with a major manufacturer of high-risk fishery and shellfish products, of strategic international importance in Food Safety shellfish products of strategic and international importance in terms of Food Safety terms and of significant importance to the local economy
10.	Renegotiate the contract with the FSA and continue to deliver the shellfish monitoring programme , developing working relationships with the sector,
11.	Integrate to produce a comprehensive and overarching 'Farm to Fork' approach to the Enforcement Policies and practices of Food Safety, Food Standards, Feeding stuffs and Primary Production on the basis of scientific Risk Assessment.
12.	Implement document management systems within food safety in accordance with EH document management work plan
13.	Exercise current emergency Outbreak Control Procedures in conjunction with NHS Highland
14.	Implement our alternative enforcement strategy which is aimed at supporting businesses through the provision of advice, and support other than through inspections where it is appropriate to do so. The priorities include a review and improve our policy on support and advice given to New Businesses which will ensure an appropriate visit is undertaken to enable risk assessment to be carried out

19.	Partnership working for Argyll and Bute Working with SEPA, prioritise the published sanitary surveys for the Argyll and Bute, and consider what measures can be taken to address any identified pollutant risks. Working with the Marine Coastal Development unit to integrate Food Safety into Planning and ICMZ activities. Working with Business Gateway
20.	Engage with stakeholders to identify improvements to service delivery
21.	Continued commitment to staff development and workforce planning to ensure a competent and authorised workforce. This will be delivered through our training plan; performance development review and targeted training/mentoring and coaching

5.5 Other service issues

We will continue to:-

- i. Works in partnership with NHS Highland in the investigation of reports of food communicable disease, and more specifically food-borne illness
- ii. Focus our sampling activity on high-risk locally produced goods
- iii. Work with partners including other local authorities, the business sector and the Food Standards Agency
- iv. Provide for an effective and appropriate response to Food Alerts issued by the Food Standards Agency Scotland where all alerts are considered immediately and appropriate action is taken.

6. RESOURCES

6.1 Financial Resources

The table below provides an indication of the Food Safety Law Enforcement budget for 2013-2014 and illustrates an increase of 5%. This excludes the shellfish biotoxin project which is wholly funded through a contract with the FSAS for a further year

Employee costs	375,000
Training & Resource Materials	2000
Transport & Carriage Costs	10000
IT & communications	1,000
Laboratory costs	30,000
Total Costs	£418000.00

6.2 Staffing Allocation

All Enforcement Officers hold the qualifications described in the Food Safety Codes of Practice for Food Safety; Food Standards and Feed under the Council's Scheme of Delegation. The Service has an established procedure for the Authorisation of Enforcement Officers and Appendix III details the specific authorisations for Officers. These fall to be reviewed on a regular basis depending, and may change in the course of the period of the Service Plan.

6.3 Staff Development Plan

The Council operates a Performance Development and Review scheme, designed to identify and progress training and development opportunities for its employees. To maintain the currency and competency of authorised officers, we meet the requirements within the COP in relation to Food specific CPD (minimum of 10 hours annually)

7. MANAGEMENT

7.1 Quality Management

The Regulatory Services service is committed to the provision of a quality service founded upon policies, procedures, performance management and auditing.

8. SUMMARY

8.1 Targets for Year 2013-2014

The targets are.

- 1.** The Service aims to meet the following inspection targets for food hygiene and food standards
 - High risk visits 100%
 - Medium risk visits 90%
 - 70% completion of the alternative enforcement work plan
 - 30% of the E.coli 0157 interventions
 - Complete the rating of 342 unrated food hygiene
- 2.** The Service will respond to 100% reported food complaints.
- 3.** The Service will undertake to investigate 100% cases of infectious disease as notified by the Consultant in Public Health Medicine and any other suspected cases where food safety or the public may be at risk
- 4.** The Service will meet 80% of its sampling programme
- 5.** The Service will respond to 100% “for action” Food Alerts
- 6.** Respond to 90% of service requests within 20 working days

REGULATORY SERVICES SERVICE CONTACT ARRANGEMENTS

Contact arrangements and details

The Environmental Health service is accessible at offices of the Council located in all larger towns within the Council area. Service requests can be initiated by telephone, fax, video conference, e-mail or in person. The various office locations are as follows:

Offices where environmental health staff are based

EAST	Dunoon Service Point, Hill Street, Dunoon
	Blairvadach, Shandon, Helensburgh
	Eaglesham House, Mount Pleasant Road, Rothesay
WEST	Municipal Buildings, Albany Street, Oban
	Area Office, Manse Brae, Lochgilphead

All environmental health services can be contacted by telephone on **01546 605519**.

Environmental health staff can also be seen by appointment at any location within Argyll and Bute or at the Council's other customer service points:

Islay Service Point, Jamieson Street, **Bowmore**, Isle of Islay, PA43 7HL

Campbeltown Service Point, Burnet Building, St John Street, **Campbeltown**, PA28 6BJ

Mull Service Point, Breadalbane Street, **Tobermory**, Isle of Mull, PA72 6NZ

Tiree Service Point, The Business Centre, **Crossapol**, Isle of Tiree, PA77 6UP

Colonsay Service Point, **Scalasaig**, Isle of Colonsay, PA61 7YW

Jura Service Point, Schoolhouse, **Craighouse**, Isle of Jura, PA60 7XG

Regulatory Services management can be contacted at Kilmory, **Lochgilphead**, PA31 8RT, telephone 01546 605519, fax 01546 604410.

The service can be contacted by email at env.health@argyll-bute.gov.uk.

Advice and information on occupational health and safety is published on the Council's website www.argyll-bute.gov.uk.

FORMAL AUTHORISATIONS AND APPOINTMENTS**PUBLIC ANALYST, FOOD EXAMINERS, AGRICULTURAL ANALYSTS**

In terms of the Food Safety (Sampling and Qualifications) Regulations 1990, the following staff members hold the Mastership in Chemical Analysis qualifications awarded by the Royal Society of Chemistry and are eligible for appointment as Public Analysts:

Gary Walker	Scientific Services Manager
Jane White	Public Analyst

Food Examiners

In terms of the Food Safety (Sampling and Qualifications) Regulations 1990, the following staff members hold academic qualifications listed in Part 1 of Schedule 2 and have attained the minimum three year experience requirement in the laboratory listed in Part II of the Schedule:

Gary Walker	Scientific Services Manager
Jane White	Public Analyst
Karen Platt	Microbiologist
Dawn Neeson	Microbiologist
Alison Laird	Microbiologist

Agricultural Analyst

Under the terms of the Feeding Stuffs (Sampling and Analysis) Regulations 1999, the following staff members, holding the Mastership in Chemical Analysis awarded by the Royal Society of Chemistry and whose practical experience as agricultural analyst, has been attested, are eligible for appointment as Agricultural Analyst or Deputy Agricultural Analyst.

Gary Walker	(Agricultural Analyst) Scientific Services Manager
Jane White	(Deputy Agricultural Analyst) Public Analyst

Continuing Professional Competence

For information. In keeping with the requirement that these appointees meet all relevant legal requirements and Food Safety Act Codes of Practice shall be satisfied, the Scientific Services Manager, Gary Walker, reports that the following holders of the Mastership in Chemical Analysis qualification have successfully satisfied the audits of the scheme operated by the Association of Public Analysts during the calendar year to December 2010.

Gary Walker	Scientific Services Manager
Jane White	Public Analyst

ARGYLL AND BUTE COUNCILS AUTHORISED OFFICERS UNDER FOOD SAFETY ACT 1990

The following Officers are appointed under the Food Safety Act 1990 as “authorised food officer”. Their powers of authorisation vary depending upon qualifications, experience, post and competency. The undernoted details the specific authorisation levels for Authorised Officers.

Food Hygiene and Food Standards

Powers	Visit, access and inspection	Sampling		Seizure and detention		Service of Hygiene Improvement Notice		Service of Temporary Closure Notice		Service of Remedial Action Notice		Service of Emergency Prohibition Notice		Approval of Businesses Regulation (EC) 853/2004
		Hygiene	Standards	Hygiene	Standards	Hygiene	Standards	Standards	Hygiene	Standards	Hygiene	Standards	Hygiene	
Alan Morrison	Regulatory Services Manager	✓	✓	✓	✓							✓		
Andy MacLeod	Lead Officer Food Control	✓	✓	✓	✓	✓		✓			✓	✓		✓
Jo Rains	Environmental Health Manager	✓	✓	✓	✓	✓		✓						
Jim Rennie	Environmental Health Officer	✓	✓	✓	✓	✓		✓						
Richard Gorman	Environmental Health Officer	✓	✓	✓	✓	✓		✓			✓			
Jacqui Middleton	Environmental Health Officer	✓	✓											

Powers		Visit, access and inspection		Sampling		Seizure and detention		Service of Hygiene Improvement Notice		Service of Temporary Closure Notice		Service of Remedial Action Notice		Service of Emergency Prohibition Notice	
		Hygiene	Standards	Hygiene	Standards	Hygiene	Standards	Hygiene	Standards	Hygiene	Standards	Hygiene	Standards	Hygiene	Standards
Christine McLachlan	Regulatory Services Officer	✓	✓	✓	✓					✓					
Marci Gillan	Regulatory Services Officer	✓	✓	✓		✓	✓	✓		✓					
Mary Watt	Environmental Health Officer	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓			
Dave Chapman	Regulatory Services Officer	✓	✓	✓	✓	✓	✓	✓		✓					
Patrick Mackie	Environmental Health Officer	✓	✓	✓	✓	✓	✓	✓	✓	✓					
Andrew Hill	Environmental Health Officer	✓	✓	✓	✓	✓	✓	✓	✓	✓					
Paula Monaghan	Environmental Health Officer	✓	✓	✓	✓			✓	✓	✓					
Ailleachd Vernon	Environmental Health Officer	✓	✓	✓	✓			✓	✓	✓					
Wendy Lilico	Environmental Health Officer	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓			
Iain MacKinnon	Environmental Health Manager – West	✓	✓	✓	✓	✓	✓	✓	✓	✓					

Powers		Visit, access and inspection		Sampling		Seizure and detention		Service of Hygiene Improvement Notice		Service of Temporary Closure Notice		Service of Remedial Action Notice		Service of Emergency Prohibition Notice	
		Hygiene	Standards	Hygiene	Standards	Hygiene	Standards	Hygiene	Standards	Hygiene	Standards	Hygiene	Standards	Hygiene	Standards
Paul Reynolds	Environmental Health Officer	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓			
Sue Stefek	Environmental Health Officer	✓	✓	✓	✓	✓	✓	✓	✓	✓					
Karen MacLeod	Regulatory Services Officer	✓	✓	✓	✓	✓	✓	✓		✓		✓			
Ian Campbell	Technical Officer	✓	✓	✓	✓										
Willie Macquarrie	Shellfish Sampling Officer	✓	✓	✓	✓										
Ewan McDougall	Shellfish Sampling Officer	✓	✓	✓	✓										
Allison Hardie	Shellfish Sampling Officer														
Karen Goodchild	Technical Officer	✓	✓	✓	✓										
David Kerr	Senior Animal Health and Welfare Officer	✓	✓	✓	✓										
William Young	Animal Health and Welfare Officer	✓	✓	✓	✓										

Authorised Feed Officers

Powers		Level of Authorisation	
		Level 1	Level 2
Lee Roberts	Trading Standards Manager	✓	
Colin Sutcliffe	Trading Standards Officer (Fraud and Service Support)	✓	
Matthew Corns	Trading Standards Officer		✓
Kathleen Munro	Trading Standards Officer		✓
James Howard	Trading Standards Officer		✓
Francis McNutt	Trading Standards Officer		✓
Val Turnbull	Regulatory Services Officer		✓
Louise Potter	Regulatory Services' Officer		✓

APPENDIX III

Assessment of actions against priorities in 2012-13 Service Plan

Activity	Achieved 2012-13
Implement an integrated programme, in order to deliver enhanced protection of the Public from pathogenic E.coli including E.coli 0157H relevant to the operating context of Argyll and Bute; applying the FSA's Guidance " <i>E.coli 0157 Control of Cross Contamination Guidance for Food Business Operators and Enforcement Authorities</i> ", embracing fresh produce production and private water supplies that serve food businesses..	Preparation phase completed. Overarching E. coli plan completed with completion of operational plans addressing sub components, i.e. operational plans addressing Butchers shops, caterers and retailers, PWS and fresh produce production. 2 days of Officer CPD, development of Enforcement Policies and inspection guidance. Implementation on a triaged and phased basis over 3 years beginning June 2013.
2. Undertake the interventions programme for food hygiene, food standards and primary productions, with the target of 100% of high-risk premises and undertake Official Controls within the Broadly Complaint and medium Risk sectors according the Interventions Strategy	Completed
3. In relation to the High-risk manufacturing and Processing sectors. Develop an operational plan in order to deliver the Service's duties and objectives and establish a working Group to provide ongoing support for Officers delivering Official Controls in the sector	Completed.
4. In relation to the Butchers shops sector, develop an operational plan in order to operationally deliver the E. coli Strategy and establish a working Group to provide ongoing support for Officers delivering Official Controls in the sector..	Completed
5. In relation to the fresh produce sector, develop an operational plan in order to operationally deliver the E. coli Strategy and establish a working Group to provide ongoing support for Officers delivering Official Controls in the sector	Completed
6. Build upon the work undertaken in 2011, by continuing an investigation into the wider extent of non-compliance and Food Fraud within the wild shellfish sector, with the intention of reporting to the Food Fraud unit of the Food Standards Agency in 2013 and with the intention of developing an operational plan to address none compliance in the ensuing Food Service Plans	Deferred at the request of the FSA due to demands created by the wider horsemeat adulteration issue. In addition, resourcing considerations required this operational plan to be deferred one year behind the E.coli plan. Despite this situation considerable progress has been made in joint working with Glasgow and North Ayrshire Councils, leading to the closure of two unapproved depuration establishments and the interception of a

	number of illegal shellfish supplies and in relation to a new system of provenance certification and monitoring.
7. Review policies and procedures to reflect emerging operational realities, new service delivery arrangement and changes to the Food Law Code of Practice or internal service issues	Enforcement policies reviewed and updated. Inspection procedure updated to codify the Best Practice verified by the FSA Focussed Audit of 2011.
8. Provide for the authorisation of all officers in relation to the Service of Remedial Action Notices within food businesses subject to Regulation EC (852) 2004.	Progress has been made with three newly qualified Officers: - With one Officers being authorised up to category B, two Officers gaining HACCP and Lead Auditor certification, .
9. Undertake research to determine the impact in Argyll and Bute of Regulation (EU) 1169/2011 on the Provision of Food Information to Consumers, and produce a plan for the authorisation of all Officers within the subsequent Food Service plan. of 2013	Completed.
10. Meet the requirements of the contract with the FSA and continue to deliver the shellfish monitoring programme , developing working relationships with the sector,	Completed
11. Integrate to produce a comprehensive and overarching 'Farm to Fork' approach to the Enforcement Policies and practices of Food Safety, Food Standards, Feeding stuffs and Primary Production on the basis of scientific Risk Assessment.	Delayed, pending the announcement of the establishment of a New Central Competent Body for Scotland and the Review of the Delivery of Official Controls, which will influence how Feeding Stuffs Official Controls are delivered in future.
12. Introduce measures to provide and support a mobile workforce in environmental health and documented management systems	The assessment of mobile working solutions has been overtaken by the improvements in the Councils ICT systems, including LYNC and workforce deployment programme. The drive to mobile working will also be assisted by the implementation of the electronic document management system
13. Exercise current emergency Outbreak Control Procedures in conjunction with NHS Highland	Not Delivered but participated in HPS/local authorities E.coli 0157 outbreak control exercise
14. Implement our alternative enforcement strategy which is aimed at supporting businesses through the provision of advice, and support other than through inspections where it is appropriate to do so.	Progress made
15. Partnership working for Argyll and Bute Working with SEPA, prioritise the published sanitary surveys for the Argyll and Bute, and consider what measures can be taken to address any identified	Completed. Sanitary Surveys intergraded into inspection procedure with requirement to liaise with SEPA as required. Close working relationship with the Marine Coastal Development unit established.

pollutant risks. Working with the Marine Coastal Development unit to integrate Food Safety into Planning and ICMZ activities. Working with Business Gateway	
16 Engage with stakeholders to identify improvements to service delivery	Delivered through customer surveys and regular meetings with FSA
17. Ongoing commitment to staff training to ensure a competent and authorised workforce.	Completed. Statutory CPD targets exceeded.
18. Provide for the authorisation of all officers in relation to the Service of Remedial Action Notices within food businesses subject to Regulation EC (852) 2004	Completed.

APPENDIX IV

FEED STRATEGY

Argyll and Bute Council Official Feed Controls Service Plan 2013/14

1.	Service Aims and Objectives
1.1 Aims and Objectives	<p>The aims of Argyll and Bute Council's Regulatory Services in relation to Feed Control are to improve the hygiene standards of feed businesses , thus protecting animal and food safety, by achieving a year on year increase in the number of broadly compliant premises :</p> <p>This aim can be achieved by meeting the following objectives</p> <ul style="list-style-type: none"> • To work with local businesses in an open and transparent manner to help them to comply with relevant feed legislation • To ensure that hygiene and quality standards of feed businesses meet statutory requirements. • To support and improve feed quality through a programme of inspections and support to business. • To continue to provide advice and guidance on all feed safety matters to Argyll and Bute businesses. • To ensure the safety and compliance of feeding stuffs in Argyll and Bute is in line with the Code of Practice to reduce the risk arising to animal and human health. • To respond efficiently to complaints about feed quality, feed premises, feed labelling or feed composition, originating from premises or purchases made within Argyll and Bute. • To play a full role in the West of Scotland Quality Liaison Group and to co-operate in full with all relevant agencies, including the Food Standards Agency Scotland to improve consistency and best practice in the role of feed enforcement among Scottish local authorities.
1.2 Links to corporate objectives and plans	<p>This plan links to the wider Council Corporate policies and the Single Outcome Agreement through contributing to the following wellbeing outcomes from the Regulatory Services Balanced Scorecard</p> <ul style="list-style-type: none"> • Supporting our Economy – through advice and assistance to new and existing business • Protecting the Vulnerable – both in terms of preventing deleterious ingredients entering the human food chain and in terms of animal welfare • Meeting our statutory functions – specific regulatory duties are imposed upon us as the official feed authority
2.	Background
2.1 Profile of the Local Authority	<p>Argyll and Bute's population of 89,200 is spread across the second largest local authority area in Scotland. Our area has the third sparsest population density of the 32 Scottish local authorities, with an average population density of just 0.13 persons per hectare.</p> <p>The council area is bounded by the urban areas of Helensburgh and Dunoon along the Clyde, Loch Lomond to the East, the Mull of</p>

	<p>Kintyre to the south, Atlantic Islands to the west, and the Sound of Mull and Appin to the north</p> <p>Seventeen per cent of Argyll and Bute's population live on Islands. Forty-five per cent live in settlements of 3,000 or more people; conversely, 55 per cent of Argyll and Bute's population live in settlements smaller than 3,000 people, or outwith settlements altogether. Eighty per cent of Argyll and Bute's population live within one kilometre of the coast.</p> <p>Argyll and Bute has 25 inhabited islands, including Bute, Islay, Jura, Mull, Iona, Coll and Tiree, more than any other local authority in Scotland. The area is also home to Loch Awe (at 41 kilometres, the longest freshwater body in Britain) and several long sea lochs, which bisect the landscape. The physical geography of the area has limited development of the road network in the area, and leads to high levels of reliance on ferries for travel.</p> <p>52% of Argyll and Bute's population live in areas classified by the Scottish Government as 'rural' 45% of Argyll and Bute's population live in areas classified as 'remote rural'; 7% live in areas classified as 'accessible rural'.</p>								
2.2 Organisational Structure	<p>Regulatory Services is a unit located within Planning and Regulatory Services, which in turn is located within the Development and Infrastructure Department of Argyll & Bute Council.</p> <p>Regulatory Services comprises three distinct professional services. These services are Animal Health, Environmental Health and Trading Standards.</p> <p>The work of Regulatory Services can be directed to the Council's Executive Committee or the Planning, Regulatory Services and Licensing Committee, as determined by the nature of the report. In addition, the Service has access to the Area Committees and the Argyll and Bute Licensing Boards.</p> <p>A Service Level Agreement has been entered into between ourselves and Glasgow City Council Scientific Services to provide specialist examination services. This agreement includes Agricultural Analyst services</p> <p>The organisational management structure (as at 1st April 2013) is set out in the table below:</p> <table border="1"> <tr> <td>Chief Executive</td><td>Sally Loudon</td></tr> <tr> <td></td><td> </td></tr> <tr> <td>Executive Director</td><td>Sandy Mactaggart</td></tr> <tr> <td></td><td> </td></tr> </table>	Chief Executive	Sally Loudon			Executive Director	Sandy Mactaggart		
Chief Executive	Sally Loudon								
Executive Director	Sandy Mactaggart								

	Head of Planning and Regulatory Services	Angus Gilmour
	Regulatory Services Manager	Alan Morrison
	Trading Standards Manager (Lead Food Officer)	Lee Roberts
2.3 Scope of the Feed Service	<p>The Regulatory Services Team is responsible for delivering all aspects of feed enforcement within Argyll and Bute.</p> <p>Normally, duties are split as follows:</p> <ul style="list-style-type: none"> • Animal Health – primary production inspections (including feed) • Trading Standards - feed hygiene, feed standards and control, feed sampling <p>Feed duties are often carried out in conjunction with other enforcement work. This may include (but is not limited to) Animal Health and Welfare, Consumer Safety, Fair Trading, Metrology and Other Trading Standards Quality enforcement.</p> <p>The Animal Health enforcement team is made up of 3 officers. The Trading Standards enforcement team is made up of 8 officers. The FTE staffing allocated to feed duties is set out in section 4.2</p>	
2.4 Demands on the Feed Service	<p>There are currently an estimated 2347 premises within Argyll and Bute which may be subject to feed enforcement (1st April 2013).</p> <p>These premises have been subject to a desktop risk rating exercise, but have not all received a risk rating visit at this time. Current staffing levels limit the number of feed visits that may be undertaken in a year. Accordingly, we are verifying the low risk status of premises as we carry out the programmed inspections as opposed to pro-actively checking the risk status in advance.</p> <p>The vast majority of premises are farms, but there are other businesses of various types and sizes</p> <p>These include</p> <ul style="list-style-type: none"> • 14 Fish Farms • 6 Producers of Co products of the Food Industry (retailers) • 14 Producers of Co products of the Food Industry (whisky distilleries) • 8 Feed Transporters. <p>All premises are subject to registration. There are no approved premises within Argyll & Bute</p> <p>The feed service is delivered from our Headquarters in Lochgilphead and from 4 decentralised offices throughout the county. These offices operate during normal working hours (0900-1700) Monday to Friday. Some smaller offices may close for an</p>	

	<p>hour at lunchtime.</p> <table><tr><td>Headquarters</td><td>Kilmory, Lochgilphead PA31 8RT</td></tr><tr><td>Bute and Cowal</td><td>22 Hill Street, Dunoon PA23 7AP</td></tr><tr><td>Helensburgh and Lomond</td><td>Blairvadach, Shandon, by Helensburgh G84 8ND</td></tr><tr><td>Mid Argyll, Kintyre and Islay</td><td>Area Office, Wee Manse Brae, Lochgilphead PA31 8QU</td></tr><tr><td>Oban, Lorn and the Isles</td><td>Municipal Buildings, Albany Street, Oban PA34 4AW</td></tr></table> <p>In the event of a feed related emergency, members of the Regulatory Services Management Team are contactable out of hours.</p> <p>There are no significant additional external factors impacting on the service. The percentage of business owners whose first language is not English is considered to be less than than average. The number of manufacturers is small and, although Argyll and Bute has many fishing ports, no feed is currently imported.</p> <p>Possibly the most significant factor which could affect the authority's ability to deliver the feed control programme is the relatively small size of the service. This means that a large outbreak or event could have a disproportionate effect on the service. There is, however, an agreement between the authorities constituting the Strathclyde Emergency Co-ordinating Group (SECG) to provide mutual aid which should mitigate the effects of any such event.</p>	Headquarters	Kilmory, Lochgilphead PA31 8RT	Bute and Cowal	22 Hill Street, Dunoon PA23 7AP	Helensburgh and Lomond	Blairvadach, Shandon, by Helensburgh G84 8ND	Mid Argyll, Kintyre and Islay	Area Office, Wee Manse Brae, Lochgilphead PA31 8QU	Oban, Lorn and the Isles	Municipal Buildings, Albany Street, Oban PA34 4AW
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Oban, Lorn and the Isles	Municipal Buildings, Albany Street, Oban PA34 4AW										
2.5 Regulation Policy	<p>The enforcement policy adopted by Regulatory Services is one of risk based proportionate regulation, where we seek to work with business and others to achieve compliance. In instances where there is a significant non- conformance, risk to public health or safety or a history of non-compliance by a business, formal action will be taken.</p> <p>Argyll and Bute Council follow the guidance set out in the Feed Law Enforcement Code of Practice (Great Britain) http://www.food.gov.uk/multimedia/pdfs/feedcodeofpractice.pdf</p>										
3.											
3.1 Interventions at Feeding stuffs establishments	<p>Primary Production Feed enforcement is carried out in accordance with the Food Law Code of Practice, the enforcement regime as detailed in Annex 10 of the Food Law code of Practice.</p> <p>Primary Production Inspections of Feedingstuffs establishments operating as livestock farms are carried out by authorised Animal Health Officers on behalf of Trading Standards or by Trading Standards Officers. As these are the only planned inspections carried out on Farms with regard to Primary production of feed, Animal Health Officers are required to check on each inspection if</p>										

	<p>the farm is registered with the Authority under the Feed Hygiene Regulations 2005 and identify issues relating to feed storage and usage.</p> <p>If the farm is not registered the officer should complete the Model application document with the Feed Business operator, determining the appropriate Registration or approval code. Completed Registration/Approval forms should be forwarded to the Trading Standards Officer in the appropriate area office to assign a registration number for the farm. The Trading Standards Officer should confirm new or existing registration numbers in writing to the feed Business Operator within 14 days.</p> <p>Feed Hygiene Inspections of Feed Business Establishments are carried out at a frequency determined by scoring the feedingstuffs establishment against the Animal Feed Law Inspection Rating Scheme contained in ANNEX 5 of the Feed Law Enforcement Code of Practice. It is assumed that all livestock farms and fish farms are rated as category C premises with a minimum inspection frequency of every 60 months. Category C Inspections are undertaken through alternative enforcement.</p> <p>All producers of co products of the food industry and feed transporters are currently rated category B and are inspected every 24 months.</p> <p>Argyll and Bute has a large number of livestock farms. We estimate that there are 2305 farms that may be subject to registration or approval..</p> <p>Currently we have received registration documents from</p> <ul style="list-style-type: none"> • 684 Farms • 14 Fish Farms • 6 Producers of Co products of the Food Industry (retailers) • 14 Producers of Co products of the Food Industry (whisky distilleries) • 8 Feed Transporters <p>The additional Livestock farms that are not registered are anticipated to be low risk although they will be added to our Feed Hygiene Register. We intend to contact these premises by letter during 2013/14 in order to obtain completed Registration forms.</p> <p>They will also be asked to provide details of any feed produced and details of any processes the feed is put through. This will enable us to confirm the Feed Business is rated correctly against the Animal Feed Law Inspection Rating Scheme.</p> <p>If the Feed Business is carrying out any of the activities that would fall within the scope of ANNEX 11 of regulation (EC) No 1831/2003 the Business must implement procedures based on HACCP. They would require to be inspected by an authorised Trading Standards Officer trained to Level 2</p> <p>The plan for 2013/14 is as follows</p>
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		No of premises	Planned activity in 13-14
	High risk	0	0
	Medium risk	28	8 feed visits to Feed Transporters. Visits will also be scheduled to at least 6 retailers/distilleries
	Low risk	2305 (estimate)	48 primary production visits
	<p>(a) Trading Standards enforcement staff to carry out 8 Primary Production/Feed Hygiene inspections at Transporters of feed materials produced in Argyll who are registered under the Feed Hygiene Regulations 2005.</p> <p>(b) Trading Standards will also carry out at least 6 visits to premises producing co-products of the food industry</p> <p>(c) 10 Integrated Primary Production visits to livestock farms for the purposes of animal health and welfare, during these visits, food and feed hygiene are considered as an integral part of the inspection. These will be undertaken by Animal Health and Welfare Officers authorised in terms of animal health and welfare, food safety and feed.</p> <p>(d) A further 38 Primary Production visits will be allocated to AH/TS staff dependant on workload & the proposed sampling programme</p> <p>(e) To undertake a sampling programme. We are currently awaiting further information from the FSA to enable us to set this programme</p> <p>(f) To risk assess the businesses which are currently deemed to be low risk but require formal rating under the Code</p> <p>(g) We will pursue the potential for integration of this work across Regulatory Services</p>		
3.2 Feed Complaints	<p>Complaints about feed are investigated in accordance with the current Trading Standards complaints procedure.</p> <p>The service has received 1 complaint relating to Feedstuffs (excluding pet foods) during the last 5 years. In addition, over the same period, we have received 3 complaints relating to pet foods.</p> <p>Due to this low complaint frequency, no formal estimate has been made as to the likely demands upon the service resulting from complaints</p>		
3.3 Home Authority Principle and Primary Authority Scheme	<p>Trading Standards in Argyll and Bute currently do not have any Home Authority or Primary Authority arrangements in place with any Feed Businesses.</p> <p>Obviously, should any business wish to develop such a relationship, we would be pleased to set up the necessary</p>		

	<p>arrangements.</p> <p>Trading Standards staff should not contact businesses based outside Argyll without first checking if a Home Authority or Primary Authority relationship exists between the business and another Trading Standards department. All authorised feed officers have access to the TS Interlink database which is maintained by the Trading Standards Institute and contains details of Home Authority agreements in the UK. Officers also have access to the LBRO website which contains the details of all Primary Authority arrangements in the UK.</p>
3.4 Advice to Business	<p>Advice to businesses regarding feed is normally allocated to the Trading Standards Officer in the area where the business is located. In complex cases, the enquiry will be allocated to a Level 2 qualified officer.</p> <p>Our service procedures set a target of 90% for completing all Business Advice Requests within 14 days.</p> <p>During the previous 5 years, we have received 64 requests for Business Advice. These have mainly related to the registration procedure.</p>
3.5 Feed Sampling	<p>The Council has appointed Glasgow Scientific Services as its Public Analyst, Agricultural Analyst and Food Examiner to provide analysis and advice in relation to food and feeding stuff samples and food complaints</p> <p>Feed Sampling and inspections are carried out by authorised officers of the Council, in compliance with relevant Codes of Practice. Formal sampling may only be carried out by an officer properly authorised under the Agriculture Act 1970.</p> <p>Trading Standards intend to take part in at least 50% of projects planned annually by the West Of Scotland Quality Group.</p> <p>Our own feed sampling plan is currently awaiting further information and guidance from the FSA. This information is expected to be issued in early May 2013.</p> <p>Feed Analysis is generally carried out by Glasgow Scientific Services, a UKAS accredited laboratory, but certain specialised analysis may be carried out by other specialist laboratories</p>
3.6 Control and Investigation of Outbreaks and Food Related Infectious Disease	<p>There are established procedures and plans in place to respond to any incident relating to public health or food safety. These plans, which include the Foodborne Outbreak Plan, The Public Health Incident Plan and the Generic Animal Health and Welfare Contingency Plan, outline the arrangements, including roles and responsibilities, when dealing with an incident. These are multi-agency plans involving NHS Highland, Food Standards Agency and other agencies.</p> <p>There are also mutual support arrangements in place with neighbouring local authorities through the Strathclyde Emergencies</p>

	Coordinating Group (SECG)												
3.7 Feed Safety Incidents	<p>Argyll and Bute Trading Standards are part of an electronic alert system operated by Food Standards Agency Scotland. Contact can be made with the Regulatory Services Manager on a 24 hour basis.</p> <p>The feed alert will then be forwarded to the Lead Feed Officer to direct appropriate action to be taken by the feed team.</p> <p>Written procedures are set out in our Food Alerts procedure.</p> <p>The Feed Team will use the Feed Incident Flow Diagram (ANNEX 3 of the Feed Law Enforcement Code of Practice) to determine the action to be taken on identifying a feed incident which has taken place within Argyll and Bute. If the Food Standards Agency (FSA) is required to be notified of a feed incident the investigating officer will complete a Feed Incident Report Form and forward it to the FSA as soon as possible.</p>												
3.8 Liaison with Other Organisations	<p>There is an integrated approach for food, feed and animal health which is achieved through the service being managed by the Regulatory Services Manager, with responsibility for environmental health, trading standards and animal health and welfare.</p> <p>The Regulatory Services Manager and Trading Standards Manager liaise with other authorities through participation in SCOTSS (Society of Chief Officers of Trading Standards in Scotland).</p> <p>A nominated Trading Standards Officer attends the West of Scotland Quality Group (a sub-group of SCOTSS) whose focus is Feed and Fertiliser enforcement.</p>												
3.9 Feed Safety and Standards promotional work, and other non-official controls interventions	<p>The information contained within the Argyll and Bute Council website for Feed Businesses will be developed during 2013/14.</p> <p>A working group of feed, food and animal health enforcement staff has been tasked to develop a Primary Production work plan for 2013/14.</p>												
4.	Resources												
4.1 Financial Allocation	<p>Present staffing attached to Feeding Stuffs is as follows [Full Time Equivalent]:-</p> <table border="1"> <thead> <tr> <th>Staff</th><th>Nos. (FTE) 2011</th></tr> </thead> <tbody> <tr> <td>Regulatory Services Manager</td><td>0.001</td></tr> <tr> <td>Trading Standards Manager</td><td>0.005</td></tr> <tr> <td>Trading Standards Officers</td><td>0.5</td></tr> <tr> <td>Animal Health Officers</td><td>0.005</td></tr> <tr> <td>TOTAL</td><td>0.5011</td></tr> </tbody> </table> <p>Staffing Costs for 2013/14 – £15000</p>	Staff	Nos. (FTE) 2011	Regulatory Services Manager	0.001	Trading Standards Manager	0.005	Trading Standards Officers	0.5	Animal Health Officers	0.005	TOTAL	0.5011
Staff	Nos. (FTE) 2011												
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Trading Standards Manager	0.005												
Trading Standards Officers	0.5												
Animal Health Officers	0.005												
TOTAL	0.5011												

	<p>Given the financial position with the Council, there will be no growth in the budget and this will remain at the levels specified above. Accordingly, we will require to continue to have a risk-based focus to feed hygiene, standards and primary production</p>																								
4.2 Staffing Allocation	<p>All our enforcement officers are generalists and our time management system does not allow us to accurately record the precise time each officer spends on feeding stuffs. It is estimated that the total time spent upon enforcement by all the officers is 0.5 FTE.</p> <p>Currently, 11 officers are authorised to enforce feed legislation. Levels of authorisation and enforcement powers vary according to qualification</p> <table><tr><th><i>Training Level</i></th><th><i>Number of Officers</i></th><th><i>Authorisation Level</i></th><th><i>Total FTE on Feed Work</i></th></tr><tr><td>Level 2</td><td>2</td><td>Inspect, take formal samples, instigate formal enforcement activity</td><td>0.09</td></tr><tr><td>Level 1</td><td>3</td><td>As above</td><td>0.12</td></tr><tr><td>Internal training - Sampling & Inspections</td><td>3 (1 has also undertaken some external FSA training)</td><td>1 as above 2 can inspect and take informal samples only</td><td>0.17</td></tr><tr><td>Internal Training - Primary Production Inspections only</td><td>3</td><td>Power to inspect only</td><td>0.12</td></tr><tr><td>TOTAL</td><td>11</td><td></td><td>0.5</td></tr></table> <p>In addition, it is estimated that a further 0.1 FTE is provided in unqualified administration and clerical support.</p>	<i>Training Level</i>	<i>Number of Officers</i>	<i>Authorisation Level</i>	<i>Total FTE on Feed Work</i>	Level 2	2	Inspect, take formal samples, instigate formal enforcement activity	0.09	Level 1	3	As above	0.12	Internal training - Sampling & Inspections	3 (1 has also undertaken some external FSA training)	1 as above 2 can inspect and take informal samples only	0.17	Internal Training - Primary Production Inspections only	3	Power to inspect only	0.12	TOTAL	11		0.5
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TOTAL	11		0.5																						
4.3 Staff Development Plan	<p>All staff members attend external events for CPD as far as availability allows. Being a relatively small service, staff CPD in feed enforcement can largely be gained through a combination of FSA low cost training events and internal staff development e.g. consistency exercises. Full records are kept of staff training and these are reviewed regularly to ensure that staff with a need to attend particular courses (e.g. FSA HACCP auditing etc.) are identified and given preference when places become available.</p> <p>There is a training and development programme in place through the Corporate Personal Development Review scheme which is to be replaced with a competency based Performance Review Development. As part of this, training needs are considered across all activities including feed.</p>																								
5.																									

5.1 Quality assessment and internal monitoring	<p>As a small authority, the use of a formal quality system is considered to require a disproportionate amount of officer time and expense to achieve any benefit.</p> <p>On occasion, the Lead Feed Officer will accompany authorised staff during enforcement work to ensure standard procedures are followed.</p> <p>Internal training is carried out as required, and newly trained officers are initially accompanied by more experienced officers during visits.</p> <p>Records of all relevant training courses attended (internal & external) are maintained</p>
6,	
6.1 Review against the Service Plan	<p>The Trading Standards Manager reports regularly to the Regulatory Services Manager and the Management team which integrates environmental health, trading standards and animal health. Part of that report includes an on-going review of the Trading Standards Service Plan and will include all references to feed enforcement within the plan.</p>
6.2 Identification of any Variation from the Service Plan	<p>The reporting arrangements set out above use a “traffic light” system to identify any areas causing concern. Any identified variance will be flagged in red and will either be corrected or a full written explanation for the variance provided.</p>
6.3 Areas of Improvement	<p>Where a review of the service plan highlights an area for improvement, this will be incorporated in the plan for the following year.</p>

Appendix 1

Inspections 2013-14

These come under a number of headings as below:-

Primary Production - Each year a list of premises is sent to the FSA outlining the Inspections we carry out on their behalf for the year. These are entered in the Scottish Primary Production Official Controls System (SPPOCS) database and for this year we have indicated we will do 48 Inspections on behalf of the FSA;

Feed Hygiene – this is based on the Risk Assessment assigned to the business as well as their current status regarding Registration [with the Local Authority] and other relevant factors such as history or our confidence in their procedures to ensure no feed hygiene incident takes place. This normally amounts to about another 14 inspections per annum;

Sampling – this is risk-based and focuses on feed manufacturers. We are awaiting guidance from the FSA to allow us to finalise our sampling programme.

Complaints/enquiries – we will respond to any complaints received regarding feed or general enquiries

Incidents –This will be reactive.

Types of Premises inspected:-

Farms – livestock, arable and mixed;

Feed Producers

Transporter/Distributors dealing in Feed Products

To determine how often a business is inspected a risk rating system is used whereby each business is given a score, based on a number of factors, and this is then compared against a nationally accepted table. This system has been updated in 2013, and the new risk rating bands are as follows:

Inspection Frequency		
Category Points	Points Range	Minimum Inspection Frequency
A	121 to 180	at least every 12 months
B	71 to 120	at least every 24 months
C	15 to 70	at least every 60 months

Establishments rated as low risk (70 or less) need not be included in the planned inspection programme but must be subject to an alternative enforcement strategy at least once in every 5 years.

OCCUPATIONAL HEALTH & SAFETY LAW ENFORCEMENT PLAN 2013/2014

1. PURPOSE

- 1.1** The Council has a statutory duty as an “enforcing Authority” under the Health & Safety at Work etc Act 1974 to regulate standards of health, safety and welfare in a similar manner to the Health & Safety Executive, albeit in different business sectors. This enforcement is undertaken by Environmental Health Officers, supported by other authorised Officers within Regulatory Services.
- 1.2** The Council is required to formally approve an Occupational Health & Safety Law Enforcement Workplan annually under the Section 18 National Standards. This paper presents the 2013/2014 Workplan and Enforcement Policy, for Committee approval.

2. RECOMMENDATIONS

- 2.1** Members note the work undertaken to redesign health and safety enforcement services in Argyll and Bute Council to meet National Standards.
- 2.2** Members endorse the Occupational Health & Safety Law Enforcement Workplan 2013/2014 and the Enforcement Policy, which will be implemented by Regulatory Services.

3. WORKFORCE HEALTH AND SAFETY ENFORCEMENT

- 3.1** Nationally, there is a drive by central Government to reduce the burden on businesses from health and safety legislation, although at the same time seeking to revitalise it given its economic costs in days lost through ill health and accidents at work.
- 3.2** The work undertaken to regulate standards of health and safety in workplaces is important to environmental health as it provides for the protection of not only employees but also of the self-employed and members of the public.
- 3.3** The changing landscape of health and safety regulation is evident through the guidance upon which the Health & Safety Executive and Local Authorities design their enforcement services. There has been a move away from an inspection programme of high, medium and low risk premises to an approach targeted at high risk premises and project-related activities focusing on health and safety risks derived from accident data and local or national trends.

This approach will be affirmed through the National Code which is expected in the course of 2013, which replaces the current Section 18 guidance to Local Authorities.

- 3.4** In Argyll and Bute our Enforcement Policy is based on achieving compliance

through working with businesses and the public, using risk-based, proportionate enforcement. In general terms, this is primarily achieved through the provision of advice, assistance and working together. There are instances where formal action is required where there are significant risks to health, safety and welfare, where the informal approach is unsuccessful, or where there is non-compliance with formal enforcement. Our Enforcement Policy meets the requirements of the Section 18 guidance, protects health and safety through targeted risk-based enforcement, and supports the economy. Members are asked to endorse the Enforcement Policy in Appendix II of the Workplan.

4. OCCUPATIONAL HEALTH AND SAFETY IN ARGYLL AND BUTE

4.1 In the last year we have redesigned our services, moving away from the programmed inspection of all premises to the new approach advocated in **3.3** above. This has been a cultural change for Officers and also businesses, and significant efforts have been made to ensure that this is the right approach for Argyll and Bute. This has included :-

- (i) Training for enforcement staff, in the new approach, and procedural changes.
- (ii) Liaison with businesses. The concern that businesses may be adversely affected by the reduction in planned programmed visits was considered in a survey of businesses regularly visited. This indicated that
 - (a) Businesses preferred information targeted at businesses
 - (b) There was little enthusiasm for events and forums on health and safety
 - (c) They rated us highly for accessibility, our approach and verbal communication, but we were rated lower for written information, cutting through red tape, and understanding the business environment

These comments have assisted us in designing our new interventions-based approach.

4.2 In 2012/2013 we have performed well against the Service Plan and the key highlights are detailed in 4.1 of the Workplan. Of note are :-

- (i) We achieved 100% of high risk interventions, and other programmed targets
- (ii) We have redesigned our service in compliance with the new Code, and embedded in the approach across the enforcement team.
- (iii) Our focus on interventions and initiatives has enabled us to target a larger number of premises in the areas of gas safety, safety in swimming pools, and preventing and controlling ill health through animal contact at Visitor Centres and other premises.

- (iv) Standards of compliance within businesses were generally good and

only one case was presented to the Crown for prosecution. This resulted in a successful prosecution relating to offences in health and safety which resulted in severe injuries to a young employee.

- 4.3** The Service Plan for 2013/2014 builds upon these successes, and also key national and local projects and themes. The priorities are detailed in **5.3** of the Workplan.

5. CONCLUSIONS

- 5.1** The work plan for 2013-14 is consistent with the draft National Standards and will enable the Council to meet its statutory duties as “an enforcing authority” under the Health and Safety at Work etc. Act 1974. We now have the foundations to deliver the new health and safety enforcement regime within Argyll and Bute and continue to protect standards of health and safety.
- 5.2** I advise Members to endorse the 2013/2014 Workplan and the Enforcement Policy.

6. IMPLICATIONS

- | | | |
|------------|----------------------------|--|
| 6.1 | Policy | None |
| 6.2 | Finance | None |
| 6.3 | Personnel | None |
| 6.4 | Equal Opportunities | None |
| 6.5 | Risk | The risk-based enforcement approach targets resources at risk activities and manages the risks of non-compliance with National Standards and the Section 18 guidance |
| 6.6 | Legal | Meets the Council’s duty as an “enforcing Authority” under the Health & Safety at Work etc Act 1974. |

ALAN MORRISON
Regulatory Services Manager

AM/KT/7103 April 2013

For further information contact: Alan Morrison Tel: 01546 604292
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OCCUPATIONAL HEALTH AND SAFETY LAW ENFORCEMENT PLAN 2013/14

**ARGYLL AND BUTE COUNCIL
OCCUPATIONAL HEALTH AND SAFETY SERVICE PLAN 2013-14**

1. SERVICE AIMS AND OBJECTIVES

1.1. Aims and Objectives

- 1.1.1. The aims and objectives of Argyll and Bute Council with respect to Occupational Health and Safety are:

Argyll and Bute Council is committed to the protection of the public. As an enforcing authority for occupational health and safety within specific workplaces, the service's objective is to protect the health, safety and welfare of people at work, and to safeguard others, mainly members of the public, who may be exposed to risks from the way work is carried out.

1.1.2. Service Commitments

Regulatory Services will:

- Promote sensible health and safety management based upon risk
- Exercise the Council's statutory enforcement role
- Operate a risk-based approach to the enforcement of health and safety law in line with the Service's Health and Safety Enforcement Policy and the Health and Safety Executive's Section 18 guidance
- Work to support business to ensure that they are aware of their responsibilities and of new challenges or requirements introduced from legislative changes,
- Work in an open and transparent manner, with fair and proportionate enforcement.
- Identify and develop opportunities for joint working with the Health and Safety Executive and other local authorities, including the West of Scotland Health and Safety Liaison Group and similar forums.
- Manage and provide an effective service for occupational health and safety, based on a culture of service planning and performance management.
- Ensure that enforcement staff are competent and proficient

1.2. Links to Corporate Objectives and Plans

- 1.2.1. This service remit is consistent with the Council's Single Outcome Agreement and Corporate outcomes as it seeks to protect the public, and to support the economy of Argyll and Bute by supporting business, organisations and the public to provide workplaces which are safe, so far as is reasonably practicable, for employees and the public

2. BACKGROUND

2.1. Profile of the Local Authority

- 2.1.1. Argyll and Bute Council is a unitary authority, with a resident population of 90,550¹ and a geographical area of 690,899 hectares, including 25 inhabited islands, located within the west highlands of Scotland.

¹ 2008 MYE, Argyll and Bute Council's Intranet

- 2.1.2. The Occupational Health and Safety Enforcement role of the Council is delivered through Regulatory Services, which embraces the animal health, environmental health and trading standards functions of local government. Health and safety regulatory work is principally undertaken by environmental health professionals including environmental health officers (EHOs), and Regulatory Services Officers and to a lesser extent by trading standards officers (TSOs). Authorised officers are appointed as Inspectors under the Health and Safety at Work etc. Act 1974 (“the Act”).
- 2.1.3. The service reports to the Planning, Regulatory Services and Licensing Committee where items can be referred to either the Full Council as determined by the nature of the report. The approval of the Service Plan falls to be approved by the Planning, Regulatory Services and Licensing Committee.
- 2.2. **Organisational Structure**
 - 2.2.1. The environmental health enforcing role is delivered by an east and west operational team working to deliver the agreed health and safety work plan. A Lead EHO (Health and Safety and Service Support) has been appointed to provide a focus for health and safety regulatory activity and to assist in designing how we deliver health and safety enforcement in light of changing national agendas.. Authorised inspectors are located in the Service’s five local offices – details at Appendix I. All authorised inspectors report to the one of the two Environmental Health Managers who in turn report to the Regulatory Services Manager. All Managers are themselves authorised inspectors.
 - 2.2.2. Within our Trading Standards section, inspectors use powers contained within the Health & Safety at Work Act to facilitate enforcement of various pieces of Trading Standards legislation (including, but not limited to legislation relating to storage of explosives, fireworks and petroleum spirit). Trading Standards follow national guidance as set out by various regulatory and trade agencies. Authorised Inspectors are located in the four main local offices (not Rothesay) – details in Appendix 1. All authorised inspectors report to the Trading Standards Manager who, in turn, reports to the Regulatory Services Manager. The Trading Standards Manager is also an authorised inspector.
- 2.3. **The Scope of the Service**
 - 2.3.1. Authorised inspectors undertake a range of interventions to secure the overall objectives of the service and ensure dutyholders’ compliance with minimum legal requirements. Enforcement is undertaken in a proportionate manner, with proactive inspection reserved for the highest-risk sites and activities. Reactive interventions are available for responding to complaints and prioritised accidents and incidents.
 - 2.3.2. Non-inspection interventions are now the most common contacts with businesses, and are targeted at specific hazards such as occupational dermatitis, *Legionella*, asbestos, gas safety and occupational exposure to noise.
 - 2.3.3. The service has a strong advisory element and seeks to support dutyholders in complying with legal requirements in a common-sense and proportionate manner.
- 2.4. **Occupational Health & Safety Enforcement Policy**

- 2.4.1. The Service seeks to support business and work with employees, and other agencies to protect health and safety in the workplace. The Occupational Health and Safety Enforcement Policy has regard to the Health and Safety Executive's *Enforcement Management Model*¹, which is a logical system that helps inspectors to make enforcement decisions in line with the HSE's Enforcement Policy Statement (EPS). The EPS sets out the principles inspectors should apply when determining what enforcement action to take in response to breaches of health and safety legislation. Fundamental to this is the principle that enforcement action should be proportional to the health and safety risks and the seriousness of the breach.
- 2.4.2. In parallel with the preparation and presentation of the policy for this Committee, the associated operational procedures and guidance have been revised. Those procedures will be implemented upon the approval of the policy by this Committee. The policy now focusses on the strategic and policy objectives of the service, and content which is simply procedural has been relocated to these supporting documents.
- 2.4.3. This Service's policy is presented with this plan for approval by Committee (Appendix II).

3. SERVICE DELIVERY

3.1. The National Local Authority Enforcement Code – Health and Safety – England, Scotland and Wales

- 3.1.1. At the time of writing, the new National Code² was not yet published, although it had been HSE's intention to put it in place from 1st April 2013. The National Code will replace the existing Section 18 Standard and be binding on local authorities. Much of the work which has been done in the last year on developing the health and safety regulatory function is already consistent with the expectations of the Code.
- 3.1.2. The National Code focuses on four principle objectives:
 - clarifying the roles and responsibilities of businesses, regulators and professional bodies;
 - outlining a risk-based approach to regulation;
 - setting out the need for training and competence of local authority inspectors; and
 - arrangements for assurance on meeting the requirements of the Code through the collection and publication of data and peer review
- 3.1.3. The National Code will also introduce a targeted list of high-risk activities and sectors which are suitable for proactive inspection by local authorities. This includes most of the existing national and local priorities but provides for proactive inspection to assess compliance rather than a non-inspection intervention.

3.2. Guidance on Priority Planning and Targeting of Interventions

¹ *Enforcement Management Model, Operational version 3.1*, HSE, January 2012

² *The National Local Authority Enforcement Code – Health and Safety – England, Scotland and Wales*, Consultative Document CD247, HSE, December 2012

- 3.2.1. More detailed guidance on targeting interventions has been issued by the Health and Safety Executive/Local Authorities Enforcement Liaison Committee (HELA) as Local Authority Circular 67/2 (rev3). The last edition of this statutory guidance was issued in November 2011 and is due to be reviewed in the light of the National Code.
- 3.2.2. The LAC advises that local authorities should decide, plan and target their health and safety interventions by considering the risks that they are trying to address and having regard to the range of interventions available, the risk profile of the business/sector, national information (accident statistics, national priorities, Primary Authority inspection plans) and local knowledge and priorities.
- 3.2.3. The LAC sets out a wide range of available interventions for health and safety regulators:
 - a. Proactive interventions:
 - 1. Partnership
 - 2. Motivating senior managers
 - 3. Supply chain
 - 4. Design and supply
 - 5. Sector and industry-wide initiatives
 - 6. Working with those at risk
 - 7. Education and awareness
 - 8. Inspection (restricted to category A premises only)
 - 9. Intermediaries
 - 10. Best practice
 - 11. Recognising good performance
 - b. Reactive interventions
 - 1. Incident and ill-health investigation
 - 2. Dealing with issues of concern that are raised and complaints
- 3.2.4. The Interventions Plan will therefore have more emphasis on partnership working, specific projects, education and advice than on the proactive inspections which have characterised health and safety regulation to date.
- 3.2.5. Reactive interventions remain essential for investigating incidents such as accidents and for complaints and other matters of evident concern.
- 3.2.6. Fundamental to the selection of the appropriate intervention is a review of the site's actual or likely performance. It is to be noted that, even for a Category A site, proactive inspection is not necessarily indicated without a review of all the available information and determining whether or not another intervention might not achieve the desired outcomes. Part of the review process will also require an assessment of unrated sites.
- 3.2.7. Although the LAC no longer prescribes intervention frequencies, the service will use the existing risk-based programme to inform the site review cycle, ensuring that all sites are reviewed and appropriate interventions identified and delivered according to risk and safety performance.
- 3.2.8. The intervention plan proposed continues the direction of travel established last year. Although this will require to be reviewed in the light of the National Code, it is

proposed that any changes to our planned approach will be introduced gradually with the intention that the plan for 2014-2015 will be fully consistent with the Code.

3.3. **Categorisation of Regulated Sites**

- 3.3.1. Regulated sites are divided into risk categories. The risk rating is based upon an assessment of the performance of management on the site to secure health and safety, rather than the inherent site hazards. The numbers in each category are:

Category	Number of sites ¹
A	8
B (B1 + B2)	263
C	787
Unrated	1501 ²

- 3.3.2. The service retains the inspection frequencies from the previous guidance on prioritisation as a prompt for review of each site to determine what intervention, if any, is appropriate.
- 3.3.3. Reducing the number of unrated sites remains a priority for the service.

3.4. **LBRO Primary Authority Scheme**

- 3.4.1. The Primary Authority Scheme was launched by the Local Better Regulation Office (LBRO) in April 2009 under powers in the Regulatory Enforcement and Sanctions Act 2008, which is legislation that applies to England and Wales. The Primary Authority Scheme, however, is national and gives companies the right to form a statutory partnership with a single local authority, which then provides robust and reliable advice for other councils to take into account when carrying out inspections or dealing with non-compliance.
- 3.4.2. Over 2,000 Primary Authority partnerships have now been established which cover:
- 703 businesses
 - 100 local authorities
 - 59,800 premises
 - 1,600,000+ employees³
- 3.4.3. Each business agrees with its primary authority inspection plans for particular regulatory domains such as food safety, weights and measures and, for the purpose of this plan, health and safety. Inspecting local authorities are required to take agreed inspection plans into account when planning interventions in these companies and to consult with the primary authority before taking enforcement action. A number of the larger business chains in Argyll and Bute have primary

¹ Service data at 5th April 2013

² Service estimate at 5th April 2013

³ *Primary Authority News*, LBRO, 12/03/2013

authority agreements and Regulatory Services will take full account of Primary Authority in delivering the intervention plan.

3.5. Promoting Sensible Risk Management

3.5.1. In June 2009 the Board of the Health and Safety Executive published its strategy for the national health and safety system¹. The document sets out a number of key strategic goals for the national system, which includes government, regulators, industry and other stakeholders.

3.5.2. Local authority regulators have been invited to sign up – pledge – to the strategy and Argyll and Bute Council have done so. We have therefore committed ourselves that we shall:

- Agree to play our part in reducing the numbers of work-related deaths, injuries and ill-health in Great Britain.
- Call on employers to put health and safety at the heart of what they do and to take a common-sense approach to health and safety.
- Commit to debunking myths around health and safety that trivialise the impact of injuries, ill health and deaths on individuals and their families.
- Recognise the importance of health and safety in difficult economic times and the dangers of complacency.
- Pledge to work with the Health and Safety Executive to Be part of the solution.

3.5.3. Inspections and other interventions provide an ideal opportunity for businesses to discuss health and safety. There is also the ability to contact Council offices at other times for specific advice and guidance on occupational health and safety issues. All correspondence issued by the Service invites the recipient to contact the author's line manager, should they wish for advice or to raise specific issues or concerns regarding the inspection.

4. REVIEW OF SERVICES OBJECTIVES AND PRIORITIES FOR 2012-13

4.1. In reviewing performance against the Occupational Health and Safety Plan approved for 2012/13, the following should be noted:

2012/2013 Objective	Target	Outcome
To meet the service's intervention programme of proactive inspections	100% of category A	100% of category A
To meet the service's intervention programme of proactive inspections of licensed petroleum sites and other premises licensed for fireworks and explosives undertaken by Trading Standards Service	100% of licensed petroleum sites	100% of licensed petroleum sites
To meet the service's programme of business reviews of category B and category C sites arising in the year	100% of category B 75% of category C	100% of category B 80% of category C

¹ The Health and Safety of Great Britain \ Be part of the solution, HSE 2009

2012/2013 Objective	Target	Outcome
To investigate all reportable incidents under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR)	100%	90%
To review unrated sites	300 sites to be reviewed by 31/03/2013	160 sites reviewed
To deal with issues of concern that are raised and complaints	100% of health and safety service requests to be investigated	100%
To develop and deliver intervention projects relating to the following national priorities: <ul style="list-style-type: none"> Prevent and control ill-health from animal contact at visitor attractions Asbestos duty to manage and awareness-raising London 2012 Olympic Games 		Animal contact project initiated Asbestos DTM carried forward to current year No activities arose related to London 2012 Olympic Games
To develop and deliver intervention projects relating to the following local priorities: <ul style="list-style-type: none"> Engaging with new businesses Gas safety in catering premises LLARD (underground LPG pipework) Microbiological safety of hot tubs Safety at unsupervised swimming pools 		All projects, with one exception, initiated Unsupervised swimming pools carried forward to current year
To deliver the Section 18 Action plan which has been developed by the service to attain a level of compliance with the Section 18 audit standards	Achieve Audit level 3	Superseded by National Code – see commentary below
The Service will ensure that Officers undertaking occupational health and safety enforcement activities are competent and aware of developing issues in that field of environmental health	Deliver a minimum of 10 hours professional development for inspectors	Completed
Review the appropriateness of the RDNA (Regulators Development Needs Assessment) tool and its applicability within Argyll and Bute	Produce evaluation report	Completed and under consideration by service management
Partnership working. Promote improved standard and awareness of health and safety through partnership working with other Local Authorities and the Health and Safety Executive through the West of Scotland Health and Safety Liaison Group	Attend and participate in the West of Scotland Health and Safety Liaison Group and other partnership activities as arise.	The Council has actively participated in the work of the Group and attended all meetings in the year
Customer management. Review the content of the inspection reports and correspondence to make them simpler to understand	Implement new document standards by 31/03/2013.	Superseded by review of operational procedures and documents – see commentary below

4.2. **Commentary on Performance**

4.2.1. In reviewing the 2012/13 priorities, achievements of note are:

- Achieved the targets set for our programmed inspections for high risk premises and site reviews for other risk categories
- May 2012: A campaign to draw attention to the dangers of Carbon monoxide in tents and caravans
- June 2012: Worked with HSE to ensure safety of cooling towers after the Edinburgh *Legionella* outbreak
- June 2012: Safety Alert issued to care homes in respect of vertical lifting platforms
- September 2012: Teachers' guidance for Animal Contact taken to Community Services Loss Control Group. Teachers present praised the guidance as being sensible and useful. Adopted for education establishments.
- September 2012: Enquiry about a piece of glowing glass found by a member of the public on the beach at Machrihanish. Advice given re "vaseline glass" and very low radiological risk.
- November 2012: Prosecution in Campbeltown Sheriff Court of The Craigard Partnership for section 2 offence. Guilty plea, fined £10,000 reduced from £15,000. This was a case in which a 16 year-old employee received life-changing burns to her hand on her first day at work as a consequence of failure to ensure her health and safety at work.
- January 2013: Launch of the intervention for gas safety in catering premises. Letter sent to all gas engineers in Argyll and Bute, not currently registered for commercial catering, inviting them to consider getting qualified.
- Reviewed the advice and information provided to new businesses.
- Two health and safety training and development days were provided for inspectors, providing them with the information and skills required to deliver the gas safety and spa pools intervention projects.
- Lead officer for health and safety attained formal NEBOSH qualification

4.3. **Survey of businesses**

4.3.1. In August 2012 Regulatory Services conducted an anonymous postal questionnaire survey of businesses to identify:

- Whether and how recently they had received a health and safety inspection
- What their experience was of the Councils' health and safety inspectors
- What health and safety topics were important to them
- How they would prefer to receive information about health and safety

4.3.2. The survey also asked questions about the size of the business, the general location of the business, whether or not they employed children or young people and

whether or not they had a manager with designated responsibilities for health and safety in the workplace. Responders also had the option to give their own comments at the end of the questionnaire.

- 4.3.3. The cohort for the survey was selected from approximately 100 businesses which had received health and safety inspections and another approximately 200 that had not received such an inspection. 319 questionnaires were sent out. 85 responses were received, a 27% response rate. 45 responses were received from businesses who said that they had received a health and safety inspection and 38 from those who said they had not.
- 4.3.4. The analysis of the survey¹ gave useful information about the businesses in the local authority sector in Argyll and Bute:
- 78% of responding businesses were single-site operations and only 22% were part of larger organisations
 - The majority of the businesses that responded were small, two-thirds of them employing five people or fewer
 - 35% employed young people between the ages of 16 and 18, and 4% employed children under the age of 16
 - 20% of responding businesses had not carried out health and safety risk assessments
- 4.3.5. Respondents were also asked to rate their experience of the Council's health and safety inspectors. The higher ratings were for accessibility, welcome and verbal communication. The lower ratings were for written information, cutting through red tape and understanding the business environment. These responses will enable the service to review how health and safety regulation is delivered to make it more successful for the business who are regulated.
- 4.3.6. Businesses were asked to indicate their preferences for getting support in managing health and safety. There was a strong preference for information to be targeted directly to businesses, with fewer businesses preferring electronic communications. There was little enthusiasm for attending events or forums which would involve people leaving their place of business and travelling. There is therefore little point in putting resources into arranging events which businesses are unlikely to attend. We will give more attention to other communication channels in the next cycle of intervention planning.
- 4.3.7. Respondents were invited to comment on how we regulate health and safety in Argyll and Bute:
- H and S advice is of a high standards as and when we ask for it
 - Is a substitute for commonsense
 - You waste a lot of time and money.
 - Fine
 - No problems

¹ *Report on Business Survey 2012*, Regulatory Services, October 2012

- Perhaps workshops could be geared to management in business size e.g. my business 1 woman, 6 beds v large hotel with staff and all it entails
- Inspectors all very helpful and answer queries
- Use a company called SureSite for our yearly inspections
- Empty bins every week
- Always found department very helpful

4.3.8. Respondents were asked what else we could do to help them comply with health and safety law:

- Satisfied that A+B are doing all or most of what we need in our business already
- Do a good job already, very pleased with last inspection, had all the relevant details to hand and no time waste with details not relevant to my b+b
- Continue to give sound advice when needed
- I have never really had any contact with regard the marina side, H+S. I have only had visits re bar/grill
- I think all premises are struggling to keep going without the stress of all this

5. INTERVENTION PRIORITIES AND OBJECTIVES

5.1. The following priorities are continued for the next two planning years.

5.1.1. National priorities identified in LAC67/2 (rev3):

- Prevent and control ill-health from animal contact at visitor attractions
- Asbestos duty to manage and awareness-raising

5.1.2. Note that the national priorities are liable to change with the introduction of the National Code and revisions to LAC67/2

5.1.3. Local priorities:

- Engaging with new businesses
- Gas safety in catering premises
- Investigation of reportable incidents under RIDDOR
- Legionella
- Licensed petroleum sites
- LLARD (underground LPG pipework)
- Microbiological safety of hot tubs
- Occupational noise exposure in the entertainment sector
- Review of unrated sites
- Safety at unsupervised swimming pools
- Safety in the beauty sector
- Slips, trips and falls in the catering sector

5.2. In addition to the above, the workplan includes objectives relating to:

- Officer competence and development
- Partnership working

5.3. Objectives and Targets for 2013-2014

ID	2013/2014 Objective	Target
HS.01	To meet the service's intervention programme of proactive inspections	100% of category A
HS.02	To meet the service's intervention programme of proactive inspections of licensed petroleum sites and other premises licensed for fireworks and explosives undertaken by Trading Standards Service	100% of licensed sites and premises
HS.03	To meet the service's programme of business reviews of category B and category C sites arising in the year	100% of category B 75% of category C
HS.04	To investigate prioritised incidents under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR)	100% of prioritised incidents
HS.05	To review unrated sites	300 sites to be reviewed by 31/03/2014
HS.06	To deal with issues of concern that are raised and complaints	100% of health and safety complaints to be investigated
HS.07	To continue the delivery of intervention projects relating to the following national priorities: <ul style="list-style-type: none"> Prevent and control ill-health from animal contact at visitor attractions Asbestos duty to manage and awareness-raising 	
HS.08	To develop and deliver intervention projects relating to the following local priorities, and continue the delivery of those projects already initiated: <ul style="list-style-type: none"> Engaging with new businesses Gas safety in catering premises LLARD (underground LPG pipework) Microbiological safety of hot tubs Safety at unsupervised swimming pools 	
HS.09	To review the implications of the National Local Authority Enforcement Code and identify the necessary steps to align the service with it	Implement necessary steps by 31/04/2014
HS.10	The Service will ensure that Officers undertaking occupational health and safety enforcement activities are competent and aware of developing issues in that field of environmental health	Deliver a minimum of 10 hours professional development for inspectors
HS.11	To implement the use of the RDNA (Regulators Development Needs Assessment) tool for health and safety inspectors; and the Councils Performance Review Development competency based system.	All inspectors to undertake assessment and agree individual development plans by 31/03/2015

ID	2013/2014 Objective	Target
HS.12	Partnership working. Promote improved standard and awareness of health and safety through partnership working with other Local Authorities and the Health and Safety Executive through the West of Scotland Health and Safety Liaison Group	Attend and participate in the West of Scotland Health and Safety Liaison Group and other partnership activities as arise.
HS.13	Undertake alternatives intervention to low and medium risk premises to support them in managing health and safety within their premises.	

- 5.4. Trading Standards will continue with their ongoing program of visits to licensed petroleum, fireworks and explosives sites throughout the year

6. RESOURCES

6.1. Financial Allocation

6.1.1. Health and Safety Enforcement Budget

Employee costs	£95,000
Training & Resource Materials	£500
Furniture, Materials & Equipment	£300
IT & communications	£1,000
Total Costs	£96,800

Note: No element has been included at this time to represent corporate support, including office services, finance, IT or legal.

6.2. Staffing Allocation

- 6.2.1. Section 2.2 details the status and deployment of the Service's staffing resource.
- 6.2.2. Environmental Health Officers and a Regulatory Services Officer are authorised to undertake occupational health and safety enforcement activities. 14 officers are authorised to carry out occupational health and safety work in addition to their other general environmental health duties.
- 6.2.3. Officers within Trading Standards will utilise powers under the Health & Safety at Work Act when appropriate whilst they are carrying out their duties. Eight officers are authorised to use Health & Safety at Work Act powers to facilitate enforcement of various pieces of Trading Standards legislation.
- 6.2.4. All enforcement officers are competent and meet the requirements set by the Health and Safety Executive for “authorised inspectors” under the Act. The Service has an established procedure for the Authorisation of Enforcement Officers and this is an on-going process which is delegated to the service under the Council’s Scheme of Delegation. The inspectors authorised under the Act as of the date of this report are detailed in Appendix IV and these will be reviewed and amended as appropriate by the Regulatory Services Manager.

6.3. Staff Development Plan

- 6.3.1. The Council operates a Performance Development and Review scheme, which is designed to identify and deliver required training and development opportunities for its employees. From this year, the service will adopt the *Common Approach to Regulatory Competence*, which includes an annual assessment based on RDNA (the Regulators' Development Needs Analysis toolkit)¹.

7. QUALITY ASSESSMENT

7.1. Quality Assessment

- 7.1.1. The service is committed to the concept of quality systems and to the auditing of these in accordance with HSE's National Code². The Code sets out necessary arrangements for assurance on meeting the requirements of the Code.
- 7.1.2. The Code introduces a requirement for peer review by local authority regulators, and arrangements will be developed in partnership with the other Councils in the West of Scotland Health and Safety Liaison Group to establish peer review.

7.2. Equality

- 7.2.1. The service seeks to engage with and communicate with all businesses in an effective manner which promotes and secures occupational health and safety and meets statutory requirements. There are many levels of communication from face-to-face to written correspondence and formal statutory notices.
- 7.2.2. The Service will undertake monitoring of the effectiveness of our communications with businesses and other stakeholders and review and implement learning from these exercises.

8. REVIEW

8.1. Review of this Plan

- 8.1.1. The Service Plan will be reviewed annually and more frequently if required. The Service Plan will be subject to specific approval by the Planning, Protective Services and Licensing Committee.

¹ www.bis.gov.uk/brdo/resources/competency

² *The National Local Authority Enforcement Code – Health and Safety – England, Scotland and Wales*, Consultative Document CD247, HSE, December 2012

APPENDIX I

Contact arrangements and details

The Environmental Health service is accessible at offices of the Council located in all larger towns within the Council area. Service requests can be initiated by telephone, fax, video conference, e-mail or in person. The various office locations are as follows:

Offices where environmental health staff are based

EAST	Dunoon Service Point, Hill Street, Dunoon
	Blairvadach, Shandon, Helensburgh
	Eaglesham House, Mount Pleasant Road, Rothsay
WEST	Municipal Buildings, Albany Street, Oban
	Area Office, Manse Brae, Lochgilphead

All environmental health services can be contacted by telephone on **01546 605519**.

Environmental health staff can also be seen by appointment at any location within Argyll and Bute or at the Council's other customer service points:

Islay Service Point, Jamieson Street, **Bowmore**, Isle of Islay, PA43 7HL

Campbeltown Service Point, Burnet Building, St John Street, **Campbeltown**, PA28 6BJ

Mull Service Point, Breadalbane Street, **Tobermory**, Isle of Mull, PA72 6NZ

Tiree Service Point, The Business Centre, **Crossapol**, Isle of Tiree, PA77 6UP

Colonsay Service Point, **Scalasaig**, Isle of Colonsay, PA61 7YW

Jura Service Point, Schoolhouse, **Craighouse**, Isle of Jura, PA60 7XG

Regulatory Services management can be contacted at Kilmory, **Lochgilphead**, PA31 8RT, telephone 01546 605519, fax 01546 604410.

The service can be contacted by email at env.health@argyll-bute.gov.uk.

Advice and information on occupational health and safety is published on the Council's website www.argyll-bute.gov.uk.

APPENDIX II

ARGYLL AND BUTE COUNCIL PLANNING AND REGULATORY SERVICES OCCUPATIONAL HEALTH & SAFETY ENFORCEMENT POLICY

1. Introduction

- 1.1. Argyll and Bute Council is an enforcing authority for the purposes of the Health and Safety at Work etc. Act 1974 (“the Act”).
- 1.2. As an enforcing authority under the Act, the Council’s objective is to protect the health, safety and welfare of people at work, and to safeguard others, mainly members of the public, who may be exposed to risks from the way work is carried out.
- 1.3. The Council is required to have regard to the Health and Safety Executive’s (HSE’s) *Enforcement Policy Statement* in determining its own policy and HSE’s *Enforcement Management Model* in making enforcement decisions in individual cases.
- 1.4. The principles and policies set out in this document are brought into operational effect by procedures approved by the Regulatory Services Manager in consultation with the Area Environmental Health Managers, the Trading Standards Manager and the Lead EHO (Health & Safety and Service Support).

2. The Principles of Enforcement

- 2.1. Argyll and Bute Council is committed to firm but fair enforcement of health and safety law. The Council’s approach is informed by the following principles:
 - 2.1.1. **Proportionality**, which means that enforcement action relates to the risks to health and safety, to the seriousness of any breach and to any actual or potential harm arising from a breach of the law.
 - 2.1.2. **Targeting**, which means that the regulatory activities of the Council are directed primarily on those whose activities give rise to the most serious risks or where the hazards are least well controlled. Targeting also requires that action is focussed on the dutyholders who are responsible for the risk and who are best placed to control it.
 - 2.1.3. **Consistency**, which means taking a similar approach in similar circumstances to achieve similar ends. This is not the same as uniformity and requires the exercise of professional judgement and discretion by inspectors.
 - 2.1.4. **Transparency**, which means helping dutyholders to understand what is expected of them and what they should expect from the Council as an enforcing authority. It also means making clear to dutyholders not only what they have to do, but where this is relevant, what they don’t. This means distinguishing between statutory requirements and advice or guidance about what is good practice but not compulsory.
 - 2.1.5. Public transparency also requires that the Council shall publicise successful enforcement actions such as prosecutions.

- 2.1.6. **Accountability**, which means that the Council, as an enforcing authority, is accountable to the public for its actions. This means having a clear and accessible complaints procedure which is brought to the attention of those with whom inspectors come into contact.

3. The Purpose and Methods of Enforcement

- 3.1. The purpose of enforcement is to:
 - 3.1.1. Ensure that dutyholders take action to deal immediately with serious risks;
 - 3.1.2. Promote and achieve sustained compliance with minimum legal standards;
 - 3.1.3. Ensure that dutyholders who breach minimum legal requirements, and directors or managers who fail in their responsibilities, may be held to account, which may include recommending prosecution.
- 3.2. The methods of enforcement are:
 - 3.2.1. Giving information and advice, either verbally or in writing;
 - 3.2.2. Serving improvement or prohibition notices;
 - 3.2.3. Making a recommendation of prosecution to the Procurator Fiscal.
- 3.3. In addition to the methods of enforcement set out above, inspectors have powers under section 20 of the Act to deal with causes of immediate danger in the workplace.

4. Enforcement Decisions

- 4.1. Enforcement decisions shall be taken having regard to HSE's *Enforcement Policy Statement* and *Enforcement Management Model*.
- 4.2. Enforcement decisions shall be made in accordance with the principles set out at section 2 of this policy.
- 4.3. Precautionary Principle
 - 4.3.1. In circumstances where the information is lacking to inform an enforcement decision based upon the protection of public health, inspectors are required to exercise a precautionary approach.
 - 4.3.2. The precautionary approach, with the objective of protecting public health, requires the inspecting Officer to act as if the hazard and a risk have been confirmed, based upon available objective evidence.
 - 4.3.3. This is in recognition that to await absolute evidence may endanger public health in certain circumstances. In such cases, the Inspector's Line Manager shall be advised of the actions proposed.

5. Prosecution

- 5.1. The decision to prosecute in any case is a matter for the Procurator Fiscal, having regard to the available evidence and the public interest.
- 5.2. The decision to report an offence to the Procurator Fiscal shall be considered when:
 - 5.2.1. Prosecution is identified as the most appropriate intervention from the *Enforcement Management Model*;

- 5.2.2. The relevant dutyholder has failed to comply with an improvement notice without reasonable excuse;
- 5.2.3. The requirements of a prohibition notice have been breached;
- 5.2.4. Irrespective of whether or not prior enforcement action has been taken, the circumstances warrant consideration of prosecution.
- 5.2.5. The circumstances when it is appropriate that a report shall be made to the Procurator Fiscal in the terms of the previous paragraph are likely to involve a combination of high risk and extreme failure to meet an explicit or defined standard, which is well-known and obvious. This is not moderated by factors such as the dutyholder's previous record, or any other moderating dutyholder factors specific to the circumstances of a case.
- 5.3. Where inspectors are obstructed in the execution of their duty, consideration shall be made to reporting the matter to the Procurator Fiscal.
- 5.4. The decision to refer a case to the Procurator Fiscal shall be made by the Regulatory Services Manager.
- 5.5. Where inspectors are assaulted, the Council shall support the officer should they wish to press charges and seek Police assistance, with a view to seeking the prosecution of offenders.

6. Business's Right to Challenge Incorrect Health and Safety Advice

- 6.1. Businesses are entitled to receive sensible health and safety advice based on risk and Argyll and Bute Council are committed to giving advice on that basis.
- 6.2. Argyll and Bute Council shall put the following procedures in place to provide a route to challenge incorrect health and safety advice or advice which goes beyond what is required to control the risk(s) adequately:
 - 6.2.1. A business can raise the matter with the Inspector directly;
 - 6.2.2. If not satisfied, the business can raise the matter with the inspector's line manager;
 - 6.2.3. If still not satisfied, the business can:
 - 6.2.3.1. Raise the matter through the Council's Complaints Procedure, and/or
 - 6.2.3.2. Raise the matter with the Independent Regulatory Challenge Panel.
- 6.3. All informal letters shall include a paragraph setting out the Council's commitment to giving sensible health and safety advice and indicating how a business may raise concerns about the requirements or advice given, including how to contact the Independent Regulatory Challenge Panel.

7. Enforcement in premises in which Argyll and Bute Council may have an interest

- 7.1. A potential conflict of interest may occur where Argyll and Bute Council is the relevant enforcing authority in relation to premises in which it also has an ownership or management interest. A conflict of interest can either be an actual or a perceived conflict of interest.
- 7.2. Potential conflicts of interest shall be managed according to the following principles:

- 7.2.1. The Regulatory Services Manager shall be proactive in identifying and addressing potential conflicts of interest and will consult with the Health and Safety Manager;
- 7.2.2. The Regulatory Services Manager shall propose arrangements for dealing with those exceptional circumstances where a conflict of interest has come to light after an incident has occurred;
- 7.2.3. The Regulatory Services Manager shall consult with the Health and Safety Manager to identify whether any potential conflicts of interest are introduced or removed when governance arrangements change.
- 7.2.4. It is not presumed that HSE will act as the default regulator where there is a potential conflict of interest. Other means of addressing the conflict should be explored first, with transfer of enforcement responsibility to HSE taking place only in exceptional circumstances and as a last resort.
- 7.3. Argyll and Bute Council shall otherwise:
 - 7.3.1. Carry out its enforcement policy and practice in exactly the same way that it does for all other premises and dutyholders;
 - 7.3.2. Inform HSE if they identify a split in enforcement responsibility.

8. Appointment of Inspectors

- 8.1. The Executive Director, Development and Infrastructure Services has delegated authority under the Council's Scheme of Delegations to appoint inspectors under the Act.
- 8.2. The appointment of inspectors and the variation of the level and scope of their appointments is at the discretion of the Executive Director, Development & Infrastructure Services, having regard to the recommendation of the Regulatory Services Manager.

9. Indemnification of Inspectors

- 9.1. Under the terms of section 26 of the Act, where an action has been brought against an inspector in respect of an act done in the execution or purported execution of any of the relevant statutory provisions and the circumstances are that he is not legally entitled to require Argyll and Bute Council as the enforcing authority to indemnify him, Argyll and Bute Council shall, nevertheless, indemnify him against the whole or any part of any damages and costs or expenses which he may have been ordered to pay or may have incurred, if the Regulatory Services Manager is satisfied that he honestly believed that the act complained of was within his powers and that his duty as an inspector required or entitled him to do it.

10. Review

- 10.1. This policy will be reviewed annually, and more frequently as may be required, by the Regulatory Services Manager.
- 10.2. The policy will be presented to the Planning, Regulatory Services and Licensing Committee for approval on an annual basis as part of the annual Occupational Health and Safety Service Plan.

APPENDIX III

Details of Internal Procedures

The following policy and procedures have been developed or reviewed and will be implemented upon the approval of the Enforcement Policy submitted with this Plan:

- Occupational Health and Safety Enforcement Policy
- Appointment of Inspectors
- Authorisation of Persons to Accompany an Inspector
- Inspections and Non-inspection Interventions
- Selection of Incidents for Investigation
- Investigation of Incidents and Complaints
- Enforcement Decisions
- Service of Notices
- Disclosure of Information
- Managing Potential Conflicts of Interest
- Dealing with New Businesses

In addition, there are corporate procedures relating to the right to make complaints about the service (“Your Rights to Complain”)

APPENDIX IV**Authorised Officers under the Health and Safety at Work etc. Act 1974
as of the 31st March 2013**

Officer	Position
Alan Morrison	Regulatory Services Manager
Iain MacKinnon	Environmental Health Manager (West)
Jo Rains	Environmental Health Manager (East)
Patrick Mackie	Lead Environmental Health Officer (Health & Safety and Service Support)
David Chapman	Regulatory Services Officer (Environmental Health)
Richard Gorman	Environmental Health Officer
Andrew Hill	Environmental Health Officer
Wendy Lilico	Environmental Health Officer
Paula Monaghan	Environmental Health Officer
Jim Rennie	Environmental Health Officer
Paul Reynolds	Environmental Health Officer
Sue Stefek	Environmental Health Officer
Ailleachd Vernon	Environmental Health Officer
Mary Frances Watt	Environmental Health Officer
Lee Roberts	Trading Standards Manager
Matthew Corns	Trading Standards Officer
James Howard	Trading Standards Officer
Saul Milne	Regulatory Services Officer (Trading Standards)
Kathleen Munro	Trading Standards Officer
Louise Potter	Regulatory Services Officer (Trading Standards)
Colin Sutcliffe	Trading Standards Officer (Fraud and Service Support)
Valerie Turnbull	Public Protection Officer (Trading Standards)

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**PROTECTING CONSUMERS : IMPROVING MEMBER AWARENESS OF THE WORK OF
REGULATORY SERVICES**

1. PURPOSE

- 1.1** At the April Committee, Members requested that a further report be brought to Committee with proposals to improve awareness of the work of Regulatory Services and progress in delivering the Protecting Consumers Action Plan.
- 1.2** This report details proposals which take account of the matters raised by Members.

2. RECOMMENDATIONS

- 2.1** Members are asked to consider these proposals and formally endorse this programme.
- 2.2** It is important that this programme better informs Members of the work of Regulatory Services and that we review its effectiveness. Member feedback is essential to inform this work, and it is suggested that members feedback any comments through the Lead Councillors- Planning and Regulatory Services and/or the Regulatory Services Manager.

3. IMPROVING MEMBER AWARENESS

- 3.1** Audit Scotland's, "Protecting Consumers" report concluded that there were serious risks to the delivery of Trading Standards and, to a lesser extent, food safety in Scotland, and identified that the service profile with elected Members was low. In approving the Action Plan which addresses the recommendations of the report at a local or national level, Members recognised the need to be more informed of the work of Regulatory Services, and in particular the adequacy of current resources to meet statutory work.
- 3.2** Regulatory Services operates with delegated powers which enable it to work effectively and efficiently. Its profile with Members in Argyll and Bute is good. There is no appetite to amend the way the services operate, although there is a need to improve Member awareness of issues outwith the routine reports to Planning, Protective Services & Licensing Committee.

3.3 Resourcing and capacity

Members highlighted a need to be better informed on the effectiveness and adequacy of the resources within Regulatory Service to meet its statutory responsibilities. The service reports to a wide range of statutory agencies and government departments on performance as well as quarterly reporting through the Councils Pyramid system. Recognising this, we developed a Balanced Scorecard to provide a means of reporting progress on all service priorities, including performance, in one report. This will provide members with an increased level of information and an overview on performance against service priorities. This will be reported to members every six months.

3.4 Responding to the challenge in the Audit Scotland report “Protecting Consumer” which highlighted that trading standards and food safety have a low national profile with elected members, we have identified a range of measures designed to provide information to elected members in Argyll and Bute for your consideration. These include the following:

(i) **Committee Reports**

There is a need for the service to present statutory service plans for the endorsement of Committee under the Food Safety Act 1990, the Health & Safety at Work etc. Act 1974 and the Animal Health Framework Agreement.

It is proposed that this continues but a programme of Committee papers has been developed, which will provide Members with an overview of current issues and challenges in 2013/2014. I would propose the following provisional programme of Committee reports although this is subject to change:

May	Food Service Plan Health & Safety Service Plan Improving Members' Awareness
Jun	Review of Health Protection Plan Under-Age Sales Initiative/Update Local Air Quality in Argyll and Bute
Aug	Trusted Trader Scheme
Sep	
Oct	Review of Civil Advice arrangements
Nov	Progress Report, Balanced Scorecard Progress Report, Protecting Consumers
Dec	Review of Environmental Health/Trading Standards licensing conditions
Jan	
Feb	
Mar	Animal Health Service Plan Food Safety and Feed Law Service Plan Health & Safety Service Plan Joint Health Protection Plan 2014-16

(ii) **Regular Updates on Achievements and Planned Activities**

Through reports to the Lead Councillor for Planning, Protective Services & Licensing, regular updates on our work will be provided.

(iii) **Revision of Reference Documents**

Regulatory Services, our A to Z, has been revised and is available for Members to access via the Members Portal.

(v) ***Displays***

It is intended to have Displays at the rear of the Council Chambers at pre-identified PPSL Committees, which will provide information for Members to peruse at their leisure and speak to Officers in the service. Topics to be included are *E.coli* Strategy, Licensing Standards, Debt Counselling, Trading Standards, Private Water Supplies, Private Landlord Registration Scheme and Shellfish Monitoring.

(vi) ***Opportunity for Members to Accompany Officers During Visits***

There are a variety of activities which we undertake, where it is possible that Members could attend to get a better understanding of our roles and remits. This can be arranged at our Area Offices level, for the following activities :-

- 1 Food safety inspection
- .
- 2 Health and safety intervention
- .
- 3 Noise monitoring (this may be organised event)
- .
- 4 Trading Standards visit
- .
- 5 Animal Health visit and inspection
- .
- 6 Private Water Supply risk assessment
- .

(vii) ***Briefings prior to COSLA Meetings***

We will provide briefing, where appropriate, to support members and The Chief Executive when attending COSLA meetings. Copies will be available to the Lead Councillor (Planning and Regulatory Services) and other members as required

(viii) ***Area Committees or Business days.***

We will consider how best to these to provide information to all elected members.

(ix) ***Local events***

As part of our alternative enforcement, we intend to hold events to provide information to local; businesses and/or the public. This year, this includes the Food Fayre in Oban (given its success in 2013) and work to promote the improvements grant scheme for private water supplies. We will advise local members of these events

- 3.5 It is intended that this programme will be amended/developed, based on Member feedback.

4. CONCLUSIONS

- 4.1 This programme is intended to address the issues by Members when they endorsed the Council's response to "Protecting Consumers Report".
- 4.2 Our outcome is to improve the profile of Regulatory Services with elected Members, whilst recognising existing delegated powers, operating

arrangements and the availability of Members.

5. IMPLICATIONS

5.1	Policy	Consistent with Protecting Consumers Action Plan
5.2	Finance	None
5.3	Personnel	None
5.4	Equal Opportunities	None
5.5	Risk	None
5.6	Legal	There is an issue of confidentiality associated with accompanied inspections by Members

ANGUS GILMOUR
Head of Planning and Regulatory Services

AM/KT/7092 April 2013

For further information contact: Alan Morrison Tel: 01546 604292
Regulatory Services Manager
e-mail : alan.morrison@argyll-bute.gov.uk

**Argyll and Bute Council
Development Services**

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: 09/00939/PP

Planning Hierarchy: Local

Applicant: Helena Jane Craggs-Fryer

Proposal: Change of use from hairdresser (Class 1) to tearoom (Class 3)

Site Address: Trinity's Hair Salon, The Clachan, Rosneath

DECISION ROUTE**(i) Local Government Scotland Act 1973**

(A) THE APPLICATION

- (i) Development Requiring Express Planning Permission**
 - Change of use from hairdresser (Class 1) to tearoom (Class 3)
 - (ii) Other specified operations**
 - None
-

(B) RECOMMENDATION:

It is recommended that planning permission be granted subject to the attached conditions and reasons.

(C) HISTORY:

None

(D) CONSULTATIONS:

Roads Helensburgh and Lomond (memo dated 12.10.09). No objections in principle, however, existing business needs one space and the new business would need two. As no off-street parking exists, the proposal is contrary to Policy LP TRAN 6. Recommends refusal unless this can be addressed.

Area Environmental Health Manager (memos dated 25.08.09 and 03/07/2012). The layout is unacceptable regarding equipment and sanitary facilities but this can be dealt with through Building Standards. Concerned about the possible impact of cooking odours on the detached dwellinghouse to the north. Suitable and sufficient ventilation requires to be provided if frying, boiling or baking is carried out on the premises. Extract ventilation will require dispersing to the external air by means of ducting which will require to terminate above any opening windows in neighbouring properties.

(E) PUBLICITY: Listed Building/Conservation Advert (expiry date 11.09.2009)

(F) REPRESENTATIONS:

One letter of objection with an attached petition, two letters of support and two letters from the applicant with two petitions attached have been received.

Objection

One letter with attached 17 signature petition has been received from Mrs Yvonne Davies, 1 The Clachan, Rosneath (letter received 13 August 2009)

(i) Summary of issues raised

The parking in the Clachan is both congested and chaotic. This situation already causes concern as the footpath is too narrow for a pram or a mother and child to walk hand in hand along the path so everyone uses the road. A tearoom can only make it worse.

Comment: See assessment.

Pollution from cooking smells would badly affect the quality of life of those living close by.

Comment: See assessment.

We feel that the on-going problem we have with vermin, rats, mice and squirrels would be exacerbated.

Comment: It is not considered that the proposed premises would have a significant detrimental impact on numbers of vermin. However, this is a matter for Environmental Health

The noise created by extra people congregating together would also badly affect local residents.

Comment: It is not considered that the use of the premises as a tearoom would have a significant impact in terms of extra people congregating in the area and causing a noise or other nuisance. If a nuisance is being created then it is a matter for both the Police and Environmental Health under separate legislation.

The development would have an adverse effect on surrounding property prices.

Comment: This is not a material planning consideration.

Representations

Two letters from individuals have been received from the following individuals indicating no objections.

Eva Bell, The Clachan, Rosneath (letter dated 8 July 2009)

Jill Freitag, Flat above The Clachan, Rosneath (letter dated 9 July 2009)

Support

Two letters from the applicant dated 14 and 31 August 2011 respectively enclosing two petitions, one with 71 signatures (1 of the 71 not objecting but preferring hairdressers to remain), the other with 51 signatures have been received.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) **Environmental Statement:** N
- (ii) **An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** N
- (iii) **A design or design/access statement:** N
- (iv) **A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** N

(H) PLANNING OBLIGATIONS

(i) Is a Section 75 agreement required: Yes

Environmental Health and the Area Roads Manager both initially recommended refusal of this application. Discussions were held at the request of the applicant to see if a solution could be found. Whilst this resulted in some delay the issues have now been resolved.

A Section 75 agreement was required in order to secure two off-site parking spaces for use by customers of the tearoom. This was done in advance of determination of this application as it was initially considered that a further planning application was not required for the two parking spaces. This was on the basis that they could be accommodated within the applicant's driveway entrance without formal construction. Following a review, planning permission will be required for the two spaces as they constitute development. In the interim the applicant has now concluded a Section 75 Agreement which agrees to form the 2 parking spaces at the entrance to her home, Easter Garth, approx. 30m to the west of the premises. On further consultation, the Area Roads Manager considers this acceptable.

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

(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 Local Plan' 2009

LP ENV 1 – Impact on the General Environment
LP ENV 19 – Development Setting, Layout and Design
LP BAD 1- Bad Neighbour Development
LP ENV 14 – Development Impact in Conservation Areas
LP TRAN 6 – Vehicle Parking Provision

Appendix A – Sustainable Siting and Design Principles
Appendix C – Access and Parking Standards

(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.**

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

(L) **Has the application been the subject of statutory pre-application consultation (PAC):** N

(M) **Has a sustainability check list been submitted:** N

(N) **Does the Council have an interest in the site:** N

(O) **Requirement for a hearing (PAN41 or other):** One letter with a 17 signature petition has been received objecting to the proposal. Two letters with two petitions of 71 and 51 signatures respectively have also been received in support of the proposal. Petitions are normally treated as a single representation. Moreover, as two of the key objections, parking and cooking smells, have now been resolved and the majority of the signatures on the petitions are in support of the proposal, it is not considered that a discretionary hearing would be justified in this instance.

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

The application site is within the settlement boundary as defined by the Argyll and Bute Local Plan, where there is a presumption in favour of development subject to all development plan policies being complied with. It is also within the designated Conservation Area where development must preserve or enhance the character of the Conservation Area.

The Use Classes Order states that Class 3 reflects the breaking down of the traditional boundaries between different types of premises, enabling the catering trade to adapt to changing trends and demands with greater speed and certainty in premises where the potential environmental nuisances such as smell, traffic and parking have already been accepted. Planning authorities should not seek to restrict the freedoms granted by this use class unless they can clearly demonstrate that serious environmental problems, which are not capable of control under other legislation, would result. In this case I consider that the principle of a café/tearoom should be supported but that it should only be done on a restricted basis given the concerns of Environmental Health on cooking odours and the potential impact an extract flue could have on the wider conservation area. As there would be minimal external alterations, it is not considered there would be any detrimental impact on the character of the conservation area.

Policy LP TRAN 6 requires the provision of off-street and vehicle parking provision based on standards set out in Appendix C of the adopted Local Plan. The Area Roads Manager was consulted regarding this application. Whilst he has no objections in principle he did raise concerns regarding the lack of parking provision in this part of Rosneath. The existing business requires one parking space whilst the proposed use would require two. As there is currently no off-street parking facilities then the increased requirement would render the development unacceptable. However, the applicant has concluded a Section 75 Agreement which agrees to form 2 parking spaces for the use of patrons of the tea rooms at the entrance to her home, Easter Garth, approx. 30m to the west of the premises. On further consultation, the Area Roads Manager considers this acceptable.

On this basis and with the caveats outlined, a café in this location would be an acceptable use and would comply with the overall provisions of Policies LP BAD 1, LP ENV 1, LP ENV 19, LP TRAN 6, Appendix A and Appendix C of the Argyll and Bute Local Plan.

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

(R) Reasons why planning permission or a Planning Permission in Principle should be granted

It is considered that the proposed development is acceptable in this location and, subject to no cooking on the premises and the provision of appropriate parking, would comply with the overall provisions of Policies LP BAD 1, LP ENV 1, LP ENV 19, LP TRAN 6, Appendix A and Appendix C of the Argyll and Bute Local Plan.

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

N/A

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

Author of Report: David Eaglesham

Date: 19 April 2013

Reviewing Officer: Howard Young

Date: 24 April 2013

**Angus Gilmour
Head of Planning & Regulatory Services**

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 09/00939/PP

1. The development shall be implemented in accordance with the details specified on the application form dated 26 June 2011 and the approved drawings reference number 1 of 2, location plan, and 2 of 2, existing and proposed layout unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

2. The use of the premises hereby approved shall be limited to the sale and consumption of cold food, hot and cold drinks and food re-heated on the premises.

Reason: In order to ensure that there is no cooking on the premises as this will require an external flue which will be both visually intrusive and would, through cooking smells and other odours, detrimentally impact on the amenity of adjoining residential properties and the character of the Conservation Area.

3. The premises hereby approved shall not be occupied or brought into use until such time as planning permission has been granted for the two car parking spaces required to service the proposed development. Thereafter, the two parking spaces shall be provided to the satisfaction of the Council as Planning Authority prior to the operations hereby approved commencing.

Reason: In the interests of road safety.

NOTES TO APPLICANT

1. **The length of the 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).
2. In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, 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.
3. In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 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.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 09/00939/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The application site is within the settlement boundary as defined by the Argyll and Bute Local Plan where there is a presumption in favour of development subject to all development plan policies being complied with. It is also within the designated Conservation Area where development must preserve or enhance the character of the Conservation Area.

B. Location, Nature and Design of Proposed Development

Planning permission is sought for the change of use of hairdressers (Class 1) to a café within Rosneath.

Under the Town and Country Planning (Use Classes) (Scotland) Order 1997 the premises would operate as a Class 3 Food and Drink use. As such it has the potential to be a “bad neighbour” development. Policy BAD 1 states that bad neighbour developments will only be permitted, inter alia, where there are no adverse effects on amenity of neighbouring residents and no significant transport, amenity or public service provision objections.

Environmental Health was consulted and indicated potential problems could occur with cooking odours affecting the detached house to the north. An extraction system is potentially possible but would likely to be very visually intrusive with a potential detrimental impact on the character and amenity of the conservation area. The applicant has indicated that she would be prepared to accept a restriction on the type of goods sold such as sandwiches, hot and cold drinks and food re-heated rather than cooked on the premises. The Use Classes Order states that Class 3 reflects the breaking down of the traditional boundaries between different types of premises, enabling the catering trade to adapt to changing trends and demands with greater speed and certainty in premises where the potential environmental nuisances such as smell, traffic and parking have already been accepted. Planning authorities should not seek to restrict the freedoms granted by this use class unless they can clearly demonstrate that serious environmental problems, which are not capable of control under other legislation, would result. In this case I consider that the principle of a café/tearoom should be supported but that it should only be done on a restricted basis given the concerns of Environmental Health on cooking odours and the potential impact an extract flue could have on the wider conservation area. As there would be minimal external alterations then it is not considered there would be any detrimental impact on the character of the conservation area.

C. Road Network, Parking and Associated Transport Matters.

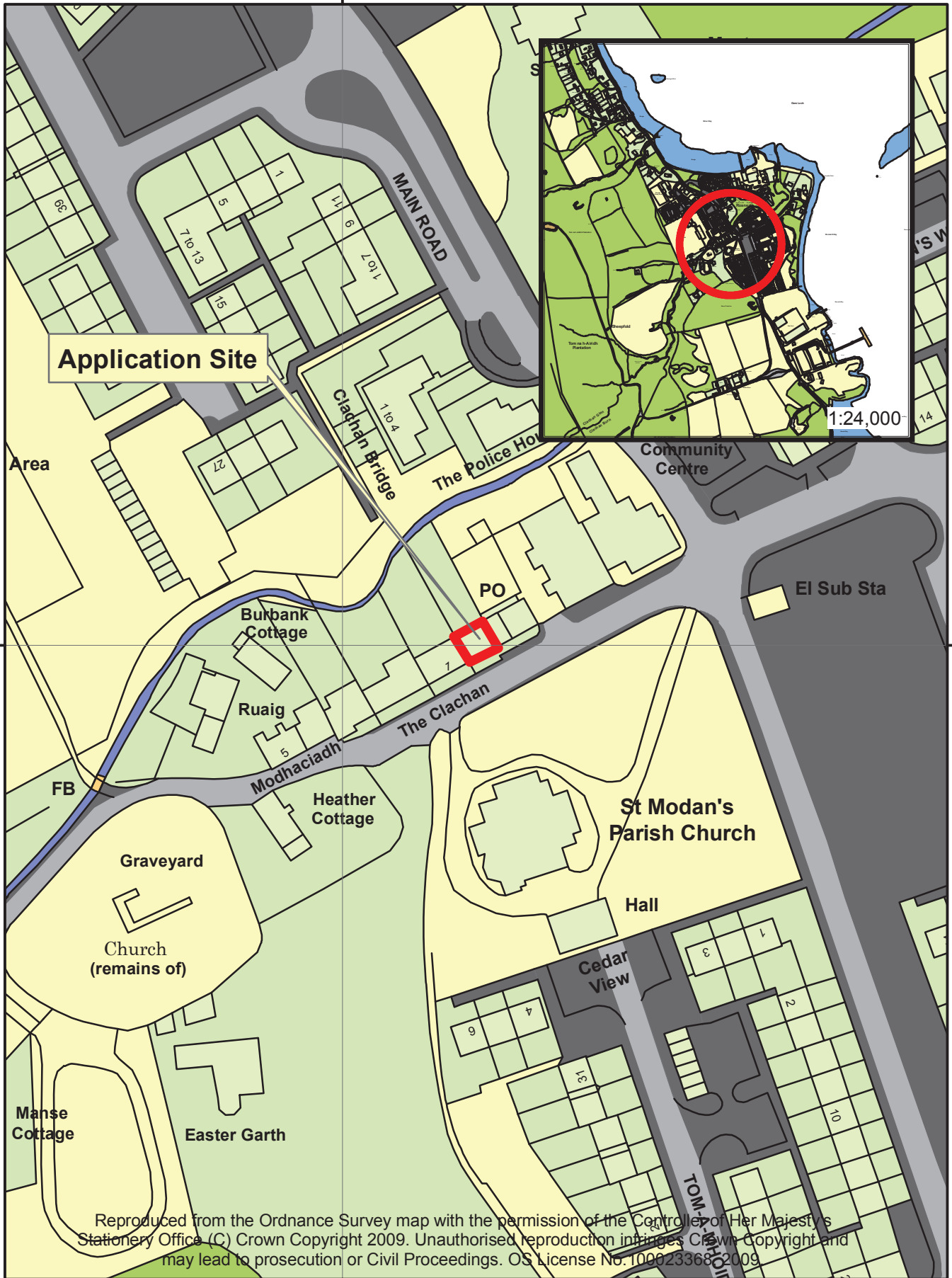
Policy LP TRAN 6 requires the provision of off-street and vehicle parking provision based on standards set out in Appendix C of the adopted Local Plan. The Area Roads Manager was consulted regarding this application. Whilst he has no objections in principle he did raise concerns regarding the lack of parking provision in this part of Rosneath. The existing business requires one parking space whilst the proposed use

would require two. As there is currently no off-street parking facilities then the increased requirement would render the development unacceptable. However, the applicant has concluded a Section 75 Agreement which agrees to form 2 parking spaces for the use of patrons of the tea rooms at the entrance to her home, Easter Garth, approx. 30m to the west of the premises. On further consultation, the Area Roads Manager considers this acceptable.

CONCLUSION.

On this basis and with the caveats outlined, a café in this location would be acceptable and would comply with the overall provisions of Policies LP BAD 1, LP ENV 1, LP ENV 19, LP TRAN 6, Appendix A and Appendix C of the Argyll and Bute Local Plan.

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Location Plan relative to Application Ref: 09/00939/PP

Date: 22.04.2013

Scale: 1:1,250



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**Argyll and Bute Council
Development & Infrastructure**

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: 12/02202/PP

Planning Hierarchy: Local

Applicant: Mr Adrian Tear

Proposal: Erection of three wind turbines (74 metres to blade tip) and turbine control building, formation of access road and hardstanding areas.

Site Address: Ascog Farm, Isle of Bute

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of three wind turbines each mounted on 50 metre high hub – 74 metres to blade tip height;
- Associated concrete foundations ;
- Associated turbine control building, rendered with profiled metal roof (approx. 8 metres long x 5 metres wide x 3 metres high);
- Formation of crane hardstanding areas (approx. 20 metres x 30 metres);
- Formation of a 4 metre wide vehicular access track from the A844 public road to serve the proposed turbines.

(ii) Other specified operations.

- Underground cabling to connect turbines to turbine control building;
 - Connection to grid (separate consent).
-

(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that the application be refused for the reason appended to this report subject to the holding of a Discretionary Hearing in view of the number of representations that have been received.

(C) HISTORY:

Planning Permission (ref: 11/00873/PP) was granted on 22nd September 2011 for the erection of a 50 metre high wind monitoring meteorological mast for a temporary period of fourteen months.

(D) CONSULTATIONS:

National Air Traffic Services (NATS) (e-mail dated 7th November 2012)

No safeguarding objections.

The Coal Authority (e-mail dated 8th November 2012)

There is no requirement under the risk-based approach that has been agreed with the Local Planning Authority for a Coal Mining Risk Assessment to be submitted or for the Coal Authority to be consulted.

Ministry of Defence (letter received 27th November 2012)

No safeguarding objections in principle, but conditions and advisory notes recommended.

Trunk Road and Bus Operations Directorate (letter dated 6th December 2012)

No comments.

Royal Society for the Protection of Birds (letter dated 6th December 2012)

No objections to the proposal and the scheme should not impact upon the SSSI and its designated greylag goose population.

Bute Community Council (letter dated 7th December 2012)

At the last meeting of the Community Council, members once again had the opportunity to hear arguments from the developer in support of the planning application, and arguments against by those objecting to the proposal. Members then discussed the merits of the application, ultimately voting against the proposals by 8 votes to 3 votes with 1 abstention. As such, the Community Council objects to the application in its current form.

Scottish Natural Heritage (response dated 10th December 2012)

Consider that, given the overall scale of the turbines and their siting, the proposed development would not be appropriate in this sensitive location. If permission is ultimately given, conditions should be attached in respect of ornithology and protected species.

Historic Scotland (letter dated 21st December 2012)

It is considered that there would be some impact on the setting of Balmory House as a result of the development. However, the significance of the impact is not of such an order that it warrants an objection from Historic Scotland.

Environmental Health Service (response dated 7th March 2013)

No objections subject to conditions and notes to applicant.

Council's Roads Engineer (report dated 26th April 2013)

No objections subject to conditions.

North Ayrshire Council

No comments received.

(E) PUBLICITY:

The application has been advertised under Regulation 20(1) Advert (closing date 30 November 2012) and Environmental Statement Regulations (closing dates 7th December 2012 and 12th April 2013).

(F) REPRESENTATIONS:

At the time of writing, representations have been received from a total of 558 sources, comprising 67 expressions of support, 488 objections and 3 neither supporting nor objecting. Full details of representees are provided in Appendix B. Due to the large amount of correspondence received, the key issues are summarised below and are addressed in the assessment at Appendix A.

IN SUPPORT OF THE PROPOSAL

Energy Benefits

- The development will have the potential to power a significant number of homes on the Isle of Bute.
- The proposed development will offset a substantial amount of Carbon Dioxide.
- 'Going Green' should be supported in this area and it is assumed that the Planning Department fully understands the issues and can, therefore, discount any objections based on false information.
- The proposal would help Bute gain a level of independence from vulnerable power lines which bring electricity from the mainland.
- Wind turbines are a positive statement of intent about looking forward in terms of energy creation. For Bute to have wind farms would mean that the island was serious, open-minded and genuinely aware of the issues surrounding energy. The grounds for opposition are myopic, backward and short term.

Tourism Benefit

- The proposal would not dissuade visitors to the island and might actually be an incentive.

Economic Benefit

- The investment will stimulate the local economy and sustain new jobs in further renewable energy projects.
- The proposal represents positive diversification which is badly needed in the island's farming community to ensure that enough money is generated to properly maintain the land and landscape that everyone enjoys.

Visual Impact

- An argument could be put forward that the development would not be in a pristine natural environment. The Scottish environment has been adapted continuously to the demands of the human population over the last 10,000 years, and particularly over the last 500 years, which has seen the removal of vast tracts of forest, the creation of agricultural holdings and suburbanisation.
- There are many wind farms all over the country and they are acceptable in visual terms.
- Wind farms are far more photogenic than the square plantations of non-native coniferous forest or deer-grazed moorland that are referred to as "*natural*" in Scotland.

Community Benefit

- The community benefit from the wind farm will be £10,000 per megawatt installed or 20% of the net profit per annum whichever is the greatest. This will mean that there is a direct financial benefit to Bute of an estimated £27,000 per year from Year 1. The potential direct financial benefit to Bute over the lifetime of the project could be in the region of £1.5 million.

AGAINST THE PROPOSAL

Visual Impact

- The proposed turbines would be located in a visually prominent position on the island of Bute and, given their height of 74 metres to blade tip, they would be out of scale and out of character in this important landscape.
- An amended Environmental Statement should be submitted in accordance with the visualisation standards and requirements of Highland Council with viewpoints being chosen in conjunction with the local community.
- As a viewpoint choice, Viewpoint 3 is inadequate to represent either the magnitude or variety of the impact this proposal would have on the people of Rothesay.
- The visual impact of a single proposed turbine would be massive as seen from central Rothesay, accounting for some 20% or more of an individual's central field of view, contrary to the photomontage indications of Viewpoint 3.

Tourism Impact

- The proposal will dissuade tourists from visiting Bute which will have a very significant effect upon the economy of the island.

Built Heritage Impact

- The proposed turbines would affect the amenity of Balmory Hall (a Category 'A' Listed Building) and would be a modern, elevated and intrusive feature detracting from the historical nature of the building and its grounds.
- Concern is expressed that the proposed turbines would be far too close to at least 11 historic Listed Buildings, 1 Listed Glasshouse and a historic garden. It is considered that the rich Victorian character and varied cultural and historic built heritage would be completely compromised if the Council allow the industrialisation of this part of the island.

Noise, Air Quality, Vibration and Adverse Health Impacts

- The residents of dwellinghouses in the immediate vicinity of the proposed turbines and also further afield will suffer from noise, shadow flicker and vibration.
- There is evidence to suggest that living in relatively close proximity to wind turbines can be damaging to a person's health.
- The peace and quiet of the area will be adversely affected.
- Concern is expressed that the Environmental Health Service has come to an agreement with the developer regarding shutting down or reducing the output of one of the turbines at night in certain weather conditions. If a condition was to be attached should permission be granted, there would be question marks as to how this matter would be enforced and whether it would actually work.
- Serious concerns are expressed regarding the accuracy and validity of the revised noise assessment.
- It is requested that the developer put in place a proper survey of background noise, at a variety of locations chosen to be representative of varied local conditions. These should be chosen in consultation with the local community and be biased towards those most likely to be affected. The survey should run for a period of 12 months and should be supervised by Argyll and Bute Council.
- The issue of infrasound (very low frequency vibration) should not be left unexplored.

Wildlife Impact

- The proposed turbines would have an adverse impact upon wildlife in the area including the Greylag Geese that use the nearby Loch Ascog.

Road Traffic Impact

- There will be a significant increase in the volume of heavy goods traffic with the accompanying increase in noise pollution and possible disruption to normal traffic on the island.
- The local road network would be unable to cope with the types of vehicle required to construct the turbines.
- The sight of the turbines could distract drivers on the roads where the structures would be visible from and accidents could occur as a result.

Property Value

- Property in the vicinity of the proposed turbines will be devalued in a monetary sense.

Profit/Community Benefit

- The landowner is not local and is seeking to maximise his own personal financial interests. In addition, he will not have to suffer the disadvantages inherent in the proposed scheme.

Decommissioning

- Concern is expressed that the turbines will remain in place after their commercial life has ended.

Technology and Efficiency

- Alternative options for energy generation should be explored rather than wind power.
- The wind turbines would be motionless when there is no wind.
- The manufacturing costs, siting costs and payment of subsidies to private landowners make, at the moment, production of electricity by wind power totally uneconomic.
- The electricity produced would go straight to the grid and would not be for Bute residents.

Rothesay Golf Club Impact

- The presence of the turbines would have an adverse impact on the enjoyment of users of Rothesay Golf Club. Any reduction in visitors to the Golf Club could have a significant effect upon the Club's finances.

Planning Policy

- Concern is expressed that the Council's Landscape Wind Energy Capacity Study has only assessed turbines of up to 50 metres in height for the larger islands.
- The proposal does not conform to national, regional or local planning policies.

Procedural

- It is questioned why the plans for this development have been accepted at all when they should have been refused at the point of submission.

Fire Safety

- Concern is expressed that the local Fire Brigade would manage to deal with a fire if it broke out. It is questioned whether state of the art equipment would require to be purchased and who would pay for such equipment.

Alternative Locations

- If wind farms are considered necessary on Bute, they should be located at the north end of the island which is relatively unpopulated; the hills are bigger and more rugged; and the mountains on the mainland would act as a backdrop making the turbines seem less obtrusive.

Television Reception

- Wind turbines interfere with radio and microwave transmissions and are known to affect television reception (including digital) within a radius of 5 k.m. especially if in direct line with the transmitter. A recent visit to the BBC/OFCOM site on the web stated that more than 60 homes would be likely to be affected by a wind farm built on the OS grid reference of Ascog Farm.

Flooding

- Concern is expressed that the ground disturbance works associated with the proposed turbines could result in flooding to surrounding areas.

Emergency Evacuation

- Emergency medical evacuations from Bute are carried out by helicopter from the public park in Rothesay by both Military helicopters and Scottish Air Ambulance Service, during day and night time hours. Their flight path both into and away from the island is within 1 km or less from the proposed site.

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 (ES): Yes**

- (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 e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** Yes; Supporting Planning Statement;
The Environmental Statement contains a specific section relating to the impact of the proposal upon the local road network. This concludes that the development would result in a temporary increase in traffic levels on the proposed access routes. A suitable route has been identified and agreements will be made with the Council's Roads Department in respect of scheduling abnormal loads and any necessary road reinforcing.

(H) PLANNING OBLIGATIONS

Is a Section 75 (S75) 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 & Bute Structure Plan' (2002)

STRAT SI 1 – Sustainable Development
STRAT DC 4 – Development in Rural Opportunity Areas
STRAT DC 5 –Development in Sensitive Countryside;
STRAT DC 7 –Nature Conservation and Development Control
STRAT DC 8 –Landscape and Development Control;
STRAT DC 9– Historic Environment and Development Control;
STRAT DC 10 – Flooding & Land Erosion
STRAT RE 1 –Wind Farm/Wind Farm Turbine Development.

'Argyll & Bute Local Plan' (2009)

LP ENV 1 Development Impact on the General Environment;
LP ENV 6 Development Impact on Habitats and Species;
LP ENV 10 Development Impact on Areas of Panoramic Quality (APQs);
LP ENV 11 Development Impact on Historic Gardens and Landscapes;
LP ENV 13(a) Development Impact on Listed Buildings;
LP ENV 19 Development Setting, Layout and Design (including Appendix A Sustainable Siting and Design Principles);
LP BAD 1 Bad Neighbour Development;

LP REN 1 Wind Farms and Wind Turbines;
LP SERV 9 Flooding and Land Erosion
LP TRAN 4 New and Existing, Public Roads and Private Access Regimes

(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.

- EU, UK Government and Scottish Government policy;
- National Planning Framework;
- Scottish Planning Policy (SPP), Advice and Circulars;
- Argyll & Bute Landscape Wind Energy Capacity Study, March 2012;
- Environmental impact of the proposal;
- Design of the proposal and its relationship to its surroundings;
- Access and infrastructure ;
- Planning history;
- Views of statutory and other consultees;
- Legitimate public concern and support expressed on 'material' planning issues.

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

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

(M) Has a sustainability check list been submitted: No, separate consideration of the proposal's degree of sustainability has been required as the concept is implicit within the EIA process.

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

(O) Requirement for a Hearing: Yes

In deciding whether to hold a discretionary hearing, the Council will consider:

- How up to date the Development Plan is, the relevance of the policies to the proposed development, and whether the representations are on development plan policy grounds which have recently been considered through the development plan process.
- The degree of local interest and controversy on material considerations, together with the relative size of community affected set against the relative number of representations and their provenance.

In this case, the balance of the representation received is from objectors and many of their concerns are shared by the Planning Officer assessment. However, a not insignificant number of representations are in support (12%) and, therefore, it is considered that a hearing would add value to the determination process. On this

basis, it is recommended that Members undertake a hearing prior to the application being determined.

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

- The proposal seeks the construction of three wind turbines with hub heights of 50 metres and a total height of 74 metres to blade tip, the formation of a new access track and ancillary development. The application has been submitted by the owner of Ascog Farm, which is located approximately 300 metres to the south east of the southernmost turbine.
- A total of 600 representations have been received, comprising 67 expressions of support, 530 objections and 3 neither supporting nor objecting.
- No formal objection to the proposal has been lodged by the Scottish Government, Trunk and Bus Operations Directorate, National Air Traffic Services, Coal Authority, Ministry of Defence, Royal Society of the Protection of Birds, Historic Scotland, Council's Environmental Health Service and Council's Area Roads Manager.
- Formal objection has been lodged by Bute Community Council and Scottish Natural Heritage, whilst not formally objecting, has significant concerns.
- No consultee response was received from North Ayrshire Council.
- The principal issues in this case are the consequence of the presence of the development on: the landscape character of the site and for adjoining landscape character areas; visual impact; tourism impact; ecological impact; ornithological impact; built heritage impact; and road infrastructure impact. It has been concluded that the proposal is unacceptable due to its impact upon landscape character and the wider sensitivities of the coast of Bute. There is a scale disparity between the height of the turbines and the hill on which they sit whilst the layout has resulted in overlapping turbine rotors and towers. The scale and layout of the development in its highly prominent location in the landscape results in it being viewed from the Rothesay Golf Course and the local road network together with ferry and recreational boat traffic and from other islands as well as from mainland roads and other key viewpoints.
- The proposal is considered contrary to: SPP; Scottish Government's Specific Advice Sheet on Onshore Wind Farms; Policies STRAT SI 1: Sustainable Development; STRAT RE 1: Wind Farm/Wind Turbine Development; STRAT DC 4: Development in Rural Opportunity Areas; and STRAT DC 5: Development in Sensitive Countryside of the 'Argyll & Bute Structure Plan' (2002); Policies Policy LP ENV 1: Development Impact on the General Environment; LP ENV 10: Development Impact on Areas of Panoramic Quality; LP ENV 19 Development Setting, Layout and Design (including Appendix A Sustainable Siting and Design Principles); and LP REN 1 Wind Farms and Wind Turbines of the 'Argyll & Bute Local Plan' (2009).
- It is considered that the contribution that this proposal could make towards combating climate change would be negligible. The proposal would result in development giving rise to inappropriate environmental consequences which

cannot be viewed as being sustainable and consequently, the proposal is recommended for refusal.

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

(R) Reasons why planning permission should be refused:

This proposal is inconsistent with the provisions of the Development Plan due to its potential adverse landscape and visual impact. All other material issues have been taken into account but these are not of such weight as to overcome these potential adverse impacts, which cannot be overcome by the imposition of planning conditions or by way of a S75 legal agreement.

(S) Reasoned justification for a departure to the provisions of the Development Plan: There is no justifiable reason for a departure to be made from the provisions of the Development Plan in this case.

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

There is no requirement for notification to Scottish Ministers.

Author of Report: Steven Gove

Date: 26th April 2013

Reviewing Officer: David Eaglesham

Date: 26th April 2013

Angus Gilmour
Head of Planning and Regulatory Services

REASON FOR REFUSAL RELATIVE TO APPLICATION: 12/02202/PP

1. The proposed three wind turbines, inclusive of the means of access required, would be located on the Hill of Ascog approximately 2 kilometres south west of Rothesay, within the 'Bute Rolling Farmland with Estates' Landscape Character Type (ref '*Argyll & Bute Landscape Wind Energy Capacity Study* (LWECS) – Final Main Report and Appendix March 2012' - SNH/Argyll & Bute Council) which is intended to guide SNH and the Council on the strategic implications of further wind farm developments in the landscape. The proposal lies within a sensitive and highly valued landscape character type where it occupies a prominent coastal location where it would be viewed from ferry and recreational boat traffic together with roads on the island of Bute. The value of the landscape surrounding the application site has been accorded regional status by being designated as an Area of Panoramic Quality in the Council's adopted Local Plan.

The LWECS identifies that the visual sensitivity within this Landscape Character Type is high for the small-medium typology (i.e. between 35 metres to 50 metres to blade tip) and, as a consequence, it would be high for a medium typology of between 50 metres to 80 metres to blade tip. The relatively low-lying landscape of gently rolling small hedged pastures and extensive wooded policies forms a lush pastoral scene contrasting with the more rugged higher ground on north Bute and the exposed landscapes of the west coast. There would be high-medium landscape sensitivity to the small-medium typology and, consequently, high landscape sensitivity to medium typology, due principally to the effect of taller turbines on the scale of the landform, its diverse vegetation cover and on settlement.

At 74 metres in height to the blade tip, the proposed wind turbines would be wholly out of scale with their immediate and wider landscape context, where such large rotating structures would dominate the scale of this part of the Isle of Bute. The scale and motion of the proposed wind turbines would also impinge on adjacent small scale and settled landscapes and adversely affect the highly sensitive coastal edge including key coastal panoramas and views. The proposal impinges on the sensitive coastal skylines which frame and provide a setting for the Firth of Clyde, where development on this scale would undermine these qualities to the detriment of landscape character contrary to Local Plan Policy LP REN 1 by virtue of visually dominating a currently undeveloped and prominent landscape. Approval of the proposal could establish a harmful precedent for such large wind turbines in a relatively small landscape setting, where smaller turbines already exist and do not exert such a degree of influence over the appreciation of the coast and those landscapes which are characterised by the contrast between the land and the sea.

The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected direct or indirect benefits which a development of this scale would make to the achievement of climate change related commitments.

Having due regard to the above, it is considered that this proposal would have a significant adverse impact on Landscape Character, would adversely affect a number of key views and would degrade designated scenic assets including the Firth of Clyde coastline and adjacent 'Area of Panoramic Quality'. It is therefore inconsistent with the provisions of the Scottish Planning Policy and Scottish Government's Specific Advice Sheet on Onshore Wind Farms; Policies STRAT SI 1: Sustainable Development; STRAT DC 4 – Development in Rural Opportunity Areas; STRAT DC 5: Development in Sensitive Countryside; STRAT DC 8: Landscape & Development Control; STRAT RE 1: Wind Farm/Wind Turbine Development of the 'Argyll & Bute Structure Plan' (approved 2002), to Policy LP ENV 1: Development Impact on the General Environment; LP ENV 10: Development Impact on Areas of Panoramic Quality; LP ENV 19 Development Setting, Layout and Design (including Appendix A Sustainable Siting and Design Principles); LP

REN 1 Wind Farms and Wind Turbines; of the 'Argyll & Bute Local Plan' (2009) and the Argyll & Bute Landscape Wind Energy Capacity Study (LWECS) – Final main report and appendix March 2012.

2. There is a scale disparity between the height of the turbines and the hill on which they sit, as the turbines are 74m to blade tip height and they are sited on the Hill of Ascog which is generally 104m AOD. Therefore, the vertical scale of the proposal does not follow the guidance of Scottish Natural Heritage contained within the document entitled "Siting and Designing Windfarms in the Landscape (December 2009). Paragraph 4.33 of this document states *"A key design objective for a wind farm will be finding an appropriate scale for the wind farm that is in keeping with that of the landscape. To achieve this, the siting and design of the development will need to ensure that the wind farm is of minor scale in relation to the key features of the landscape (typically less than one third)"*.

This scale disparity is illustrated by, for example, Viewpoint 1 - Common Hill, Isle of Bute, Viewpoint 3 – Rothesay, Isle of Bute and Viewpoint 10 – Wemyss Bay to Rothesay ferry route.

The layout has resulted in overlapping turbine rotors and towers as illustrated by Viewpoint 1 – Common Hill, and this visual stacking is an effect that does not correspond to good design principles, as laid out in section 3 of SNH guidance.

The layout and scale of the turbines overwhelm the distinctive skyline of the Isle of Bute as illustrated by Viewpoints 3 - Rothesay, 8 – Knock Castle and 10 – Wemyss Bay to Rothesay Ferry Route, and this does not accord with SNH guidance paragraph 4.29 which states that *"design of a wind farm from key viewpoints and sequential routes should ensure a wind farm does not detract from the character of a distinctive skyline. Care should be taken to ensure that a wind farm does not overwhelm a skyline."*

This concern is strengthened by examining Viewpoints 22 - Adjacent to Braeside, 23 – B881 Between Lochend and Crossbeg and 24 – Additional Wemyss Bay to Rothesay Ferry Crossing.

The scale and layout of the development in its highly prominent location in the landscape results in it being viewed from the Rothesay Golf Course and the local road network together with ferry and recreational boat traffic and from other islands as well as from mainland roads and other key viewpoints.

In view of the above, it is considered that the impact of the development on key views would be particularly detrimental, given the disproportionate scale of the turbines relative to their landscape setting and the overall sensitivity and scenic value of the receiving environment.

Having due regard to the above, it is considered that the proposal conflicts with the provisions of SPP and Scottish Government's Specific Advice Sheet on Onshore Wind Farms; Policies STRAT SI 1: Sustainable Development; STRAT DC 4: Development in Rural Opportunity Areas; STRAT DC 5: Development in Sensitive Countryside; STRAT DC 8: Landscape & Development Control; Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan and Policies LP ENV 10: Development Impact on Areas of Panoramic Quality; and LP REN 1: Commercial Wind Farm and Wind Turbine Development of the Argyll & Bute Local Plan.

3. It is considered that the proposal would be highly visible as well as being visible from areas which are not currently affected by wind development. It has the potential to spread visibility of wind turbine development along either side of the Firth of Clyde thereby

creating a sense of extended wind farm/wind turbine development. The creation of a sense of extended wind farm /wind turbine development would be unacceptable and detrimental in landscape and visual terms. It is not only the cumulative impact of wind turbines on road users but also on the main Wemyss Bay to Rothesay ferry route and recreational sailors. The very large Zone of Theoretical Visibility (ZTV) highlights the number of settlements and scenic areas which would be affected in a wider landscape where larger windfarm schemes are already located. These larger schemes and potential windfarms in preferred areas would however be undermined by the presence of small groups of turbines within influencing distance of the coast such as this, which due to their more prominent locations closer to sensitive receptors would be disproportionate in terms of their sequential and cumulative impacts.

Having due regard to the above it is considered that in terms of Cumulative Impact the proposal is inconsistent with the provisions of SPP and Scottish Government's Specific Advice Sheet on Onshore Wind Farms; Policies STRAT SI 1: Sustainable Development; STRAT DC 4: Development in Rural Opportunity Areas; STRAT DC 5: Development in Sensitive Countryside; Policy STRAT DC 8: Landscape & Development Control; Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan and Policies LP ENV 10: Development Impact on Areas of Panoramic Quality; LP REN 1: Commercial Wind Farm and Wind Turbine Development of the Argyll & Bute Local Plan.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 12/02202/PP**PLANNING LAND USE AND POLICY ASSESSMENT****A. SETTLEMENT STRATEGY & WIND FARM PROPOSALS MAP**

The site is not subject to any spatial zoning for windfarm development by local plan Wind Farm Proposals Map, as this is restricted to proposals over 20MW whereas this scheme is 2.7 MW. Consideration is thereby by way of a criteria based approach established by local plan Policy LP REN1.

The proposal is being assessed against Policy LP REN 1 of the Argyll and Bute Local Plan 2009 as it relates to the erection of a wind farm (i.e. three wind turbines or more as defined by the Argyll and Bute Structure Plan 2002) and is not providing energy just for the adjacent Ascog Farm. Policy LP REN 2 is the other Wind Energy policy but it relates only to turbines which are positioned as close as is possible to the premises which it is intended to serve and where the annual output of electricity does not exceed the energy requirement of those premises by more than 25%.

The two northernmost turbines and their associated internal access tracks and crane hardstandings are located within Sensitive Countryside (subject to the effect of Structure Plan Policy STRAT DC 5: Development in Sensitive Countryside). The southernmost turbine, the substation building, the temporary construction compound and the primary access track (from public road to internal tracks) will be located within a Rural Opportunity Area (subject to the effect of Structure Plan Policy STRAT DC 4: Development in Rural Opportunity Areas) as designated by the Local Plan Proposals Maps.

In special cases both Policy STRAT DC 4 and STRAT DC 5 state that development in the open countryside and medium or large scale development may be supported if it accords with an area capacity evaluation (ACE). The proposal constitutes large scale development in the open countryside. However, it is not normal practice for an ACE to be undertaken for a wind farm which has been subject to EIA (where consideration of alternative sites is required). In this case, it has not been demonstrated that the scale and location of the proposal will integrate sympathetically with the landscape, without giving rise to adverse consequences for landscape character.

Policies STRAT DC 4 and STRAT DC 5 also require proposals to be consistent with all other Development Plan Policies. For the reasons detailed below in this report, it is considered that this proposal would have significant adverse Landscape and Visual Impacts.

Having due regard to the above, it is considered that the proposal is inconsistent with the provisions of the SPP (2009); Scottish Government's Specific Advice Sheet on Onshore Wind Farms; Policies STRAT DC 4: Development in Rural Opportunity Areas; STRAT DC 5: Development in Sensitive Countryside; and STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan and Policy LP REN 1: Wind Farms & Wind Turbines of the Argyll & Bute Local Plan.

B. LOCATION, NATURE & DESIGN OF PROPOSED DEVELOPMENT

The proposal is for the erection of three wind turbines and ancillary development on an elevated ridge of land known as the Hill of Ascog whose slope is orientated approximately north west to south east. The site lies approximately 2 kilometres south west of the town of Rothesay located on the Isle of Bute. Each wind turbine would have a capacity of up to 0.9 MW, providing a total maximum generating capacity of 2.7 MW. The maximum height to blade tip would be 74m with a maximum hub height of 50 metres.

The following elements are included in the planning application: 3 wind turbines; crane hardstandings adjacent to each turbine; permanent access tracks onto the site and between turbines; temporary construction compound; control building; and on-site electrical and control network.

The general design of the turbines and ancillary structures follows current wind energy practice. The 'portacabin' flat roofed design of the substation building is considered unsympathetic in the landscape were permission to be granted. As it is only an ancillary aspect of the wider proposal, however, it is not considered that it is appropriate to be included in the reasons for refusal as design could be controlled by means of a condition in the event of an approval.

Given the scale of the proposed turbines on their intended locations, it is considered that the scale of these structures in such prominent and sensitive locations would not be appropriate due to the adverse impacts upon the receiving environment detailed in this report, and therefore in terms of the overall sustainability of the proposal, it is considered that the turbines and the formation of the means of access to it would have adverse landscape and visual impacts.

Having due regard to the above it is considered that the proposal is inconsistent with the provisions of SPP and Scottish Government's Specific Advice Sheet on Onshore Wind Farms; 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 & Design of the Argyll & Bute Local Plan.

C. LANDSCAPE CHARACTER & LANDSCAPE IMPACT

In summary, SNH have advised of the following:

- i. This proposal will have significant adverse landscape and visual impacts on an area of Argyll's coastal landscape which is distinct, recognised as being a resource of regional importance within a local plan designated Area of Panoramic Quality (APQ);
- ii. The proposal would erode the existing important qualities of the "Bute Rolling Farmland with Estates" Landscape Character Type (LCT)(LWECS) setting a precedent for further development of this type and scale in this sensitive landscape setting;
- iii. The proposal has the potential to affect the integrity of the Kyles of Bute National Scenic Area (NSA) as the development will introduce wind turbines into views from the same (as illustrated by Viewpoint 7 – Strone Point).

SNH have been unable to identify any mitigation which would reduce or remove the negative impacts on the distinctive character and sense of place of this regionally important landscape setting. SNH has not objected to the proposal as they would only do so in the event of European or national interests being compromised, which is not the case here. They have, however, expressed serious concerns on landscape and visual grounds which they wish the Planning Authority to take into account in reaching a decision.

The 'Argyll and Bute Landscape Wind Energy Capacity Study', March 2012 (LWECS) has been produced by SNH in association with the Council to identify those areas in Argyll which are likely to have capacity for wind turbines of various sizes, and those areas which do not

have capacity either as a consequence of their particular qualities, or as a result of having no residual capacity given previous turbine consents. Whilst this study only addresses landscape considerations, following its approval by the Council, it is a significant material consideration in subsequent decision-making, albeit of lesser weight than development plan policy.

Section 2.24 of the LWECS states that it was necessary to prioritise funding for the study to address the main development pressures identified at the time of writing the brief and to fulfill the requirements of Scottish Government planning guidance. For this reason, it was decided that detailed assessment of turbines of over 50 metres to blade tip within NSAs and islands should not be included in the study. These assessments therefore focus on turbines up to 50 metres in height with smaller turbines between 12 – 20 metres high also being considered. The Council agrees with SNH in this instance that it is reasonable to infer the acceptability of turbines over 50 metres to blade tip having regard to the LWECS.

For the purposes of the LWECS, the application site is located within the Landscape Character Type (LCT) known as “Bute Rolling Farmland with Estates”. The summary of the sensitivity of this LCT is as follows:

- § *“The visual sensitivity is high for the small-medium typology (i.e. between 35 metres to 50 metres to blade tip)” and, as a consequence, it would be high for a medium typology of between 50 metres to 80 metres to blade tip;*
- § *“There is currently no operational or consented wind farm development in this character type”;*
- § *“The relatively low-lying landscape of gently rolling small hedged pastures and extensive wooded policies forms a lush pastoral scene contrasting with the more rugged higher ground on north Bute and the exposed landscapes of the west coast. There would be a high-medium landscape sensitivity to the small-medium typology” and, consequently, a high landscape sensitivity to medium typology, “due principally to the effect of taller turbines on the scale of the landform, its diverse vegetation cover and on settlement”;*
- § *“The landscape is covered by an Area of Panoramic Quality and Mount Stuart is listed in the Inventory of Gardens and Designed Landscapes and extends over a considerable part of this character type. Sensitivity in terms of landscape values would be high-medium for the small-medium typology” and, consequently, high for the medium typology.*

Based on the guidance contained in the Landscape Wind Energy Capacity Study and the conclusions expressed by SNH in respect of landscape impacts of the proposal, it is considered that approval of the proposal could establish a harmful precedent in approving wind turbines that are too large for their respective landscape settings. The Council has targeted areas for larger wind turbines, but the LWECS guidance suggests that only the smallest wind turbine typologies may be more appropriate in this general location, where they do not exert such a degree of influence over the appreciation of the coast and those landscapes which are characterised by the interplay between the land and the sea.

The department is very cautious in recommending approval of such large wind turbines within influencing distance of the coast, where they could exert inappropriate effects over settlements, transport routes, and scenic locations of tourism importance all of which tend to predominate in coastal locations. It is considered that the siting of these three wind turbines at 74 metres in height to blade tip in such a prominent location would exert a disproportionate influence over the receiving environment, where they would appear to be

out of scale with their landscape context. The scale, location and motion of the wind turbines would impinge on adjacent small scale and settled landscapes and adversely affect the highly sensitive coastal edge, designated as an Area of Panoramic Quality in recognition of the regional value and scenic qualities of this sensitive coastal landscape. The proposal impinges on the sensitive coastal skylines which frame and provide a setting for the coast, where development on this scale would undermine these qualities to the detriment of landscape character.

Having due regard to the above it is considered that this proposal is inconsistent with the provisions of SPP and Scottish Government's Specific Advice Sheet on Onshore Wind Farms; Policies STRAT SI 1: Sustainable Development; STRAT DC 4: Development in Rural Opportunity Areas; STRAT DC 5: Development in Sensitive Countryside, Policy STRAT DC 8: Landscape & Development Control; Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan and Policies LP ENV 10: Development Impact on Areas of Panoramic Quality and LP REN 1: Commercial Wind Farm and Wind Turbine Development of the Argyll & Bute Local Plan and the Argyll & Bute Landscape Wind Energy Capacity Study (LWECS) – Final main report and appendix March 2012.

D. VISUAL IMPACT

SNH guidance advises that the Landscape and Visual Impact Assessment produced on behalf of the applicant for wind turbines of this height should be based on an area 35 kilometres distance from each of the turbines. The study area in this case covers a circular area of 35.190 kilometres radius from the centre of the application site.

As part of the assessment, a total of 24 viewpoints have been considered, ranging from Braeside (approximately 400 metres from the site) to Goat Fell (approximately 24 kilometres from the site).

From the developer's perspective, the following comments can be found in the Non-Technical Summary:

- The pattern of visibility is sporadic and accounts for 15% of the total study area. The pattern of theoretical visibility within the 35 kilometre study area found that visibility was predicted to be concentrated within the Isle of Bute with the exclusion of much of the northern part of Bute and the settlement of Rothesay. The potential visibility extends to the coastline of the surrounding mainland and island edges;
- Twenty one viewpoints were selected (later increased to twenty four) and assessed within the Environmental Statement. The analysis indicates that significant effects would be limited to an area of approximately 3 kilometres distance from the nearest proposed wind turbines;
- The cumulative study area extended to a 70 kilometre radius; however, only developments within a 35 kilometre radius were included in the assessment. The cumulative viewpoint assessment indicates that there would be no significant cumulative effects (with the exception of one viewpoint), with many viewpoints recording little or no cumulative wind farm visibility, resulting from the proposed Ascog Wind Energy Project in combination with other existing, consented or application stage wind farms;
- The assessment concluded that any significant effects would be mostly localized and largely limited to the immediate vicinity of the turbines. No significant visual effects

were identified on nationally designated landscape character areas and other landscape designations.

SNH has made the following comments in respect of the visual impact of the proposal, expressing serious concerns regarding the scale of the turbines and the layout of the proposal:

- There is a scale disparity between the height of the turbines and the hill on which they sit, as the turbines are 74m to blade tip height and they are sited on the hill of Ascog which is generally 104m AOD, and therefore the vertical scale of the proposal does not follow our guidance contained within the document entitled "Siting and Designing Windfarms in the Landscape (December 2009). Paragraph 4.33 of this document states *"A key design objective for a wind farm will be finding an appropriate scale for the wind farm that is in keeping with that of the landscape. To achieve this, the siting and design of the development will need to ensure that the wind farm is of minor scale in relation to the key features of the landscape (typically less than one third)"*.

This scale disparity is illustrated by, for example, Viewpoint 1 - Common Hill, Isle of Bute, Viewpoint 3 – Rothesay, Isle of Bute and Viewpoint 10 – Wemyss Bay to Rothesay ferry route.

- The layout has resulted in overlapping turbine rotors and towers as illustrated by Viewpoint 1 – Common Hill, and this visual stacking is an effect that does not correspond to good design principles, as laid out in section 3 of our guidance.
- The layout and scale of the turbines overwhelm the distinctive skyline of the Isle of Bute as illustrated by Viewpoints 3 - Rothesay, 8 – Knock Castle and 10 – Wemyss Bay to Rothesay Ferry Route, and this does not accord with our guidance paragraph 4.29 which states that *"design of a wind farm from key viewpoints and sequential routes should ensure a wind farm does not detract from the character of a distinctive skyline. Care should be taken to ensure that a wind farm does not overwhelm a skyline."*

This concern is strengthened by examining Viewpoints 22 - Adjacent to Braeside, 23 – B881 Between Lochend and Crossbeg and 24 – Additional Wemyss Bay to Rothesay Ferry Crossing.

- The layout and scale of the proposal in its highly prominent location in the landscape results in it being viewed from ferry and recreational boat traffic and from other islands as well as from mainland roads and other key viewpoints.

The views expressed by SNH in respect of visual impacts are endorsed by officers. Officers consider that the impact of the development on key views would be particularly detrimental, given the disproportionate scale of the turbines relative to their landscape setting and the overall sensitivity and scenic value of the receiving environment.

Having due regard to the above, it is considered that the proposal conflicts with the provisions of SPP and Scottish Government's Specific Advice Sheet on Onshore Wind Farms; Policies STRAT SI 1: Sustainable Development; STRAT DC 4: Development in Rural Opportunity Areas; STRAT DC 5: Development in Sensitive Countryside; STRAT DC 8: Landscape & Development Control; Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan and Policies LP ENV 10: Development Impact on Areas of Panoramic Quality; and LP REN

1: Commercial Wind Farm and Wind Turbine Development of the Argyll & Bute Local Plan.

E. CUMULATIVE IMPACT

It is considered that the proposal would be highly visible as well as being visible from areas which are not currently affected by wind development. It has the potential to spread visibility of wind turbine development along either side of the Firth of Clyde thereby creating a sense of extended wind farm/wind turbine development. The creation of a sense of extended wind farm /wind turbine development would be unacceptable and detrimental in landscape and visual terms. It is not only the cumulative impact of wind turbines on road users but also on the main Wemyss Bay to Rothesay ferry route and recreational sailors. The very large Zone of Theoretical Visibility (ZTV) highlights the number of settlements and scenic areas which would be affected in a wider landscape where larger windfarm schemes are already located. These larger schemes and potential windfarms in preferred areas would however be undermined by the presence of small groups of turbines within influencing distance of the coast such as this, which due to their more prominent locations closer to sensitive receptors would be disproportionate in terms of their sequential and cumulative impacts.

Having due regard to the above it is considered that in terms of Cumulative Impact the proposal is inconsistent with the provisions of SPP and Scottish Government's Specific Advice Sheet on Onshore Wind Farms; Policies STRAT SI 1: Sustainable Development; STRAT DC 4: Development in Rural Opportunity Areas; STRAT DC 5: Development in Sensitive Countryside; Policy STRAT DC 8: Landscape & Development Control; Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan and Policies LP ENV 10: Development Impact on Areas of Panoramic Quality; LP REN 1: Commercial Wind Farm and Wind Turbine Development of the Argyll & Bute Local Plan.

F. ECOLOGICAL IMPACT

The ecological impact of the proposal is summarised within the Environmental Statement as follows (Section 5.15):

- § There are habitats of low conservation value within the turbine site development and any habitat loss will be minimal and not significant. Loch Ascog Site of Special Scientific Interest is also likely to be unaffected by the construction of the wind energy project, as standard best practice mitigation measures to minimise potential pollution impacts are to be implemented;
- § There is current evidence of an active otter territory at Loch Ascog, which is likely to be used as a feeding and foraging area. No evidence of species within 30 metres of site development area and standard best practice mitigation measures to minimise potential impacts would be implemented;
- § One species of bat was found on the site during surveys. With the proposed turbine layout, it is considered very unlikely that any impacts will occur on local bat populations. Standard best practice mitigation measures to minimise potential impacts would be implemented.

SNH has examined the ecological study contained within the Environmental Statement and it states that, should permission be granted for the development, conditions requiring the works to be carried out strictly in accordance with the mitigation measures detailed in the report.

Having due regard to the above, and the attachment of suitably-worded conditions should permission be granted, it is considered that the proposal is consistent with the provisions of STRAT DC 7: Nature Conservation & Development Control of the Argyll & Bute Structure Plan and Policy LP ENV 6: Development Impact on Habitats and Species of the Argyll & Bute Local Plan.

G. ORNITHOLOGICAL IMPACT

The impact of the proposal upon ornithology is summarised in the Environmental Statement as follows (Section 6.7):

“The proposed turbines lie 300 metres to the north-east of Loch Ascog, which forms part of the Central Lochs Bute Site of Special Scientific Interest, designated for internationally important numbers of wintering Icelandic Greylag Geese.

Up to 1,160 Greylag Geese were present on or around Loch Ascog at any one time between October 2010 and early 2011, with most feeding and flight activity in the immediate vicinity of the loch. Only 23 geese were observed flying within 250 metres of the proposed turbines during 48 hours of observation between October 2010 and April 2011.

In addition to the geese, very small numbers of low and medium sensitivity non-breeding species were recorded flying over the site during winter and summer vantage point surveys with no Schedule 1 species flying at potential collision risk height.

No Schedule 1 species were breeding within 500 metres of the proposed turbines or associated infrastructure, with six UK BAP priority species (all of them songbirds) being the highest sensitivity breeding species present. None of these were closer than 200 metres to the proposed turbines.

With such low numbers of a low range of high or very high sensitive species, any potential collision or risk displacement impacts on birds at this site are likely to be of low or very low significance.

The risk of nest destruction during the construction phase would be mitigated by the timing of operations such as tree or scrub removal, to ensure compliance with the Wildlife and Countryside Act 1981.”

Both SNH and the RSPB have examined the contents of the Environmental Statement and neither organisation has raised any objections to the proposal on ornithological grounds.

Having due regard to the above, and the attachment of suitably-worded conditions should permission be granted, it is considered that the proposal is consistent with the provisions of STRAT DC 7: Nature Conservation & Development Control of the Argyll & Bute Structure Plan and Policy LP ENV 6: Development Impact on Habitats and Species of the Argyll & Bute Local Plan.

H. HYDROLOGICAL & HYDROGEOLOGICAL IMPACT

SEPA normally provides only standing advice for wind turbine developments below 10MW.

The impact of the proposal upon geology, soils and hydrology is summarised in the Environmental Statement as follows (Section 10.7):

“The proposed wind energy project development site is located on the Hill of Ascog which

comprises a flow of igneous rocks overlying sandstones and mudstones. The soils on the site are generally free draining brown forest soils and, in places, these are underlain by drift deposits of glacial till. There are no surface watercourses within the site with the nearest feature being a small burn located 100 metres to the north which forms the outflow from Loch Ascog, a drinking water supply loch. Whilst there are productive aquifers beneath the site, these are overlain by the generally impermeable basaltic rocks which characterise the Hill of Ascog.

No significant impacts on geology and soils are predicted during construction, operation or decommissioning providing best site construction practices are followed. There would be no direct impacts from the wind energy project development on water resources. No significant indirect effects on water quality or surface or ground waters are predicted provided that sustainable drainage measures are installed during construction to limit run-off of surface waters and the mitigation measures outlined in this Chapter are adopted to prevent spillage of potentially polluting materials during construction, operation and decommissioning”.

There is no compelling evidence to suggest that, should permission be granted, there would be an unacceptable effect upon hydrology or hydrogeology. Suitably-worded conditions could be attached if Members were minded to approve the application.

Having due regard to the above, and the attachment of suitably-worded conditions should permission be granted, it is considered that in terms of hydrology the proposal would be consistent with the provisions of: Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan and Policies LP REN 1 – Wind Farms and Wind Turbines and LP SERV 4 – Water Supply of the Argyll & Bute Local Plan.

I. MANAGEMENT OF PEAT

There is no requirement for any peat survey work or the submission of a peat stability report in this case.

Having due regard to the above it is considered that in terms of ground conditions the proposal is consistent with the requirements of Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan and Policy LP REN 1 – Wind Farms and Wind Turbines of the Argyll and Bute Local Plan.

J. BORROW PITS

No borrow pits are proposed as part of this application.

K. HISTORIC ENVIRONMENT IMPACTS

Historic Scotland has examined the contents of the Environmental Statement in terms of their statutory remit of Scheduled Monuments, Category A Listed Buildings and Gardens and Designed Landscapes. The following is a summary of their comments:

“Rothesay Castle is a Scheduled Ancient Monument that survives as a series of upstanding walls and earthworks, at around 3 metres above sea level. It lies on gently sloping land in the centre of Rothesay, just 150 metres from the harbour. It is considered that views of the proposed turbines would be possible from the higher levels of the monument; however, the wider setting of the castle has been confined by the intervening buildings. Taking this into account, it is considered that any potential impacts on the setting of this asset would not be significant.

Balmory Hall dates from 1861 and this Category A Listed Building is considered to be a typical example of the modern Italian style of villa architecture. It is situated approximately 500 metres from the nearest turbine and it overlooks Ascog Bay. The main focus of the setting of Balmory Hall is eastwards, towards the Firth of Clyde. There is the potential of views from in and around the building and to the building from the Firth (particularly closer inshore); however, such views are not a key aspect of the setting of the house. In longer views from the east, the photomontages indicate that the turbines will be clearly visible; however, these will not be read in association with Balmory Hall itself due to its smaller scale and being less visible at longer distances. The removal of the southernmost turbine from the scheme would lessen the impact of the proposed development on this building. Taking into account the key aspects of the setting of the house, it is not considered that the impact would be such that Historic Scotland would object.

Mount Stuart Designed Landscape is included in the Inventory of Gardens and Designed Landscapes in recognition of its national importance. One of Scotland's most notable designed landscapes and outstanding in many ways, the gardens and grounds at Mount Stuart have been influenced by many garden designers. They host an impressive collection of trees and shrubs, as well as providing the setting for the Category A Listed house and making an impressive scenic contribution.

The northern boundary of the designed landscape is located approximately 1.6 kilometres to the south of the proposed turbines. According to the Inventory, the setting of the house is important for the fine views it affords eastwards across the Firth of Clyde and out to Great Cumbrae. The designed landscape provides vistas through the policy woodlands out to sea and the policy woodlands are visible when approaching the island from the east. Historic Scotland are content that the proposed turbines, located approximately 3.5 kilometres to the north of the core of the estate will not be visible in these views. It is noted that the ZTV indicates that all three turbines may be visible from parts of the designed landscape; however, it is considered that the substantial amounts of policy woodland in the estate would largely screen the turbines from view.

The findings of the ES are, therefore, agreed with in that the turbines would not be visible from much of the estate, including the core around the Category A Listed Mansion. Based on this, Historic Scotland considers that the potential impact on the Mount Stuart Inventory Designed Landscape and Mount Stuart House would not be significant."

Having due regard to the above, and in terms of impact upon the historic environment, it is considered that the proposal is consistent with the provisions of Policies STRAT RE 1: Wind Farm/Wind Turbine Development and STRAT DC 9: Historic Environment & Development Control of the Argyll & Bute Structure Plan and LP ENV 13a: Development Impact on Listed Buildings; LP ENV 16: Development Impact on Scheduled Ancient Monuments and LP ENV 17: Development Impact on Sites of Archaeological Importance of the Argyll & Bute Local Plan.

L. TOURISM IMPACT

The Landscape Assessment for Argyll and the Firth of Clyde (1996), undertaken by Environmental Resources Management on behalf of Scottish Natural Heritage comments that:

"Tourism is a very important part of the rural economy throughout the Argyll and the Firth of Clyde and in some areas may be the largest single sector of employment. Most visitors come to enjoy the region's stunning scenery and there is a close relationship between the development of tourist activity and the environment. Developments related to tourism and recreation are generally concentrated on narrow coastal areas, often in the

region's most scenic and sensitive landscapes. Most tourists are car-based and the vehicular traffic generated by new developments is an important consideration. All developments are subject to the formal development control policies set out in the Structure and Local Plans, with particular consideration given to safeguarding landscape quality and scenic interest".

The value of the landscape within which the turbines are proposed is statutorily recognised and has been designated as an Area of Panoramic Quality. The proposal would be clearly visible to sensitive receptors in locations surrounding the proposal as demonstrated in the ZTV. The image of the wind turbines will vary from full turbines, reducing to rotors and blades moving on the hillside; varying between back-dropped, partially back-dropped and sky-lined. This will adversely impact on views and the recreational experience of the landscape. In light of this proposal's anticipated adverse impacts upon its landscape setting, it must be concluded that its presence would be likely to have some adverse impact on tourism within Argyll & Bute, much of which is resource based.

Scottish Government published research entitled '*The Economic Impact of Wind Farms on Scottish Tourism*' in May 2008. Whilst this relates to multiple turbine windfarms, proliferation of individual turbines and small groups of turbine such as this would cumulatively exert similar influences. This report concludes that:

"The evidence is overwhelming that wind farms reduce the value of the scenery (although not as significantly as pylons). The evidence from the Internet Survey suggests that a few very large farms concentrated in an area might have less impact on the Tourist Industry than a large number of small farms scattered throughout Scotland. However the evidence, not only in this research but also in research by Moran commissioned by the Scottish Government, is that Landscape has a measurable value that is reduced by the introduction of a wind farm".

It should be noted that in recent Scottish Ministers appeal decisions, in both cases, the Reporters accorded weight to the extent of the importance of tourism on the local economy in Argyll & Bute (14 turbines Corlarach Hill, east of Glen Fyne, Bullwood Road, Dunoon, PPA-130-209 dismissed 27th May 2009 and 16 turbines Black Craig to Blar Buidhe, Glenfyne, Cowal, PPA-130-214 dismissed 22nd September 2009).

Given that the magnitude of the likely effect upon tourism cannot be estimated reliably, it has not been cited specifically as a recommended reason for refusal, but clearly adverse landscape visual and cumulative impacts are likely to impinge upon the tourism sector, which is of particular importance in the context of the Argyll and Bute economy.

Having due regard to the above it is considered that the proposal is inconsistent with the provisions of SPP and Policies STRAT SI 1: Sustainable Development; Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan and Policies LP ENV 10: Development Impact on Areas of Panoramic Quality; LP REN 1: Commercial Wind Farm and Wind Turbine Development of the Argyll & Bute Local Plan.

M. NOISE

Technically, there are two quite distinct types of noise sources within a wind turbine – the mechanical noise produced by the gearbox, generator and other parts of the drive train; and the aerodynamic noise produced by the passage of the blades through the air.

The issue of noise has been one of the main points of objection raised by members of the public during the processing of the application. The Environmental Health Service

considered the initial assessment submitted on behalf of the agent to contain a number of departures or omissions that would not have allowed the recommendation of suitable noise conditions.

A revised survey was submitted in early March 2013 and the Environmental Health Service has examined this survey. They have recommended nine conditions including limits on the level of noise emissions; carrying out of independent assessments upon receipt of complaints; reduction of maximum rated power of the turbine nearest Braeside in certain conditions; nomination of a point of contact for local residents; working methods and operating times during construction work; and details of any external lighting.

Subject to the carrying out of the development in accordance with the stipulated conditions, no objections can be raised to the proposal on noise grounds.

Having due regard to the above, and the attachment of suitably-worded conditions should permission be granted, it is considered that in terms of noise the proposal is consistent with the provisions of Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan and Policies LP REN 1: Wind Farms & Wind Turbines and LP BAD 1: Bad Neighbour Development of the Argyll & Bute Local Plan.

N. SHADOW FLICKER & ICE THROW (EQUIPMENT SAFETY)

Government guidance advises that if separation is provided between turbines and nearby dwellings (as general rule 10 rotor diameters), 'shadow flicker' should not be a problem. The Environmental Statement advises that there are eight residential properties within 480 metres of the turbines, one of which is the applicant's own property. Having used a Windfarm Software Shadow Flicker module, it has been predicted that six of the residences may have shadow flicker. The recommendation contained within the Environmental Statement is that further modelling would be carried out should permission ultimately be granted to establish exactly on what days and at what times in the year shadow flicker might occur and, if required, the turbines would be programmed to turn off at these times.

The potential for ice throw is restricted to an area equivalent to 1.5 x the height to blade tip of the turbine. In this instance this equates to a distance of 147 metres and the Environmental Statement confirms that there are no residential properties within this distance and the nearest public access is the track located approximately 200 metres to the east of the project. Ultimately, ice throw is not a matter which falls under the auspices of Planning or Public Protection. This said, companies supplying products and services to the wind energy industry are required to operate to a series of international, European and British Standards.

Having due regard to the above, and the attachment of suitably-worded conditions should permission be granted, it is considered that in terms of shadow flicker the proposal is consistent with the provisions of Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan and Policies LP REN 1: Wind Farms & Wind Turbines and LP BAD 1: Bad Neighbour Development of the Argyll & Bute Local Plan.

O. TELEVISION RECEPTION

Television reception can be affected by the presence of turbines and there is evidence to show that this may well occur in the case of the proposed wind turbines. In the event that reception is impaired, it would be the developer's responsibility to rectify the problem. This would need to be secured by a Section 75 Legal Agreement should Members be minded to grant Planning Permission.

Having due regard to the above, it is considered that, in terms of TV reception, the proposal is acceptable in terms of any potential impact and is therefore consistent with the Provisions of Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan and Policy LP REN 1: Wind Farms & Wind Turbines of the Argyll & Bute Local Plan.

P. AVIATION MATTERS

The MoD has no objection to the proposal, providing that in the event of Members determining to grant planning permission a condition is attached advising date construction starts and ends, maximum height of construction equipment and the latitude and longitude of every turbine.

NATS (NERL Safeguarding) has also confirmed that they have no objection to the proposal.

Having due regard to the above it is considered that in terms of aviation interests the proposal is consistent with the provisions of Policy STRAT RE 1: Policy STRAT RE 1: Wind Farm/Wind Turbine Development Argyll & Bute Structure Plan and Policies LP REN 1: Commercial Wind Farm and Wind Turbine Development and Policy LP TRAN 7: Safeguarding of Airports of the Argyll & Bute Local Plan.

Q. ROAD TRAFFIC IMPACT

The main access to the site is from the UC01 Loch Ascog Road. The proposed track will generally be 4m wide (wider at bends) and will lead to all turbines where crane pads will be created.

Generally, the Area Roads Manager has no objection to the proposal subject to conditions regarding standard of access; visibility splays, etc. The formation of the new access will require a Road Opening Permit. All construction traffic including those used to access the site daily during this period must not be parked on the UC01 and parking provision to be made available adjacent to the site.

The Area Roads Manger has also noted that the delivery details and timings of bulk materials and turbine components will need to be agreed beforehand due to the configuration of the local road network. In this respect, the Environmental Statement deals in detail with the impact of the proposal upon the local road network (Section 12). It is conceded that, due to the abnormal size and loading of wind turbine delivery vehicles, it will be necessary to review the public roads that would provide access to the site to ensure that they are suitable and to identify any modifications required to facilitate access for delivery vehicles. A preliminary access study has been undertaken by Green Cat Renewable Ltd at the instruction of the applicant.

It is thought that the turbine delivery vehicles would travel via the ferry from Colintrave to Rhubodach. The vehicles would then travel along the A844 and leave this road at the junction with the unclassified road between Ascog and Kerryroy (the UC 01 Loch Ascog Road), then turning right and heading north west towards the site. A right turn onto the access track would complete the delivery of the turbines to the site.

Various matters are mentioned in the Environmental Statement, including the delivery of the turbines, the delivery of the concrete, and the delivery of stone, steel and cables. Short term impacts upon the site access and construction traffic have been identified with two particular pinch points having been noted. Whilst it is not recommended that any verge reinforcement

or third party land usage will be required for the first pinch point, the other one may require some reinforcement and/or clearance of trees and vegetation.

Mitigation measures are proposed such as a restriction in the hours of operation for construction purposes whilst the abnormal load movements of the turbine components will be programmed to avoid peak periods of traffic. This would be the subject of agreement with Strathclyde Police and the Council's Roads Department.

The above details have been discussed with the Area Roads Manager and there is nothing in the study that raises any particular problems or that would lead to a refusal of the application on road safety grounds.

Given the above, it is considered that the access and delivery route is acceptable in principle but may be subject to advice from Roads in terms of actual delivery details and timings.

On the basis of the above, the proposal is considered to satisfy the provisions of Policies LP TRAN 4: New and Existing, Public Roads and Private Access Regimes and LP TRAN 5: Off-Site Highway Improvements of the Argyll & Bute Local Plan.

R. GRID NETWORK & CABLES

Connection to the National Grid is not a matter of land use policy, however, it should be considered 'in the round' as part of the planning application process. It is understood that the developer has commissioned a feasibility study into the grid connection.

Having due regard to the above it is considered that the proposal is consistent with the Scottish Government's Specific Advice Sheet on Onshore Wind Farms.

S. COMMUNITY BENEFIT

One of the main arguments that the developer has put forward in favour of the proposed development is the community benefit that would accrue. The following is taken from the Non-Technical Summary (Page 2):

"The applicants are aware of the need to stimulate the local economy and support the local community. In April 2011, the Scottish Government launched the Community and Renewable Energy Scheme (CARES). This scheme was launched with the aim of generating 500 MW of community and locally-owned renewable energy in Scotland by 2020.

An application was made to Community Energy Scotland (CES) who administer CARES on behalf of the Government and, following detailed assessment, the Ascog Wind Energy Project was awarded a CARES loan. The loan helps landowners and/or community groups by partially under-writing the considerable pre-development costs of planning, such as compiling an Environmental Impact Assessment. If planning is granted, the loan is repaid so that it may benefit another local project. Furthermore, under CARES, the local community will benefit directly from the scheme, with payments made to a local organization for disbursement. In the case of the Ascog Wind Farm Project, a minimum of £10,000/MW of installed capacity for 20 years would be given to the applicant's chosen local partner Towards Zero Carbon Bute, which is a subsidiary of registered Scottish Charity, Fyne Futures, for them to administer and invest for the benefit of all those on Bute".

Whilst there would be a quantifiable benefit of approximately £27,000 per annum for 20 years to Toward Zero Carbon Bute, it is not considered that the benefits of this relatively small project in terms of renewable generating capacity, are such as to warrant the setting

aside of the other development plan policy considerations identified above which have prompted the recommendation for refusal.

T. DECOMMISSIONING

The Environmental Statement states that the operational period will be set at 25 years (unless further permission is sought and granted) and, upon cessation of wind turbine operations, all major equipment and structures will be removed from the site. The upper sections of the foundations would be removed to a depth which would permit the continuation of current agricultural practices. The crane hardstandings would be removed and the affected are reinstated whilst the access tracks would be left in place for the landowner's longer term use.

Should Members determine to grant planning permission for this proposal, a requirement for decommissioning and total site restoration should be included in the planning condition(s) and/or legal agreement, which will be triggered by either the expiry of the permission or if the project ceases to operate for a specific period. This will ensure that at the end of the proposal's operational life the turbines would be decommissioned and principal elements removed.

Having due regard to the above, as decommissioning could be controlled by condition/Section 75 Legal Agreement it is considered that the proposal is acceptable in this regard in terms of Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the Argyll & Bute Structure Plan and Policy LP REN 1: Wind Farms & Wind Turbines of the Argyll & Bute Local Plan, SPP and the Scottish Government's Specific Advice Sheet on Onshore Wind Farms.

U. SCOTTISH GOVERNMENT POLICY & ADVICE

The commitment to increase the amount of electricity generated from renewable sources is a vital part of the response to climate change. Renewable energy generation will contribute to more secure and diverse energy supplies and support sustainable economic growth (SPP). The current target is for 100% of Scotland's electricity and 11% of heat demand to be generated from renewable sourced by 2020 (2020 Routemap for Renewable Energy in Scotland).

SPP advises that wind farms should only be supported in locations where the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed. Furthermore, that the criteria for determining wind farm proposals varies depending on the scale of proposal and its relationship to the characteristics of the surrounding area, but usually includes: landscape and visual impact, effects on the natural heritage and historic environment, contribution of the development to renewable energy generation targets, effect on the local and national economy and tourism and recreation interests, benefits and disbenefits for communities, aviation and telecommunications, noise and shadow flicker, and cumulative impact. Finally, that the design and location of any wind farm should reflect the scale and character of the landscape and the location of turbines should be considered carefully to ensure that the landscape and visual impact is minimised.

Given all of the foregoing, it is considered that this proposal will have an adverse impact in regard to landscape and visual considerations. The small amount of electricity generated by these three turbines does not outweigh the significant visual impact that they would create on the surrounding landscape and coastscape which could also establish a harmful precedent for the erection of wind turbines that are of an inappropriate scale for their sensitive countryside locations.

Having due regard to the above it is considered that the proposal is inconsistent with the provisions of SPP and the Scottish Government's Specific Advice Sheet on Onshore Wind Farms.

V. SCOTTISH GOVERNMENT RENEWABLE ENERGY TARGETS & ARGYLL & BUTE'S CONTRIBUTION

In assessing the acceptability of wind farm/turbine proposals, it is necessary to have regard to the macro-environmental aspects of renewable energy (reduction in reliance on fossil fuels and contribution to reduction in global warming) as well as to the micro-environmental consequences of the proposal (in terms of its impact on its receiving environment).

The Scottish Government's Specific Advice Sheet on Onshore Wind Farms point out that nationally there are now approximately 80 operational wind farms and Planning Authorities more frequently have to consider turbines within lower-lying more populated areas, where design elements and cumulative impacts need to be managed. Whilst the 2.7 MW maximum capacity of the proposal would add to Argyll & Bute's contribution to Scotland's renewable energy commitments, it is not considered that the macro-environmental benefits of this relatively small project in terms of renewable generating capacity, are such as to warrant the setting aside of the other development plan policy considerations identified above which have prompted the recommendation for refusal.

APPENDIX B – REPRESENTEES**SUPPORT**

Mr Dominic Swingler	10 Rathbone Place London W1T 1HP	15/11/2012	S
Mr John Rushworth	10 Regal Place 30 Argyle Street Rothesay PA20 0AX	21/11/2012	S
Mr Jethro Gauld	103/7 Montgomery Street Edinburgh EH7 5EX	21/11/2012	S
Mr Darius Bazazi	13 South Loanhead Limekilns KY11 3LB	20/11/2012	S
Mr David Bannerman	13 South Loanhead Limekilns Dunfermline KY11 3LB	19/11/2012	S
Mrs Louise Hooley	16 Whitecliff Way Folkestone CT19 6DX	22/11/2012	S
Mr Peter Hamilton	18, ROTHESAY COURT BROADCROFT LANE ROTHESAY PA20 9BA	16/11/2012	S
Mr. Matthew Bradley	2/3 Simon Square Edinburgh EH8 9HP	18/11/2012	S
Mr Bruce Gittings	26 Cameron March Edinburgh EH16 5XG	14/11/2012	S
Mr Martin Ferguson	27 Barone Road Rothesay Isle Of Bute PA20 0DY	15/11/2012	S
Ms Joanna Scott	27 West Front Road Pagham Bognor Regis PO21 4SY	15/11/2012	S
Mr Steven Watson	28 King Brude Terrace Inverness IV3 8PT	20/11/2012	S
Mr Andy McQueen	3 Kirklands Park Cupar KY15 4EP	13/11/2012	S
Mr Dugald McQueen	3 Kirklands Park Cupar	16/11/2012	S

KY15 4EP

Mrs Sharon Jobling	3 Oxenden Road Folkestone CT20 3NJ	22/11/2012	S
Miss Anne McGhie	3 Victoria Place Rothesay PA20 0BT	12/12/2012	S
Mr Hugh Moodie	3/1 34 Columshill St Rothesay PA20 0DW	15/11/2012	S
Mrs Anne Marshall	30 Fish Lane Aldwick Bognor Regis PO21 3AH	21/11/2012	S
Mr Craig McFarlane	32 Battery Place Rothesay PA20 9DU	16/11/2012	S
Dr Murray Doyle	33 Shore Road Port Bannatyne PA20 0LQ	15/11/2012	S
Mrs Patricia Hayler	4 Kames Terrace Port Bannatyne Isle Of Bute PA20 0PL	16/11/2012	S
Mr Mark Watson	47 Preston Drove Brighton BN1 6LA	15/11/2012	S
Mr Tom Stork	5 (3f) Summerhall Place Edinburgh	20/11/2012	S
Mr Alan Bragg	5 Tannahill Terrace Dunblane FK15 0AX	20/11/2012	S
Mr Kerr Mackinnon	52 Oakbank Road Perth ph1 1hg	08/12/2012	S
Mr Thomas Armitage	56 Rankin Drive EDINBURGH EH9 3DQ	14/11/2012	S
Mrs Reeni Kennedy-Boyle	6 Ardmory Road Ardbeg Rothesay PA20 0PG	20/11/2012	S
Mr Tom Hartley	6 Bonaly Grove Edinburgh EH13 0QD	26/11/2012	S
Mr Sam Parkins	7 King Street Rothesay Isle Of Bute	20/11/2012	S

	PA20 0DD		
Miss Kathryn Wheeler	8 Dunolly Gardens Windygate KY8 5BZ	01/12/2012	S
Mr Neil Alexander	8 Dunolly Gardens Windygates KY8 5BZ	01/12/2012	S
Mr Rob Dunfey	82 Brimstage Road Heswall CH60 1XQ	16/11/2012	S
Ms Irma den Ouden	93 Barone Road Rothesay PA20 0DZ	08/11/2012	S
Mr Alistair Bell	95 Barone Road Rothesay PA20 0DZ	17/11/2012	S
Mr David Cooper	Applecross Friars Hill Hastings TN35 4EP	16/11/2012	S
Ms Elspeth McVey	Ascog Farm Ascog Isle of Bute PA20 9LL	13/11/2012	S
Mr Adrian Tear	Ascog Farm Ascog PA20 9LL	01/11/2012	S
Mr Joe McVey	Ascog Farm Ascog PA20 9LL	14/11/2012	S
Mr David McVey	Birgidale Butts Kingarth PA20 9NU	14/11/2012	S
Mr Luke Norris	Blenheim Barn Tidmarsh Lane Reading RG88HG	30/11/2012	S
Mr Iain Reid	Creek Cottage Rothesay PA20 0NU	14/11/2012	S
Mrs Janet Tear	Delphis, Nyetimber Lane West Chiltington Pulborough RH20 2ND	14/11/2012	S
Mrs Julie Buckle	Flat 1 20 Maltravers Street Arundel BN18 9BU	13/11/2012	S
Mr Allan Baker	Flat 11 Sussex Court 668 Streatham High Road London SW16 3QL	25/11/2012	S

Mr Richard Swingler	Hill Barn, Tanners Lane Ludchurch Pembrokeshire SA67 8LG	21/11/2012	S
Mrs Claire Wright	Hundred Steddle House Birdham Chichester PO20 7BL	15/11/2012	S
Mr David Smith	Lawersbridge Farm Mauchline KA5 6EU	14/11/2012	S
Miss Maira Dimitraki	Neapoleos 62B Agia Paraskeui ATHENS 15341 Greece	20/11/2012	S
Mr Craig Senel	Puro Design LTD 100 Great Portland Street London W1W6PB	26/11/2012	S
Ms Sasha Low	Puzzlewaite Mouthes Lane, Oakwood Chichester PO18 8AA	18/11/2012	S
Mr Crail Low	Puzzlewaite Mouthes Lane, Oakwood Chichester PO18 8AA	18/11/2012	S
Mrs Lucy Low	Puzzlewaite Oakwood Chichester PO18 8AA	18/11/2012	S
Mr Jack Low	Puzzlewaite Mouthes Lane, Oakwood Chichester PO18 8AA	18/11/2012	S
Mrs Rona Mackay	Salatha Hacklett Benbecula HS7 5QD	30/01/2013	S
Mrs Mariella Fleming	Southend Farm Donnington Chichester PO20 7PS	19/11/2012	S
Mr Roger Clarke	Stevenson Lodge Ascog Isle of Bute PA20 9ET	16/11/2012	S
Mrs Sandra Clarke	Stevenson Lodge Ascog Isle of Bute PA20 9ET	16/11/2012	S

David J Kirkpatrick	The Bike Shed The Manor House Aldesworth	20/11/2012	S
Mrs Alison Bailey	Emsworth PO10 8QT	16/11/2012	S
Mr Ronnie Hair	The Old Bakehouse Rothesay PA20 9DL	11/11/2012	S
Dr Bruce Allan	West Winds 5 Old Point Bognor Regis PO22 7RY	15/11/2012	S
Mr William Chitty	Windmill Cross Canterbury Rd, Lyminge Folkestone CT18 8HD	14/11/2012	S
Mrs Susan Chitty	Windmill Cross Canterbury Road Lyminge CT18 8HD	17/11/2012	S

OBJECTION

Mr Tom Goodwin	1 Brierley Park Buxworth High Peak SK23 7NW	19/11/201 2	O
Mrs Diane Murray	1 Ettrickdale Road Port Bannatyne PA20 0QZ	21/11/201 2	O
Ian Turnbull	1 Highet Gardens Irvine Ayrshire KA12 8RQ	29/11/201 2	O
Kristina Theis	1 Highfield Park Stockport SK4 3HD	29/11/201 2	O
Andrew McLaughlin	1 Highfield Park AStockport SK4 3HD	29/11/201 2	O
Mrs Inga Henry	1 Hunter Rd Southsea Portsmouth PO4 9DL	23/11/201 2	O
Mrs Jenny Williams	1 Kingsley Road Congleton CW12 3HG	18/11/201 2	O
Mr Ian Irvine	1 Millfort Close Portstewart BT55 7GZ	26/11/201 2	O
Mrs Alison Barclay	1 Montford Terrace Rothesay Isle of Bute Pa20 9EP	07/04/201 3	O
Mr And Mrs W Peers	1 Montford Terrace Rothesay PA20 9ER	07/12/201 2	O
Mr Paul McTaggart	1 Rothesay PA20 0JP	08/11/201 2	O
Miss Joy Chisholm	1/1 21 Columshill Street Rothesay ISLE OF BUTE PA20 0DN	16/11/201 2	O
Mrs Joyce Dodds	1/1 25 Montague Street Isle Of Bute PA20 9DA	07/12/201 2	O
Mr Seamus Lalor	10 Arranview Gardens Seamill West Kilbride KA23 9NR	25/11/201 2	O

Mr Julian Harrison	10 Castle Mews Weybridge Surrey KT13 9QY	14/11/201 2	O
Mrs Elizabeth Leggat	10 Glenburn Road Bearsden Glasgow G61 4PT	29/11/201 2	O
Ms Christina Webb	10 Keswick Close Macclesfield SK11 8PW	02/12/201 2	O
Mrs Rhona Watson	10 Quay Street Port Bannatyne PA20 0LN	06/12/201 2	O
Mrs Sheryl Cairns	10 Rose Gardens Bonnyrigg EH19 3RH	17/11/201 2	O
Mrs Suzanna Lindsay	10 st. Blanes Terrace Kilchattan Bay PA20 9NN	03/12/201 2	O
Mr Neil Robertson	10 Warrenpark Road Largs KA30 8EF	28/11/201 2	O
Mr Gary Cairns	10 Rose Gardens Bonnyrigg EH19 3RH	17/11/201 2	O
Mr Thomas Lawton	101 Kirkintilloch Road Bishopbriggs G64 2AA	20/11/201 2	O
Ms Ishbel Crawford	11 Barone Road Rothesay Isle Of Bute PA20 0DU	15/03/201 3	O
Dr Malcolm Alexander	11 Bishop Terrace Rothesay PA20 9HF	06/12/201 2	O
Mr Mick Foster	11 Newcastle rd Congleton Cw12 4hn	30/11/201 2	O
Mrs Pam Foster	11 Newcastle rd Congleton Cw12 4hn	30/11/201 2	O
Joyce E Rae	11 Pointhouse Crescent Isle Of Bute PA20 0LG	28/11/201 2	O
Mrs Susan Cooper	11 Trinity Gild Lavenham	16/11/201 2	O

	Sudbury CO10 9RP			
Mr Bill Cooper	11 Trinity Gild Lavenham Sudbury CO10 9RP	16/11/201 2	O	
Mrs Joan Rowley	110 Waggs Road Congleton Cheshire CW12 4BU	27/11/201 2	O	
Mr Keith Rowley	110 Waggs Road Congleton Cheshire CW12 4BU	27/11/201 2	O	
Mrs Helen Boyle	119 Innes Park Road Skelmorlie Ayrshire PA17 5DY	23/11/201 2	O	
Visit Bute Ltd.	12 Bishop Street Rothesay PA20 0DG	30/11/201 2	O	
Mr Frank McGavigan	12 Glenbank Avenue Lenzie Glasgow G66 5AA	15/11/201 2	O	
Miss Kathryn Jones	12 John Wetherby Court Rd 16 High St London E15 2PP	22/11/201 2	O	
Miss Nicola Lilley	12 Robertson Drive Rothesay Isle Of Bute PA20 0EJ	16/11/201 2	O	
Mr Alan Rooney	12 Robertson Drive Rothesay PA20 0EJ	19/11/201 2	O	
Mr Stas Pruglo	123 Thomson Rd London SE12 9 AB	18/11/201 2	O	
Mr C Godley	131 St Johns Road Tunbridge Wells TN4 9UG	21/11/201 2	O	
Mr David Rossi	14 Bush Ave Rothesay PA209HY	07/12/201 2	O	
Mr Peter Hoare	14 Church Rd Southborough TN4 0RX	15/11/201 2	O	
Mrs Margaret Aikman	14 Eden Drive Rothesay pa20 9hx	06/12/201 2	O	

Mr Oliver Baylis	14 Heath Close Festival Park Gateshead NE11 9TF	17/11/201 2	O
Mrs Nicola Baylis	14 Heath Close Festival Park Gateshead NE11 9TF	17/11/201 2	O
Ms Barbara Parkinson	14 Longhill Terrace Rothesay PA20 0JU	15/11/201 2	O
Mr Robert McKirdy	14 Roslin Crescent Rothesay PA20 0HT	18/11/201 2	O
Mrs Jean McKirdy	14 Roslin Crescent Rothesay PA20 0HT	18/11/201 2	O
mr nik hannam	14 springwood drive henbury bristol bs10 7pu	05/12/201 2	O
Mr Graham Kerr	14 Espedair Street Paisley PA2 6NS	04/12/201 2	O
Mrs Lorna Jamieson	14A Battery Place Dalmeny Rothesay PA20 9DP	28/11/201 2	O
Mr Arnold Schwimmer	14A Cromwell Road London SW7 5BD	10/11/201 2	O
Mr Gerard Langan	14B Shore Rd Skelmorlie pa17 5dy	23/11/201 2	O
Mr Samuel Bolton	15 Barone Road Rothesay PA20 0DP	06/11/201 2	O
Mr Paul Melvin	15 Battery Place Rothesay Bute PA20 9DP	18/11/201 2	O
Ms Sara Goss	15 Battery Place Rothesay Bute PA20 9DP	18/11/201 2	O
Mrs Carole Edward	15 Brecon Avenue Flixton Manchester M41 8RW	29/11/201 2	O
Mr Colin Fulcher	15 Bryce Avenue Rothesay	22/11/201 2	O

	Isle Of Bute Argyll And Bute PA20 0EN		
mr michael knowles	15 Ladybower Cheadle Hulme Stockport SK85PS	23/11/201 2	O
Mrs Catherine Knowles	15 Ladybower Cheadle Hulme Stockport SK85PS	22/11/201 2	O
Brain A Bell	15 Muirpark Road Kinross KY13 8AT	29/11/201 2	O
Mr Alexander Wyper	15 Redcliffe Manor Skelmorlie PA17 5EA	07/12/201 2	O
Mrs Joan Torrance	15 Royal Crescent Dunoon PA23 7AH	12/11/201 2	O
Mr Timmy Woods	16 Argyle Place Rothesay PA20 0BA	18/11/201 2	O
Mrs Yvonne Woods	16 Argyle Place Rothesay PA20 0BA	18/11/201 2	O
Mrs Fiona Ewing	16 Eden Drive Rothesay Bute PA20 9HX	16/11/201 2	O
Mr Stephen Tapley	16 Riggend Road Arbroath DD11 2DR	07/11/201 2	O
Mr Richard Smith	16 Waverley Avenue Rothesay PA20 0EW	13/11/201 2	O
Mr Kevin Wells	165 Kingshead Hill North Chingford London E4 7JG	16/11/201 2	O
Mr Robert McLellan	17 Bryce Avenue Rothesay, Isle of Bute PA20 0EN	24/11/201 2	O
Mrs Sandra Thomson	17 Crichton Road Rothesay Isle Of Bute Argyll And Bute PA20 9JR	15/11/201 2	O
Mrs Marion Holliday	17 Eastlands Park Rothesay Isle of Bute PA20 9EG	21/03/201 3	O
Mr Steve Holliday	17 Eastlands Park	21/03/201 3	O

	Rothsay PA20 9EG			
Mr William Beresford	17 Old Hall Court Malpas Sy14 8NE	27/11/201 2	O	
Mr Malcolm Bell	17 Rocklands Drive Sutton Coldfield B75 6SP	14/11/201 2	O	
Mr Ninian Stewart	17 Straid-A-Cnoc Clynder Helensburgh G84 0QX	17/01/201 3	O	
Mrs Elizabeth Stewart	17 Straid-A-Cnoc Clynder Helensburgh G84 0QX	17/01/201 3	O	
Mr John Deans	175 Castlemilk Drive Glasgow G45 9UQ	13/11/201 2	O	
Mr. Ian Hopkins	179 High St. Rothsay PA20 9BS	06/12/201 2	O	
Mr Michael Ivory	17A Battery Place Rothsay PA20 9DP	20/11/201 2	O	
Mr Graeme Murray	18 Battery Place Rothsay PA20 9DU	19/11/201 2	O	
Graeme Dobbie	18 Battery Place Rothsay Isle Of Bute PA20 9DU	16/01/201 3	O	
Mr Antonio Cardillo-Zallo	18 Biggin Hill Close Kingston Upon Thames KT2 5GB	25/11/201 2	O	
Mr Ross McLaughlin	18 Eden Drive Rothsay PA20 9HX	06/12/201 2	O	
Mrs Catherine Young	18 Eden Drive Rothsay PA20 9HX	29/11/201 2	O	
Mr Leo Roberts	18 Highgate Spinney Crescent Road London N8 8AR	25/11/201 2	O	
Mr Colin Sharp	18 Mountstuart Road Rothsay PA20 9DY	01/12/201 2	O	
Mr Colin Gillespie	18 Roslin Crescent Rothsay PA20 9HT	14/11/201 2	O	

Mrs Lindsey Tolley	18 sunningdale road Macclesfield Sk11 8lu	23/11/201 2	O
Mr Andrew Campbell	18 Victoria Place Portbannatyne Isle of Bute PA20 0LH	23/11/201 2	O
Mr John Lawson	18A Argyle Place Rothesay PA20 0BA	25/11/201 2	O
mr Sam Kelly	19 Heath Park Road Buxton SK17 6NY	28/11/201 2	O
Mr Paul Watts	19 Nightingale Close Hartlepool TS26 0HL	20/11/201 2	O
Mrs Katie Hamilton	19 North End Rd Yatton Somerset BS49 4AL	20/11/201 2	O
Mr Miles Hamilton	19 North End Road Yatton Somerset BS49 4AL	20/11/201 2	O
Mr Arthur Edwards	19 Robertson Drive Rothesay PA20 0EJ	16/11/201 2	O
mrs melissa sherratt	19 Steeple Street Macclesfield SK10 2QR	23/11/201 2	O
Mr Christopher Day	19 Ullswater Macclesfield SK11 7YN	22/11/201 2	O
Mrs Tara Timms	1a Mount Pleasant Road Rothesay Isle of Bute PA20 9HQ	05/12/201 2	O
Mr Simon Timms	1a Mountpleasant Road Rothesay Isle of Bute PA20 9HQ	05/12/201 2	O
Miss Caroline Lindsay	2 Beechland Kilchattan Bay Isle of Bute PA20 9NG	04/12/201 2	O
Miss Hazel Lindsay	2 Beechland Kilchattan Bay	19/11/201 2	O

	Isle of Bute PA20 9NG			
Mr Robert Henshelwood	2 Craigmores Road Rothesay PA20 9LB	19/11/201 2	O	
Mrs Lynn Henshelwood	2 Craigmores Road Rothesay PA20 9LB	25/11/201 2	O	
Mr Steven Smith	2 Craignethan Mount Stuart Road Rothesay PA20 9LF	15/11/201 2	O	
Mr Gary Steele	2 Foley Rd Rothesay PA20 9HR	02/12/201 2	O	
Mrs Ann Foster	2 Gardens Cottage North Mount Stuart Isle of Bute PA20 9LP	29/11/201 2	O	
Mrs Charlene Thomas	2 Goldsmith Avenue Romford Essex RM7 0EX	28/11/201 2	O	
Mrs Pauline Thomas	2 Londonderry terrace Machynlleth Sy20 8bg	22/11/201 2	O	
Mr David Reid	2 Tower Wynd Perth PH1 1WQ	11/11/201 2	O	
Mr stuart naismith	2 Westwood Argyle Terrace Rothesay PA 20 0BE	22/11/201 2	O	
Dr George Lindsay	2 Whinfield Gardens Kinross KY13 8BF	24/11/201 2	O	
Leslie Hawksfield	2 Woodland Way Bidborough Tunbridge Wells Kent TN4 0UX	21/11/201 2	O	
Mee-Ching Ho	2 Wyndham Park Rothesay Isle Of Bute Argyll And Bute	27/11/201 2	O	
Miss Julia Harrison	20 Dorrington Road Stockport SK3 0PZ	17/11/201 2	O	
mr stuart clarke		22/11/201	O	

	20 hulme square macclesfield sk117sg	2		
miss joanne dakin	20 Hulme Square Macclesfield SK11 7SG	23/11/201 2		O
Mr Glen Martin	20 Spenborough Road Whitehouse Farm Stockton-on-Tees TS19 0QY	19/11/201 2		O
Mr Donald MacGregor	20 Woodside Terrace Glasgow G3 7XH	21/11/201 2		O
Mr Freddie Moran	206 Greenock Road Largs KA30 8SB	27/11/201 2		O
Mrs Hilary Moran	206 Greenock Road Largs KA30 8SB	28/11/201 2		O
Mrs Lorraine Wilson	207 Headlands Hayes Point Sully Penarth CF64 5QH	15/11/201 2		O
Mrs Julie Johnston	21 Bishop Street Rothesay Isle of Bute PA20 9DH	13/12/201 2		O
Mr Malcolm Johnston	21 Bishop Street Rothesay PA20 9DH	13/12/201 2		O
Mr Andy Peacock	21 Tatton Road North Heaton Moor Stockport SK4 4RL	28/12/201 2		O
Mr Alan Ruiz	23 The Pheasantry Alloa FK101PH	03/12/201 2		O
Mrs Catherine Forbes	24 Bryce Avenue Rothesay PA20 0EN	02/12/201 2		O
Mrs Ruth Garner	24 Elizabeth Road, Moseley Birmingham B13 8QJ	17/11/201 2		O
Miss Carolyn Elder	24 Montgomerie Terrace Skelmorlie PA17 5DT	29/11/201 2		O
Miss Lidia Kowalewicz	24 Wey House Taywood Rd London UB5 6GE	19/11/201 2		O
Mr Andrew Thomson	24	07/12/201 2		O

	Park Vista Greenwich SE109LZ		
Miss J Forbes	25 Brady Crescent Moodiesburn Glasgow G64 0HL	06/12/201 2	O
Mrs Caroline Lewis	25 Cefn Esgair Llanbadarn fawr Aberystwyth SY23 3JG	27/11/201 2	O
Mrs Bernadette Muldoon	25 Foley Road Rothesay Isle Of Bute PA20 9HR	16/11/201 2	O
Mr John McKeown	25 Naunton Road Middleton Manchester M24 1FX	29/11/201 2	O
Mrs Susan McKeown	25 Naunton Road Middleton Manchester M24 1FX	19/11/201 2	O
Mr Ken Young	26 Bankside Ordsall Retford DN22 7UR	19/11/201 2	O
Mr Marc Clugston	26 Brixwold Rise Bonnyrigg EH19 3FG	19/11/201 2	O
Mrs Lynn Clugston	26 Brixwold Rise Bonnyrigg Midlothian EH19 3FG	21/11/201 2	O
Mr Greg Pegg	26 Donegal Road Sutton Coldfield B74 2AA	20/11/201 2	O
Mrs Stephanie Pegg	26 Donegal Road Sutton Coldfield B74 2AA	20/11/201 2	O
Mr Ian Crawford	26 Montgomerie Terrace Skelmorlie PA17 5DT	29/11/201 2	O
Mrs Sheila Crawford	26 Montgomerie Terrace Skelmorlie PA17 5DT	29/11/201 2	O
Mr G Pyle	26 Winscombe St London N19 5DG	16/03/201 3	O
Mr Andrew Reid	27 Belmont Road Reigate	18/11/201 2	O

	RH2 7ED			
Mrs Paula Reid	27 Belmont Road Reigate RH2 7ED	18/11/201 2	O	
Mrs H G Simpson	27 Craigmores Road Montford Bute PA20 9LB	29/11/201 2	O	
Mr Craig guy	27 Wallace avenue Rothesay PA20 9JA	25/11/201 2	O	
Mrs Tracey guy	27 Wallace avenue Rothesay pa20 9JA	25/11/201 2	O	
Mrs Janice McArthur	28 Auchnacloch Road Rothesay PA20 0EB	08/11/201 2	O	
Mr Donald McArthur	28 Auchnacloch Road Rothesay PA20 0EB	08/11/201 2	O	
Ms Emma Carley	28 Camberwell Close Festival Park Gateshead NE11 9TZ	20/11/201 2	O	
Mr Jonathan Ogley	28 Camberwell Close Gateshead Festival Park NE11 9TZ	20/11/201 2	O	
Mrs Rebecca Bardsley	28 Longman Road Barnsley S70 2LD	17/11/201 2	O	
Mr Robert Wood	29 Craigmores Road Rothesay PA20 9LB	30/11/201 2	O	
Mrs Christine Jones	29 Ullswater Macclesfield SK11 7YW	22/11/201 2	O	
Mrs Martha Williams	29 Foley Road Rothesay Isle Of Bute PA20 9HR	15/11/201 2	O	
Mr Ross Wilson	2A 34 Ardbeg Road Rothesay PA20 0NL	25/11/201 2	O	

Mr Douglas Clark	3 Barone Road Rothesay PA200DP	29/11/201 2	O
Mrs H M Dewar	3 Crichton Road Rothesay PA20 9JR	04/12/201 2	O
Mr Peter Weir	3 Ferguston Road Bearsden G61 2DX	19/11/201 2	O
Mr Simon Dove	3 Goldcrest Close Yateley GU46 6PA	04/12/201 2	O
Mr Alan Harrison	3 Grand Marine Court 44 Argyle Street Rothesay PA 20 0AX	24/11/201 2	O
Ms Elaine Rodger	3 Grand Marine Court 44 Argyle Street Rothesay PA20 0AX	24/11/201 2	O
Mr Anthony Walker	3 Manor Road Astley Manchester M29 7PH	28/11/201 2	O
mr Matthew Hake	3 Withy Lane Ruislip ha47sw	04/12/201 2	O
Mrs Ann Marie Hake	3 Withy Lane Ruislip Middlesex HA4 7SW	12/11/201 2	O
Mr Douglas Lindsay	3, Tarfside Ascog Isle of Bute PA20 9EU	14/11/201 2	O
Mr Edward Downie	30 Afton Drive Renfrew PA4 0UW	07/11/201 2	O
Mr Jan Sumara	30 Cromwell Road Stretford Manchester M32 8QX	03/12/201 2	O
Mr Jozef Kowalewicz	30 Goring Way London UB6 9NL	20/11/201 2	O
Mr Stan Gaston	31 Battery Place Rothesay Isle Of Bute Argyll And Bute	12/11/201 2	O

Mrs Joyce Gaston	31 Battery Place Rothesay PA20 9DU	13/11/201 2	O
Miss Emma Selkirk	31 Eden Drive Rothesay PA20 9HU	07/12/201 2	O
Miss Melita Colton	31 Norris Avenue Stockport SK4 2JQ	25/11/201 2	O
George Robinson	32 Rossett Drive Davyhulme Manchester M41 8DY	23/11/201 2	O
Zoe Edward	32 Rossett Drive Davyhulme Manchester M41 8DY	23/11/201 2	O
Mr Neil McGowan	32 Westburn Avenue Ferguslie Park Paisley PA3 1NG	13/11/201 2	O
Mr James Fraser	33 Argyle Grove Dunblane FK15 9 DT	25/11/201 2	O
Miss Andrea Pazos Lopez	33 Bury Avenue Manchester M16 0AT	18/11/201 2	O
Ms Sara Lanzas	33 Bury Avenue Manchester M16 0AT	18/11/201 2	O
Miss Claire Akbar	338A Wellington Rd North Stockport SK4 5DA	18/11/201 2	O
Miss Abigail Rodger	34 Ballochgoy Road Rothesay Isle of Bute PA20 0JN	08/11/201 2	O
Mr Andrew Gilmour	34 Mountstuart Rd Rothesay PA20 9EB	10/11/201 2	O
Mrs Elizabeth Gilmour	34 Mountstuart Rd Rothesay PA20 9EB	15/11/201 2	O
Mrs M Gibbs	34 Pettycur Rd Fife KY3 9RL	14/11/201 2	O
	34 Pewley Way		

Mrs Caroline Chapman	Guildford GU1 3QA	01/12/201 2	O
Mrs Elaine MacKirdy	35 Crichton Road Rothesay Isle of Bute PA20 9JT	29/11/201 2	O
Mr John MacKirdy	35 Crichton Road Rothesay ISLE OF BUTE PA20 9JT	29/11/201 2	O
Mr John Eaden	35 Heaton Road Withington Manchester M20 4PU	29/11/201 2	O
Mrs Wendy Eaden	35 Heaton Road Withington Manchester M20 4PU	29/11/201 2	O
Mrs Emma O'Mailley	36 Castle Street Rothesay PA20 9HA	22/11/201 2	O
mr Ronnie Macqueen	36 St Brides Rd Rothesay PA20 0JP	03/12/201 2	O
Miss Lesley-Anne Lee	36 Waverley Avenue Rothesay PA20 0EW	13/11/201 2	O
Mr Ivan Jacobs	36 Avon Rise Retford DN226QH	20/11/201 2	O
Mr Mike Groden	37 Ardbeg Road Rothesay PA20 0NL	24/11/201 2	O
Miss Chantelle Moloney	37 Kendal road Macclesfield Sk118pj	22/11/201 2	O
Doctor William Aslett	38 Lovelace Road Surbiton KT6 6ND	24/11/201 2	O
Mr Markus Karlsson-Jones	38 Soudan Rd Stockport Sk2 6PH	23/11/201 2	O
Miss Alexis Oxberry	38 Soudan Road Heaviley Stockport SK2 6PH	24/11/201 2	O

Mrs Jean Strachan	39 Hurlingham Court Ranelagh Gardens Fulham SW6 3UW	27/11/201 2	O
Mr Jeffrey Kershaw	39 Larkfield Rawdon Leeds LS19 6EQ	23/11/201 2	O
Mr William Mckechnie	3A Wyndham Park Ardbeg PA20 0NT	16/11/201 2	O
Mrs Fiona Martin	4 Caledonia Walk Rothesay PA20 0EH	29/11/201 2	O
Elaine Jones	4 Glenfern Road Bilston West Midlands WV 14 9HW	21/11/201 2	O
Mr Stephen Martin	4 Greenfields Way Hartburn Stockton On Tees	20/11/201 2	O
mrs Alison Reid	4 Henderson Place Dollar FK14 7EZ	25/11/201 2	O
Mr Tim Saul	40 Ardmory Road Rothesay PA20 0PG	08/12/201 2	O
Heather And Bill Finlay	40 Argyle Street Rothesay	27/11/201 2	O
MR JOSEPH THOMAS	403 THE MILL SOUTH HALL STREET SALFORD M5 4JH	18/11/201 2	O
P McNee	41 Craigmore Road Montford Isle Of Bute PA20 9E	29/11/201 2	O
Miss Steph Duncan	42 Eden Drive Rothesay Isle Of Bute Argyll And Bute PA20 9HP	20/11/201 2	O
Mr Douglas Menzies	43 Crichton Road Rothesay PA20 9JT	06/12/201 2	O
Miss Amy Thomas	44 Cleveland Street Fitzrovia London W1T 4JT	19/11/201 2	O

Mr Oliver Irvine	44 Cleveland Street London W1T 4JT	19/11/201 2	O
Mrs Mairi Mair	44 Craigmores Road Rothesay Isle Of Bute Argyll And Bute PA20 9ES	06/12/201 2	O
Mr Richard Tebay	44 Weldon Crescent Stockport SK3 8PX	17/11/201 2	O
Mr John McMeekin	45 Castle Street Port Bannatyne PA20 0NB	29/11/201 2	O
Norrie Crawford	45 Mount Stuart Road Rothesay Isle Of Bute PA20 9EB	20/11/201 2	O
Mrs Hilary Crawford	45 Mount Stuart Road Rothesay PA20 9EB	15/11/201 2	O
Mr Dino Zavaroni	45 Roslin Crescent Rothesay PA20 9HT	14/11/201 2	O
Mrs Laura Zavaroni	45 Roslin Crescent Rothesay PA20 9HT	14/11/201 2	O
Miss Angela Aggersbury	45 Thirlmere Macclesfield SK11 7XY	22/11/201 2	O
Mr David Foster	46 Riversdale Crescent Edinburgh EH12 5QR	03/12/201 2	O
Miss Jennifer Gibbs	47 Alexandra Street Kirkcaldy KY1 1HG	13/11/201 2	O
Mr Duncan Simpson	47 Eden Drive Rothesay Isle Of Bute PA20 9HU	09/11/201 2	O
Mrs Lorna Simpson	47 Eden Drive Rothesay Isle Of Bute PA20 9HU	09/11/201 2	O
Mr Graeme Mckirdy	47 Roslin Crescent Rothesay P20 9HT	15/11/201 2	O
Mrs Kirsty Mckirdy	47 Roslin Crescent Rothesay	15/11/201 2	O

	PA20 9HT			
Mr Gordon Stevenson	48 Ardmory Road Ardbeg Isle of Bute PA20 0PG	12/12/201 2	O	
Mr Alex Thomas	49 Lawton Street Congleton CW12 1RU	18/11/201 2	O	
Mr Andrew Thomas	49 Lawton Street Congleton CW12 1RU	19/11/201 2	O	
Miss Megan Aartse-tuyn	5 Congleton Edge Rd Congleton CW12 3JJ	18/11/201 2	O	
Mr Jim Hinshelwood	5 Crichton Road Rothesay PA20 9JR	06/11/201 2	O	
Mr Stephen Hake	5 Roseland Caravan Park Canada Hill Rothesay Isle Of Bute PA20 9EH	12/11/201 2	O	
Mr Darryl Campbell	5 St Brides Rd Rothesay	07/11/201 2	O	
Miss Ailsa Walker	5 St Brides Road Ballochgoy Rothesay PA20 0JP	07/11/201 2	O	
Mr Rory Durrant	5 Queen Margaret Road Glasgow G20 6DP	24/11/201 2	O	
Christopher Westthorp	53 Culverden Park Road Tunbridge Wells Kent TN4 9RB	07/12/201 2	O	
Mr Christopher Westthorp	53 Culverden Park Road Tunbridge Wells TN4 9RB	07/12/201 2	O	
Mr Lewis Currie	54 Ardmory Road Rothesay PA20 0PG	22/11/201 2	O	
mr Gareth Barber	55 Rotherhead Drive Macclesfield sk11 7xq	24/11/201 2	O	
Mrs Katie Barber	55 Rotherhead Drive Macclesfield SK11 7XQ 56	23/11/201 2	O	
Mrs Rebecca Sanderson	Pentrepoeth Road	22/11/201 2	O	

	Llanelli SA15 4HL			
Miss Laura Zan-Kreyser	57 Roslin Crescent Rothesay ISLE OF BUTE PA20 9HT	14/11/201 2	O	
Mr Christopher Tritschler	57 Roslin Crescent Rothesay ISLE OF BUTE PA20 9HT	14/11/201 2	O	
Iain And Moyra Jamieson	59 Eden Drive Rothesay Isle Of Bute PA20 9HU	29/11/201 2	O	
Mr Peter Wilson	59 Main St. Hayton Retford DN22 9LF	19/11/201 2	O	
Mr Alistair Speirs	59 Roslin Crescent Rothesay PA20 9HT	15/11/201 2	O	
Mrs Lyndsey Speirs	59 Roslin Crescent Rothesay PA20 9HT	15/11/201 2	O	
Mrs Lorna McCulloch Curry	6 Denleigh Gardens Thames Ditton KT7 0YL	22/02/201 3	O	
Mr Frank Williams	6 Kingston Place Biddulph Staffordshire ST8 7EL	17/11/201 2	O	
Mrs Cheryl Anne Brooks	6 Knockanreoch Westland Road Rothesay PA20 0RA	05/12/201 2	O	
Mr Dean Cavanagh	6 Ladybrook Court 19 Ladybridge Road Stockport SK8 5BL	18/11/201 2	O	
miss anna theis	6 parsonage rd heaton moor stockport sk4 4jz	27/11/201 2	O	
mrs denise dowd	6 Parsonage Road Heaton Moor Stockport SK4 4JZ	21/11/201 2	O	
ms Natalia Samsoniuk	6 Towcester Close Ancoats Manchester M4 7FB	18/11/201 2	O	
Mr Edward Goodinson	6 Towcester Close	17/11/201 2	O	

	Manchester M4 7FB			
Mr brian mcgregor	62 ardbeg road rothesay pa200nn	29/11/201 2	O	
Mr Angus Jardine	62 Mountstuart Road Upper Flat Rothesay PA20 9LD	19/11/201 2	O	
Mrs Sylvia Jardine	62 Mountstuart Road Upper Flat Rothesay PA20 9LD	19/11/201 2	O	
Mr Archie McCabe	63 eden drive Rothesay pa209hu	06/12/201 2	O	
Mr Robert Pelling	64 Dalkeith Road Edinburgh EH16 5AE	18/11/201 2	O	
Struan Stevenson MEP	67 Northumberland Street Edinburgh EH3 6JG	29/11/201 2	O	
Mr Michael Burke	69 Princes Street Ramsey PE26 1JW	15/11/201 2	O	
Mrs Karin Burke	69 Princess Street Ramsey	20/11/201 2	O	
Ms Maureen Carroll	7 Battery Place Rothesay PA20 9DP	21/11/201 2	O	
Mr Alan Pendreigh	7 Bellevue Road Rothesay PA20 0DT	16/11/201 2	O	
Mr Neil Pendreigh	7 Bellevue Road Rothesay PA20 0DT	16/11/201 2	O	
Mrs Kirsteen Kilpatrick	7 Chapelhill Road Rothesay PA20 OBJ	12/11/201 2	O	
Frank J Hill	7 Mountstuart Road Rothesay Bute PA20 9DY	22/11/201 2	O	
Catriona Riddell	7 Southville Road Thames Ditton Surrey KT7 0UL	12/12/201 2	O	
Mrs Jennifer Garamszegi	70 Woolstone Road London SE23 2SW	18/11/201 2	O	
Mr Aled Lewis		23/11/201	O	

	77 Alfred Street Cardiff CF24 4TZ	2		
Mrs Fiona Boyle	77 Barone Road Rothesay PA20 0DZ	25/11/201 2		O
Mr Kevin Boyle	77 Barone Road Rothesay PA20 0DZ	15/11/201 2		O
Mr Jonathan Easteal	78 Mount Pleasant Paddock Wood Tonbridge TN12 6AQ	13/11/201 2		O
Miss Johanna Sawyer	8 Hazeldene Cheshunt EN8 7ER	23/11/201 2		O
Mr George Hazle	8 Park Circus Glasgow G3 6AX	26/11/201 2		O
Mr Chris Reid	82 Abbeville Road London London SW4 9NA	17/11/201 2		O
Mr Joseph Toner	83 warwick Calderwood East Kilbride G74 3PZ	04/12/201 2		O
Mrs Ruth Irvine	9 Movilla Rd Portstewart BT55 7DW	23/11/201 2		O
Ann Roberts	9 St Peter's Square Ruthin Denbighshire LL15 1DH	22/11/201 2		O
Miss Barbara Lynn	9 Victoria Place Marine Road Port Bannatyne PA20 0LJ	29/11/201 2		O
Mr Iain Paton	9, Park Circus Glasgow G3 6AX	26/11/201 2		O
Mr And Mrs William Russell	91 Barone Road Rothesay Isle Of Bute Argyll And Bute PA20 0DZ	12/11/201 2		O
Mr D Macqueen	91 Ardbeg Road Isle of Bute PA20 0NW	02/12/201 2		O
David Brady	92 Loudoun Road Newmilns KA16 9HQ	29/11/201 2		O

Mrs Wendy Sayers	95 Barone Road Rothesay PA20 0DZ	06/11/201 2	O
Mr Robert McKirdy	Ambrisbeg Cottage West Rd KIngarth PA20 9PE	07/12/201 2	O
Mrs Cathy McKirdy	Ambrisbeg Cottage West Rd KIngarth PA20 9PE	07/12/201 2	O
Mrs Anne Cooley	Arden High Craigmore Rothesay Pa20 9LA	06/12/201 2	O
Mr David Daniels	Ardencraig House Apartments High Craigmore Isle of Bute PA209EP	30/11/201 2	O
DP Vincent	Ardencraig House Rothesay PA20 9EP	29/11/201 2	O
Miss E McLachlan	Ardyne Pier Tarbert G11 5AZ	14/11/201 2	O
Mr Andrew Vivers	Arniefoul Glamis Forfar DD81UD	24/11/201 2	O
Mr John McDonald	Ascog Boathouse Ascog PA20 9EU	26/11/201 2	O
John M And David M McDonald	Ascog Boathouse Ascog Isle Of Bute PA20 9EU	29/11/201 2	O
Mr G Alcorn	Ascog Hall Ascog Rothesay PA20 9EU	07/12/201 2	O
Susanna Alcorn	Ascog Hall Ascog Rothesay Isle Of Bute PA20 9EU	04/12/201 2	O
MR & Mrs Archie & Josie Fowler	Askival 7 Wyndham Court Ardbeg Rothesay PA20 0NE	10/12/201 2	O
Mrs Jessica Herriot	Balmory Cottage Balmory Road ,Ascog Isle of Bute	28/11/201 2	O

	PA20 9ll		
Mr David Herriot	Balmory Cottage Balmory Road Ascog Isle of Bute	28/11/201 2	O
Mrs Yvonne Thomas	Balmory Hall Balmory Road Ascog, Isle of Bute PA20 9LL	27/11/201 2	O
Mr J Thomas	Balmory Hall Balmory Road Ascog Isle Of Bute PA20 9LL	20/11/201 2	O
Mr Ralph Anderson	Barone Cottage Barone Road Rothesay PA20 0DZ	19/11/201 2	O
Trevor J Jones	Beach Cottage South 8 Shore Road Skelmorlie Ayrshire PA17 5DY	28/11/201 2	O
Ishbel TK Jones	Beach Cottage South 8 Shore Road Skelmorlie Ayrshire PA17 5DY	28/11/201 2	O
Gillian Robin And Tean Brandon- Turner	Beech Park Balmory Road Ascog Bute PA20 9	29/11/201 2	O
Mr David Patrick	Blaxter Cottage Elsdon newcastle upon tyne ne19 1bn	01/12/201 2	O
David T Gardner	Blythswood 8 Bishop Terrace Rothesay Isle Of Bute PA20 9HF	23/11/201 2	O
Mr Ian McAlister	Bogany Farm Rothesay pa20 9lh	07/12/201 2	O
Mrs Rhona McAlister	Bogany Farm Rothesay PA20 9LH	07/12/201 2	O
Dr Stephen Foster	Briar-Lea 14 Holmesville avenue Congleton CW12 4HA	19/11/201 2	O

Mr Iain Crawford	Bruichladdich Crichton Road Rothesay, Isle of Bute PA20 9JR	27/11/201 2	O
Mrs Yvonne Crawford	Bruichladdich Crichton Road Rothesay, Isle of Bute PA20 9JR	27/11/201 2	O
Philip Norris	C/o Lyall Cliff 141 Alexandra Parade Dunoon Argyll PA23 8AW	29/11/201 2	O
Hon Secretary Rothesay Golf Club	Canada Hill Rothesay PA20 9HN	12/11/201 2	O
Mr James Torrance	Caravan 20, Roseland Caravan Park Canada Hill, Rothesay, Isle Of Bute PA20 9EH	12/11/201 2	O
Katie Robinson	Cash And Bank Clerk Inventive Leisure 21 Old St Ashton-Under-Lyne Lancs OL6 6LA	23/11/201 2	O
Ms Glynis Shaw	Castell House Bodfari Denbigh LL16 4HT	15/03/201 3	O
Mrs Laura Jones	Castle Naze Farm Combs High Peak SK23 9UX	17/11/201 2	O
Mr Paul Jones	Castle Naze Farm Combs, High Peak Derbyshire SK23 9UX	19/11/201 2	O
Mr Ivan Cowie	Clachan-val Mountpleasant Rd Rothesay PA20 9HQ	13/11/201 2	O
Dr Richard Carley	Clyde House Ascog Isle of Bute PA20 9EU	13/11/201 2	O
Mrs Christine Carley	Clyde House Ascog Isle of Bute PA20 9EU	13/11/201 2	O

Derek Aartse Tulyn	Congleton Cheshire	30/11/201 2	O
Mrs Sophie Jackson	Cornhill Manor, Shere Rd, Ewhurst, Cranleigh GU6 7PJ	14/11/201 2	O
Mr Alistair Scott	Corwar House Barrhill Girvan ka26 0rf	27/11/201 2	O
Leonard Cumming	Craigend Cottage 23B Craigmores Road Rothesay PA20 9LB	29/11/201 2	O
Mr Alastair Logan	Craiglea Wellpark Road Rothesay PA20 9JY	20/11/201 2	O
Mr Iain Rothney	Crimond 9 Crichton Road Rothesay PA20 9JR Crimond	02/12/201 2	O
Mrs Maureen Rothney	9 Crichton Road Rothesay PA20 9JR	13/12/201 2	O
Philip And Anne Kirkham	Crofton Cottage Ascog Bute PA20 9LN	29/11/201 2	O
Mrs E Lofting	Crossbeg Rothesay PA20 9PB	21/11/201 2	O
Marilyn Wedgwood	Cumhill House Cumhill Pilton Shepton Mallet BA4 4BG	22/11/201 2	O
Mrs Mandy Mcmillan	Daisyfield 23 Eastlands Park Rothesay PA20 9EG	21/11/201 2	O
Mr Ian McCulloch	Dalegarth A844 Through Ascog From Balmory Road To Craigmores Road Ascog Isle Of Bute Argyll And Bute PA20 9ET	25/11/201 2	O
Ms Ulrike McCulloch	Dalegarth A844 Through Ascog From Balmory Road To Craigmores Road Ascog	22/11/201 2	O

	Isle Of Bute Argyll And Bute PA20 9ET		
Mr Timothy Twigg	Davaar 37 Craigmore Road Montford Rothesay PA20 9ES	03/12/201 2	O
Mrs Wieslawa Kowalewicz	Drawska 34 Lobez 73-150 POLAND	20/11/201 2	O
Mr. M. Jacob	Drungans New Abbey Dumfries & Galloway DG2 8EB	26/11/201 2	O
Mr George Morrison	Dun Eistein Loch Ascog Rothesay PA20 9LH	12/11/201 2	O
Mrs Christine Morrison	Dun Eistein Loch Ascog Rothesay PA20 9LH	05/11/201 2	O
Mr Alexander Steven	Dunagoil Kingarth Isle of Bute PA20 9LX	26/11/201 2	O
Mrs Gladys Speirs	Dura Farm Dura Road Wishaw ML2 9PJ	24/11/201 2	O
Mr John Mc Inairnie	Elderslie Serpentine Road Rothesay Pa20 9hg	04/12/201 2	O
Mr Neil Lamb	Ellandubh Kilchattan Bay PA20 9NW	22/11/201 2	O
R M Scott	Euroyachts Showroom Largs Yacht Haven Irvine Road Largs KA30 8EZ	30/11/201 2	O
Mrs Margaret Gillies	Evander 3 Ardencraig Lane Rothesay Isle Of Bute PA20 9EZ	13/12/201 2	O
Mr David Rankine Dr Claudia Towner	F8 159 Withington Road Manchester m16 8RP	25/11/201 2 13/11/201	O O

	Fairlawn, Park Corner Freshford Bath BA2 7UP	2		
Mr Robert Armstrong	Feldon House Chapel Lane Newbold on Stour CV37 8TY	19/11/201 2	O	
Mr Douglas Ancell	Flat 1/2 14 Russell Street Rothesay PA20 0ER	03/02/201 3	O	
Mr Richard Whitcomb	Flat 1/2 40 mount pleasant road Rothesay PA 20 9HJ	10/11/201 2	O	
Ms Andrea Dow	Flat 1/2 40 Mount Pleasant Road Rothesay PA20 9HJ	10/11/201 2	O	
Sue Dennis	Flat 2 4 Battery Place Rothesay PA20 9DP	03/12/201 2	O	
Mr Iain Macdonald	Flat 2/2 27 East Princes St Rothesay PA20 9DL	03/12/201 2	O	
Miss Margaret Kilpatrick	Flat 3/2 6 Hillhouse Road Rothesay PA20 0HY	02/12/201 2	O	
Mr Christian Haffner	Flat 7 15 The Barons Twickenham TW1 2AP	18/11/201 2	O	
Mr Tony Burns	Flat 8 Ardbeg PA20 0NP	11/11/201 2	O	
Ms Yuri Nakamura	Flat1, 46 Aldridge road villas, London W11 1BW	22/11/201 2	O	
NH Lamond	Flat2 Crichton Road Rothesay Isle Of Bute PA20 9JR	21/11/201 2	O	
Mrs Dorothy Middleton	Floral Cottage Kingsarth Isle of Bute PA20 9NP	22/11/201 2	O	
Ms Jane Martin	Furlong Road London N78LS	14/03/201 3	O	

Mrs Fiona Buckle	Glebe House Skipness Tarbert PA29 6XT	14/11/201 2	O
Mrs Rebecca Grant	Glencoe 41 craigmore road rothesay pa20 9es	22/11/201 2	O
Ms Jackie Almeida	Gloucester House, 45 Lyons Crescent Tonbridge TN9 1EY	17/11/201 2	O
Dorothy Waterworth	Greenhill Ringford Castle Douglas DG7 2AS	29/11/201 2	O
Mr Michael Spear	Ground Floor Flat 27 Battery Place Rothesay PA20 9DU	21/11/201 2	O
Mrs Jane Dickson	Hamiltonhall Lodge Bogsbank Road West Linton EH46 7DB	24/11/201 2	O
Mrs. Marjorie Falconer	Hawkstone Lodge Ascog Isle of Bute PA20 9EU	26/11/201 2	O
Mr Ronald Falconer	Hawkstone Lodge Ascog Isle Of Bute PA20	26/11/201 2	O
Mr Pav Jedrusiak	Hilldrop Crescent London N7 0JA	20/11/201 2	O
Mrs Deborah O'Donnell	Hillpark Eastlands Road Rothesay PA209JZ	06/12/201 2	O
Mr Thomas Lloyd	Hopleys, 1 Portland Close Weobley Hereford HR4 8SQ	15/11/201 2	O
Miss Jacqueline McTaggart	House 2 91 NorthWoodside Road Glasgow G20 7UW	04/12/201 2	O
Douglas Paterson	Hunton Grange Sutton Scotney Winchester Hampshire SO21 3QA	03/12/201 2	O

Mr And Mrs J Hendry	Invergyle Cottage Ascog Isle Of Bute PA20 9EU	19/11/201 2	O
Mr William Wren	Kiln Villa Kilchattan Bay Isle of Bute PA20 9NW	19/11/201 2	O
Mrs Elizabeth Wren	Kiln Villa Kilchattan Bay PA20 9NW Kingarth	21/11/201 2	O
Mr Alastair Johnston	10 West Glen Gardens Kilmacolm PA13 4PX	15/11/201 2	O
Mrs Rae Leigh	Kirkbride Cottage Gelston Castle Douglas DG7 1SU	01/12/201 2	O
Mrs Kim Terry	Laigh Letterpin Bungalow Pinmore Girvan KA26 0HX	24/11/201 2	O
Mr Graham Daysh	Lansdowne House 112 Main Street Hayton, Nr Retford. DN22 9LH	21/11/201 2	O
Frank Garner	Learn Net Advisors And Research 24 Elizabeth Road Moseley Birmingham B13 8QJ	20/11/201 2	O
Councillor Isobel Strong	Lilybank Glebelands Rothesay PA20 9HN	07/12/201 2	O
Mrs Eleonore McCulloch	Lodge Eleonora Ascog PA20 9ET	24/11/201 2	O
Miss P Rodini	London London N16 5pf	25/11/201 2	O
Rachel And Boyd Blick	Lower Adelaide House 8 Mountstuart Road Rothesay Isle Of Bute Argyll And Bute PA20 9DY	27/11/201 2	O
Mr Angus Middleton	Marnock Glenburn Road	07/11/201 2	O

	Rothsay Isle Of Bute PA20			
J P Begg	Marple Stockport	30/11/201 2	O	
Ben Robinson	Marstons Beer And Pub Company Marycroft	23/11/201 2	O	
Robert And Elinor Crozier	35 Craigmores Road Rothsay Isle Of Bute Argyll And Bute PA20 9ES	04/12/201 2	O	
Mrs Angela Beverley	Mecknoch Rothsay PA20 0QA	21/11/201 2	O	
Mrs Margaret McDowall- Robertson	Mid Ascog Cottage Rothsay Isle Of Bute PA20 9LJ	30/11/201 2	O	
Mr Peter Timms	Millbrae Ascog Rothsay PA20 9ET	07/12/201 2	O	
Dr Harry Reid	Millburn Cottage Ascog Rothsay PA20 9ET	18/11/201 2	O	
Mrs Jean Reid	Millburn Cottage Ascog Rothsay PA20 9ET	17/11/201 2	O	
Mr James Johnson	Millburn Ascog Isle of Bute PA20 9ET	19/11/201 2	O	
Louise Johnson	Millburn Ascog Isle Of Bute PA20 9ET	04/12/201 2	O	
Dr Barry Chopping	Moidart 5 Ayr Road Dalry Dumfries And Galloway DG7 3SW	29/11/201 2	O	
Mr John Thomson	Montford Cottage Craigmores Road Rothsay Isle Of Bute Argyll And Bute PA20 9ES	14/11/201 2	O	
Mrs Kate Thomson	Montford Cottage Isle of Bute PA20 9ES	25/11/201 2	O	
Jill Kibble	Montgomeryshire	29/11/201	O	

		2	
Mr Andrew Nicol	Mount Stuart Isle of Bute PA20 9LR	22/11/201 2	O
Mr William Shields	Mount Stuart Rothesay PA20 9LP	13/11/201 2	O
Mr Cris Fulton	Mountbatten St. Christchurch 8061	20/11/201 2	O
John Dennis	Musicker 11 High Street Rothesay PA20 9AS	03/12/201 2	O
Mrs Lorna Bower	Narragansette 9a Crichton Road Rothesay PA20 9JR	30/11/201 2	O
Mr & Mrs Nigel & Christine Willis	Nervelstone Lochwinnoch PA12 4DS	24/11/201 2	O
mr duncan mcalister	nether ardroscadale farm straad isle of bute pa20 0qf	03/12/201 2 29/11/201	O
Alison Kay	No Address Provided	2	O
Gillian McMillan	No Address Provided	27/11/201 2	O
J Richard Smith	No Address Provided	29/11/201 2	O
Kirsten Allan	No Address Provided	20/11/201 2	O
Melanie Jack	No Address Provided	20/11/201 2	O
Richard Harding	No Address Provided	30/11/201 2	O
Gordon Scott	No Address Provided.	28/11/201 2	O
John Davies	No Address Provided.	22/11/201 2	O
Steven And Joan Cameron	No Address Provided.	29/11/201 2	O
William Bowie	No Address Provided.	29/11/201 2	O
Mr Peter Griffiths	Norwood Kilchattan Bay Bute PA20 9NG	25/11/201 2	O
Mrs Jane Saker	Norwood Kilchattan Bay Bute PA20 9NG	24/11/201 2	O
mr Ian Jardine	Novar Academy Road	28/11/201 2	O

	Rothsay G20 0BG			
Ms Barbara Crowhurst	Old Craigmore House 22 Craigmore Road Rothsay PA20 9LB	05/12/201 2	O	
Mr Roy Middleton	Old Craigmore House 22 Craigmore Road Rothsay PA20 9LB	05/12/201 2	O	
Mr A Macdonald	Oldhamstocks East Lothian TD13 5XN	10/12/201 2	O	
Mrs Mary Mills	Ormadale 55 Barone Road Rothsay PA20 ODZ	12/11/201 2	O	
Dr Emma Thomas	Popples Close Farm Edge Lane Heptonstall HX7 7PG	25/11/201 2	O	
Dr. Paul Thomas	Popples Heptonstall HX7 7PG	20/11/201 2	O	
Mrs Paula Henderson	Princess Street EDINBURGH EH3	22/01/201 3	O	
Miss Joanna Zimna	Przemyslowa 3/5 Lobez 73-150 POLAND	19/11/201 2	O	
Mr Neil pullen	Purley Farmhouse Chelworth Ind Est Cricklade SN6 6HE	13/11/201 2	O	
mrs sue thomas	R eaps farm glossop sk13 1jf	22/11/201 2	O	
Miss Grace Thomson	Red Thimbles Laurel bank Tunbridge Wells TN40DG	24/11/201 2	O	
Miss Anne Marie McAllister	Rockhill Ardencraig Road Rothsay 9LA	08/12/201 2	O	
Mrs Joan Kerr	Rockvale Kilchattan Bay Isle of Bute PA20	14/03/201 3	O	
Elizabeth Henderson	Rosemount Ascog	22/11/201 2	O	

	Isle Of Bute Argyll And Bute PA20 9ET		
Mr Mike Scott-Hayward	Sawmill House Kemback Bridge Cupar KY15 5TP	24/11/201 2	O
Mr Norman Foster	'Seal Lodge' ASCOG Isle of Bute PA20 9EU	14/11/201 2	O
Gail Foster	Seal Lodge Ascog Isle Of Bute PA20 9EU	30/11/201 2	O
Randal Walton	Sedgefield Ardencraig Road Rothesay Isle Of Bute PA20 9LA	29/11/201 2	O
Ms S Pumfrett	Smithy Croft Tulloch Inverurie AB51 0AG	24/11/201 2	O
Mrs Kay Gibson	South Park East, Shore Road Cove Helensburgh G84 0NU	17/11/201 2	O
Jeff And Marj Worrall	Springtide 8 Battery Place Rothesay Isle Of Bute Argyll And Bute PA20 9DP	22/11/201 2	O
Mrs Lorna Mitchell	ST NINIANS COTTAGE Straad, Isle of Bute Rothesay PA20 0QF	18/11/201 2	O
Mr James Mitchell	St Ninians Cottage Straad Rothesay PA20 0QF	15/11/201 2	O
Mrs Margaret Grey Shields	Stable Cottage Mount Stuart PA20 9LP	14/11/201 2	O
Irene Thomson	Stella Matutina Ascog Isle Of Bute PA20 9EU	29/11/201 2	O
Henry Thomson	Stella Matutina Ascog Isle Of Bute	22/11/201 2	O

	Argyll And Bute PA20 9EU			
Mr Mike Johansson	Stockholm Stockholm SS1	18/12/201 2	O	
Mr Sandy Palmer	Stockton House Oswestry SY11 4PA	14/11/201 2	O	
MR JAMES ALLEN	STONEWOLD WOODBIDGE DRIVE CAMBERLEY GU15 3TN Sunnyside 12	19/11/201 2	O	
Mr Steven Campbell	10 Argyle Place Isle Of Bute PA20 0BA	15/11/201 2	O	
Mr And Mrs PS Metcalfe	Taigh A Luana Lochavich Taynuilt Argyll And Bute PA35 1HJ	03/12/201 2	O	
Dr Ian Walton	The Beeches West Layton Richmond DL11 7PS	19/11/201 2	O	
Donald Kinnear	The Bungalow 1 Grosvenor Road Rothesay Isle Of Bute Argyll And Bute PA20 9LE	23/11/201 2	O	
Mr & Mrs Kenneth & Glenys Rudkin	The Cottage Allerby Aspatia Wigton CA7 2NL	26/11/201 2	O	
Mr Michael Kerr	The Cottage Rear of 4 Lion St Rye TN31 7LB	21/11/201 2	O	
Mr David Halford	The Cottage, Low St., East Drayton, Retford, DN22 0LN	21/11/201 2	O	
mrs diana smith	the garrochty kingarth isle of bute pa20 9lx	25/11/201 2	O	
Mr Shaun Watson	The Hay Loft Cottage Balmory Road Ascog, Isle of Bute PA20 9LL	19/11/201 2	O	

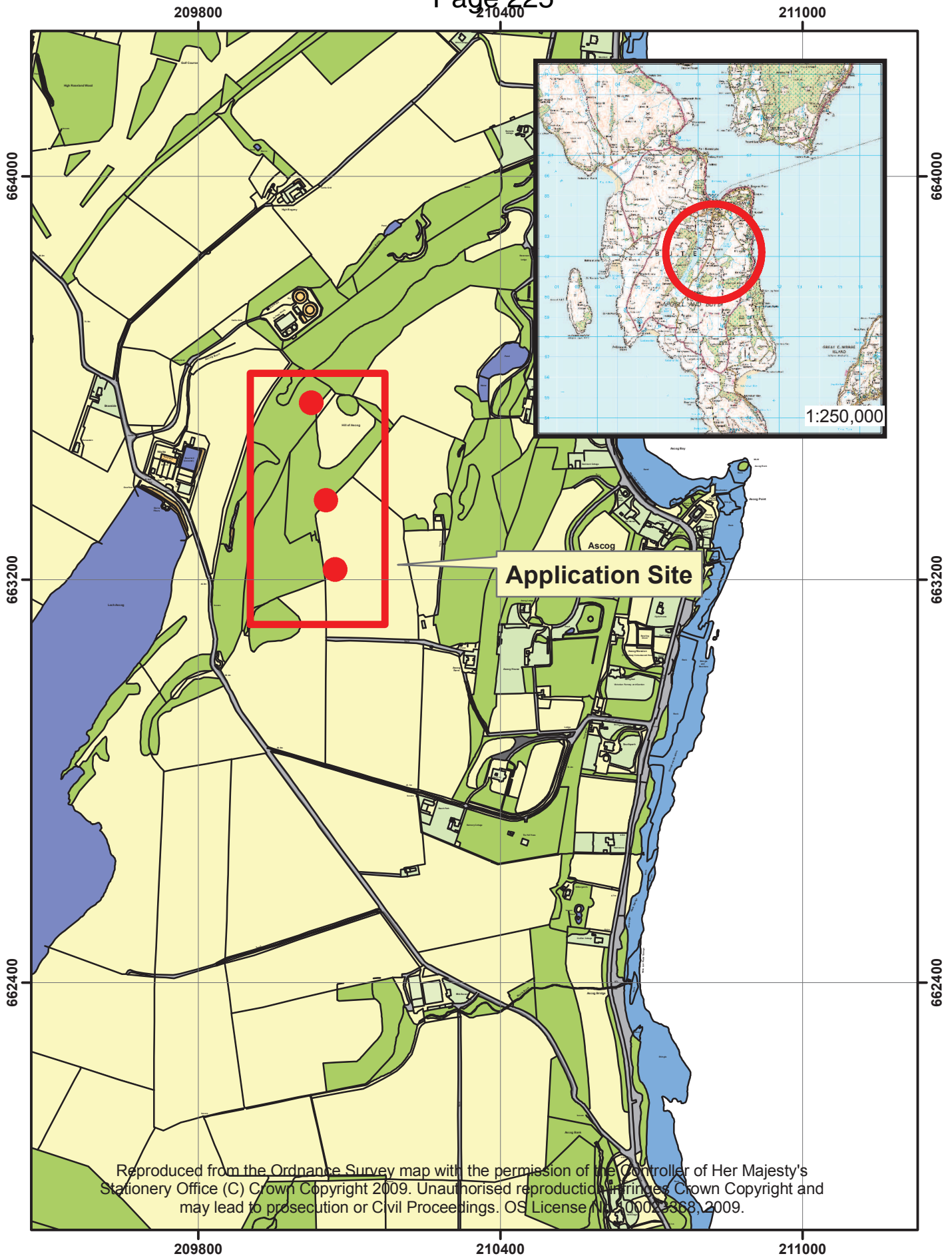
Mr Lennie Moffat	The Hermitage Ascog Isle of Bute PA20 9LN	14/11/201 2	O
Jean Moffat	The Hermitage Ascog Isle Of Bute PA20 9LN	21/11/201 2	O
Mr Tony Harrison	The Huf Haus Ascog Isle of Bute PA20 9LL	14/11/201 2	O
Mrs Beryl Harrison	The Huf Haus Ascog Isle of Bute PA20 9LL	15/11/201 2	O
Mr Simon Verdon	The Landmark Trust Shottesbrooke Maidenhead SL6 3SW	22/11/201 2	O
Bill Thomson	The Old House Of Orchil Braco Perthshire FK15 9LF	29/11/201 2	O
Ann Cowan	The Old Inn Fowlis Wester Crieff Perthshire PH7 3NL	28/11/201 2	O
Mr Stephen Thornton	The Old Manse 26 Argyle Place Rothesay PA20 0BA	20/11/201 2	O
Mr. George Shepherd	The Old Rectory Market Overton Oakham Rutland	13/11/201 2	O
Mr Peter LYNN	THE THRESHING BARN MAIN STREET HAYTON DN22 9LF	22/11/201 2	O
mr christopher hayward	The Wickets Cricket Field Lane Retford DN22 7LA	05/12/201 2	O
Mr Thomas Andrew Russell	Tigh Na Leven Tarbert Argyll PA29 6XX	03/01/201 3	O
Mr Paul McKay	Tigh-na-Ceol Kingarth Isle of Bute	15/11/201 2	O

	PA20 9NP			
Mr, Robert John Minshull	Timbersbrook House Tunstall Road Congleton CW12 3PW	18/11/201 2	O	
Iain Macfarlane	Tourism Resources Company 2 La Belle Place Glasgow G3 7LH	22/11/201 2	O	
Georgeann Martin	Tramore Serpentine Road Rothesay Isle Of Bute Argyll And Bute PA20 9HG	06/12/201 2	O	
Mr John Crompton	Ty Chwarel Tynygraig YSTRAD MEURIG SY25 6AE	20/11/201 2	O	
Agnes Dunbar	Tyrone Cottage Ascog Bute PA20 9EU	29/11/201 2	O	
Mrs. Jennifer Wilson-Stewart	Unit 3 - 14 Deveron Street Regent Whangarei, New Zealand 0112	17/11/201 2	O	
Mr Charles Pope	VINE FARM HENTON WELLS BA5 1PD	25/11/201 2	O	
Mr Robert Currie	WESTLAND FARM ROTHESAY BUTE PA20 0RA	18/11/201 2	O	
Mr Robert Currie jnr	Westlands Farm Isle of Bute Rothesay PA20 0RA	08/11/201 2	O	
Mr Timothy Stobart	Westwood Argyle Terrace Rothesay Isle Of Bute Argyll And Bute PA20 0BE	26/11/201 2	O	
Mr David Gray	21 Waverley Park Kirkintilloch Glasgow	07/05/201 3	O	

Mr Nigel Barclay	1 Montford Terrace	09/05/2013	O
	Rothsay		
	Isle of Bute		

NEITHER SUPPORT NOR OBJECTION

Mrs Kaz Molloy	10 The Terrace Ardbeg Road Rothsay PA20 0NP	21/11/2012	R
Mr Robert Forey	2/2 77 Montague Street Rothsay PA20 0HW	22/11/2012	R
Mick Common	Park Cottage Upper Quay St Port Bannatyne Bute PA20 0PN	22/11/2012	R



Location Plan relative to Application Ref:12/02202/PP

Date: 23.04.13

Scale: 1:10,000



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**Argyll and Bute Council
Development Services**

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: 12/02281/PP

Planning Hierarchy: Local Development

Applicant: Intelligent Land Investments Ltd

Proposal: Erection of wind turbine (225kW, 45.9m height to tip) with temporary access track and substation

Site Address: High Ugadale, Campbeltown

DECISION ROUTE**(i) Local Government Scotland Act 1973**

(A) THE APPLICATION**(i) Development Requiring Express Planning Permission**

- Erection of wind turbine (45.9m to blade tip);
- Formation of temporary access;
- Erection of substation.

(ii) Other specified operations

- Connection to 33kv overhead line.
-

(B) RECOMMENDATION:

It is recommended that the application is refused for the reasons stated below.

(C) HISTORY:

11/02094/PP - Erection of 225kw wind turbine (46.9 metres high to blade tip) and formation of temporary access track - Withdrawn

(D) CONSULTATIONS:

Area Roads Manager
Report dated 12/11/12

The Area Roads Manager requests that the decision is deferred as the proposed access point is outwith the site boundary and that the applicant has not provided sufficient detail as to the access route and how the turbine and associated plant will be transported to the site without damaging any road structures specifically Smerby Bridge, Ardnacross Bridge and Altnabeist Bridge. Problems with the bridges involve swept paths and ability to take the necessary loads.

Comment: The applicants have been asked to provide information to satisfy the Roads Engineers concerns about delivery access to the site, and in particular the implications for structures along the route. They have not provided the necessary details to date.

Scottish Natural Heritage

Letter dated 15/11/12

SNH raised no concerns about the application but did raise concerns over quality of the submission. The applicant has not provided methodology of the ecology walkover nor did they provide particularly quality landscape visual information. However, SNH have indicated that they agree with the findings of the ecological survey work and have suggested that further Black Grouse work be undertaken prior to the commencement of works.

Public Protection Unit

Memo dated 30/10/12

The nearest noise sensitive receptor is 990m away from the proposed turbine. The 35dB noise limit will be met at 420m. Therefore there are no objections.

NATS Safeguarding

Email dated 26/10/12

No objection.

Glasgow Prestwick Airport

Email dated 29/10/12

No objection.

Historic Scotland

Letter dated 01/11/12

Confirm that there will be no significant adverse effect on nearby listed buildings and scheduled monuments.

West of Scotland Archaeology Service (WoSAS)

Letter dated 23/11/12

No objection subject to a condition for a watching brief.

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20, closing date 23/11/12.

(F) REPRESENTATIONS:

Twelve letters of objection have been received from:

Mr Jonathan Hooper, Ugadale Cottage, East Coast, Campbeltown (23/11/12)

Mr William Crossan, Gowanbank, Kilkerran Road, Campbeltown (27/11/12)

Mr William Cowan, Oatfield House, Campbeltown, PA28 6PH (22/11/12)
Mr John Cowan, Oatfield House, Campbeltown, PA28 6PH (22/11/12)
Ms Lesley Cowan, Oatfield House, Campbeltown, PA28 6PH (22/11/12)
Ms Emma Rawson, Belhaven Hill School, Dunbar, EH42 1NN (22/11/12)
Mr George Cowan, Oatfield House, Campbeltown, PA28 6PH (22/11/12)
Dr Mairi Cowan, Oatfield House, Campbeltown, PA28 6PH (22/11/12)
Mr Alastair Robertson, Drumblade, Huntly, AB54 6ER (05/01/13)
Mr Alasdair Pace, 16 Allen Close, Shaw, Oldham, OL2 7BT (08/01/13)
Mrs Michele Seddon, Kilmaluag Cottage, Glenbarr, Tarbert (10/12/12)
Mr John Seddon, Kilmaluag Cottage, Glenbarr, Tarbert (10/12/12)

Summary of issues raised:

- Impact on the environment.

Comment: Environmental concerns have been assessed against relevant development plan policies. SNH and the Council's Public Protection Unit have not raised any objection or strong concerns. The environmental impacts are thoroughly assessed below.

- Wind energy is inefficient.

Comment: It is the Scottish Government's policy to encourage a range of renewable energy technologies, including wind energy. The efficiency, or otherwise, of these technologies is not a material planning consideration.

- Visual impact.

Comment: The turbine has been assessed against the Council's approved Landscape Wind Energy Capacity Study and visual consequences have been assessed in the light of photomontages produced by the applicants. Further assessment on landscape and visual impacts is provided below.

- The applicant has submitted a number of applications across Argyll.

Comment: This is not a material planning consideration.

- Impact on local bat population due to proximity to trees.

Comment: The applicant has submitted a habitat survey in support of the application and SNH has agreed with the findings.

- High levels of subsidies to support turbines.

Comment: This is not a material planning consideration.

- The applicant should be listed as the agent.

- *Comment: Intelligent Land Investments Ltd are the applicants and the Waterman Group is the agent. This is separate from the issue of land ownership. An individual can apply for planning permission on land they do not own subject to issuing the relevant owner notification certification.*
-

(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 e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc: | No |
-

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

'Argyll and Bute Structure Plan' 2002

STRAT DC 4 – Development in Rural Opportunity Areas
 STRAT DC 8 – Landscape and Development Control
 STRAT RE 1 – Wind Farm/Wind Turbine Development
 STRAT SI 1 – Sustainable Development
 STRAT RE 1 – Wind Farm/Wind Turbine Development

'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 9 - Development Impact on National Scenic Areas
 LP ENV 10 – Development Impact on Areas of Panoramic Quality
 LP BAD 1 – Bad Neighbour Development
 LP TRAN 4 – New and Existing Public Roads and Private Access Regimes
 LP REN 1 – Wind Farms and Wind Turbines

- (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.

The Town & Country Planning Act (Scotland) 1997
 The Planning etc. (Scotland) Act, 2006
 SPP, Scottish Planning Policy, 2010
 Argyll and Bute Landscape Wind Energy Capacity Study, 2012
 Scottish Government Advice Note on Onshore Wind Turbines 2012

(K)	Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:	Yes
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The Council has previously issued a Screening Opinion under Regulation 5 of the Environmental Impact (Scotland) Regulations 2011 to the effect that the development is not such as to require the submission of an Environmental Impact Assessment in support of any planning application.

(L)	Has the application been the subject of statutory pre-application consultation (PAC):	No
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(M)	Has a sustainability check list been submitted:	No
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(N)	Does the Council have an interest in the site:	No
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(O) Requirement for a hearing:

As the representation received is overwhelmingly against the proposal, if Members are minded to refuse permission in line with the recommendation, then a pre-determination hearing is unnecessary.

In the event that Members were minded to approve the application, officers would advise that the low volume of representation does not necessitate a pre-determination hearing. Whilst twelve representations might be considered to be a relatively high number within a rural area it is noted that of the letters which have been received do not relate to a significant portion of the local population as only one is from the immediate locality of the development site, a further nine relate to residents of the wider Kintyre peninsula and the remaining two from further afield within the UK.

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

The application site is located at High Ugadale, Kintyre just south of Saddell. The site is surrounded in part by mature woodland and the land rises up towards a plateau to the west and falls sharply down to the east. The B842 is to the east of the site. The site forms part of an agricultural holding and is on agricultural land. The proposal is for the erection of a 1 No. 45.9m high (blade tip) wind turbine with a generating capacity of 225kw to provide electricity to be exported to the national grid. The turbine is 32.2m to the hub with a rotor diameter of 27m. A small substation is also proposed.

The proposal is located within a Rural Area Opportunity (ROA) development control zone delineated by the 'Argyll and Bute Local Plan' 2009. It is subject to the effect of Policy LP REN1 which relates to turbines where the purpose of the development is to generate electricity to feed into the grid, rather than electricity to be predominantly consumed locally. This policy sets out criteria against which applications are to be assessed. The nearest third party sensitive receptor is over 900m away.

The site lies within landscape character type 20 (Rocky Mosaic) as identified by the Council's Landscape Wind Energy Capacity Study (WECS) with type 6 (Upland Forest Moor Mosaic) directly to the west. At 45.9m the turbine proposal is at the upper end of the small-medium typology (35 – 50m). The study considers that landscape sensitivity is *High/Medium* for the small-medium typology in this particular landscape character type with very limited opportunities for development, there are however better prospects for the small typology (20 – 35m) turbines. Whilst the current proposal is located well back from the coastal edge and close to the point of transition to upland character the turbine would be viewed within the context of a more complex landform and small walled improved pastures close to settlement (which provide a positive contrast with the extensive forestry). This more complex landform of interlocking hills and slopes forms a backdrop to the settled coastal landscape provides the backdrop to the settled coastal landscape and features prominently in views from roads and settlement. The turbine is to be located in an open in-bye field which is a Key Environmental Feature. This open in-bye-field is important to the setting and character of the rocky mosaic landscape character area.

The small scale nature of this contained, undulating landscape would make a turbine of the height proposed appear incongruous in scale, and where, notwithstanding its restricted visibility, its presence would produce a dominating effect on the small scale landscape features that characterise this particular area.

The turbine will have a significant presence in the landscape given it is considerably larger than other landscape features. It would provide an unwelcome focal point when travelling north along the B842, albeit over a short distance. Whilst travelling south there is an unfortunate view of the turbine hub which would appear overly large and incongruous over the tree line. Although the site is relatively well contained and there is potential for an appropriately scaled and sited wind turbine, the model proposed is disproportionate to the character of its surroundings and would impinge upon the intimate nature of this particular section of the landscape.

Access will be taken from the B842 with some improvements to land within the holding of the donor property. However, the Area Roads Manager has deferred decision given that the applicant has not provided sufficient information on the proposed transport arrangements for delivering the turbine parts and plant without damaging the public road. The applicants have been requested to provide a delivery route assessment but have failed to do so.

There have been 12 objections from third parties which are detailed below.

It is recommended that the application is refused given the negative impact the proposed turbine would have on the landscape. The turbine will provide an unfortunate focal point of disproportionate scale in a relatively complex and intimate area in terms of landscape character. The application is not consistent with the provisions of the adopted Local Plan specifically policies LP ENV 1, LP ENV 19 and LP REN 1. Nor is it consistent with the provisions of the approved Landscape Wind Energy Capacity Study (WECS).

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

Yes

(R) Reasons why planning permission should be refused

1. The proposal is to site a 45.9m high wind turbine within a relatively complex and intimate landscape type which the 'Argyll & Bute Landscape Wind Energy Capacity Study' considers to have 'high – medium' landscape sensitivity to the 'small-medium' typology assessed in the study. The LWECS identifies that small-medium typology turbines of between 35m and 50m will be difficult to assimilate in areas of smaller scale landform, with smaller scale patterns of land use, as they are likely to exert visual influence over wider landscape settings. The scale of the turbine proposed is at the upper end of this typology and would produce a focal point disproportionate to the scale of the landscape by virtue of its height, its rotor diameter and the motion of the blades. Development on this scale would detract from the landscape character of its immediate surroundings and its presence would impact adversely on the scenic qualities of the wider landscape designated as 'Area of Panoramic Quality'. The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected direct or indirect benefits which a development of this scale would make to the achievement of climate change related commitments. Having due regard to the above, it is considered that this proposal would have a significant adverse impact on landscape character, and would exert an unwelcome and inappropriate visual presence in the landscape as experienced by users of the B842, and would degrade designated scenic assets within the wider 'Area of Panoramic Quality'. It is therefore inconsistent with the provisions of the Scottish Planning Policy and Scottish Government's Specific Advice Sheet on Onshore Wind Farms; Policies STRAT SI 1: Sustainable Development; Policy STRAT DC 8: Landscape & Development Control; Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the 'Argyll & Bute Structure Plan' (approved 2002), to Policy LP ENV 1: Development Impact on the General Environment; LP ENV 10: Development Impact on Areas of Panoramic Quality; LP ENV 19 Development Setting, Layout and Design (including Appendix A Sustainable Siting and Design Principles) and LP REN 1 Wind Farms and Wind Turbines; of the 'Argyll & Bute Local Plan' (2009); and the 'Argyll & Bute Landscape Wind Energy Capacity Study' (2012).
2. The proposal will involve the conveyance of abnormal loads along the B842 a route which is sub-standard in width and alignment. The road infrastructure along this route is also subject to known deficiencies, including structural condition of the Smerby, Ardnacross and Altnbeist Bridges and it does not lend itself to movements of abnormal loads. In view of the geometry of the road, which does not lend itself to the swept path of large vehicles, there is the prospect of serious damage to these structures occasioned by collision as a result of the transportation of abnormal loads or the weight of construction vehicles, which would present a serious threat to continued accessibility by road, as the failure of either of these structures would be likely to precipitate closure of the route with the consequent isolation of Peninver, Saddell and Carradale from Campbeltown.

In the absence of any satisfactory mitigation being advanced for the risk presented to the route by the type of traffic associated with the proposal, the development does not benefit from an identified satisfactory means of access for either construction or for decommissioning purposes, contrary to the provisions of Policies LP TRAN 4: New and Existing, Public Roads and Private Access Regimes and LP TRAN 5: Off-Site Highway Improvements of the Argyll & Bute Local Plan.

(S) 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: David Love

Date: 2nd May 2013

Reviewing Officer: Peter Bain

Date: 2nd May 2013

**Angus Gilmour
Head of Planning and Regulatory Services**

GROUNDINGS OF REFUSAL RELATIVE TO APPLICATION REFERENCE 12/02281/PP

1. The proposal is to site a 45.9m high wind turbine within a relatively complex and intimate landscape type which the 'Argyll & Bute Landscape Wind Energy Capacity Study' considers to have 'high – medium' landscape sensitivity to the 'small-medium' typology assessed in the study. The LWECS identifies that small-medium typology turbines of between 35m and 50m will be difficult to assimilate in areas of smaller scale landform, with smaller scale patterns of land use, as they are likely to exert visual influence over wider landscape settings. The scale of the turbine proposed is at the upper end of this typology and would produce a focal point disproportionate to the scale of the landscape by virtue of its height, its rotor diameter and the motion of the blades. Development on this scale would detract from the landscape character of its immediate surroundings and its presence would impact adversely on the scenic qualities of the wider landscape designated as 'Area of Panoramic Quality'. The foregoing environmental considerations are of such magnitude that they cannot be reasonably offset by the projected direct or indirect benefits which a development of this scale would make to the achievement of climate change related commitments. Having due regard to the above, it is considered that this proposal would have a significant adverse impact on landscape character, and would exert an unwelcome and inappropriate visual presence in the landscape as experienced by users of the B842, and would degrade designated scenic assets within the wider 'Area of Panoramic Quality'. It is therefore inconsistent with the provisions of the Scottish Planning Policy and Scottish Government's Specific Advice Sheet on Onshore Wind Farms; Policies STRAT SI 1: Sustainable Development; Policy STRAT DC 8: Landscape & Development Control; Policy STRAT RE 1: Wind Farm/Wind Turbine Development of the 'Argyll & Bute Structure Plan' (approved 2002), to Policy LP ENV 1: Development Impact on the General Environment; LP ENV 10: Development Impact on Areas of Panoramic Quality; LP ENV 19 Development Setting, Layout and Design (including Appendix A Sustainable Siting and Design Principles) and LP REN 1 Wind Farms and Wind Turbines; of the 'Argyll & Bute Local Plan' (2009); and the 'Argyll & Bute Landscape Wind Energy Capacity Study' (2012).

2. The proposal will involve the conveyance of abnormal loads along the B842 a route which is sub-standard in width and alignment. The road infrastructure along this route is also subject to known deficiencies, including structural condition of the Smerby, Ardnacross and Altnbeist Bridges and it does not lend itself to movements of abnormal loads. In view of the geometry of the road, which does not lend itself to the swept path of large vehicles, there is the prospect of serious damage to these structures occasioned by collision as a result of the transportation of abnormal loads or the weight of construction vehicles, which would present a serious threat to continued accessibility by road, as the failure of either of these structures would be likely to precipitate closure of the route with the consequent isolation of Peninver, Saddell and Carradale from Campbeltown.

In the absence of any satisfactory mitigation being advanced for the risk presented to the route by the type of traffic associated with the proposal, the development does not benefit from an identified satisfactory means of access for either construction or for decommissioning purposes, contrary to the provisions of Policies LP TRAN 4: New and Existing, Public Roads and Private Access Regimes and LP TRAN 5: Off-Site Highway Improvements of the Argyll & Bute Local Plan.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 12/02281/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The proposal is for the erection of a 1 x 45.9m (blade tip) wind turbine with a generating capacity of 225kw to provide electricity to be exported to the national grid, rather than being predominantly consumed on the farm holding within which it is to be situated.

The proposal is located within a Rural Area Opportunity (ROA) development control zone as per the Argyll and Bute Local Plan 2009. Policy LP REN1 allows for the erection of wind turbines subject to assessment criteria being satisfied. This is assessed in detail below in section 'H'.

The ROA has been subject to a Landscape Capacity Study (LCS) and is referenced under map SK18. The steading known as High Ugadale has been identified as potentially suitable for housing development. This wind turbine would sit close to this site some 400m to the north. It should be noted that the planning authority has not received a submission for the development of High Ugadale, however this potential, in landscape capacity terms at least, is acknowledged within the LCS.

The steading and the extant planning permission are both outwith the noise and shadow flicker impact zones of the turbine therefore would not be be sterilised by the development of this turbine, although the turbine proposed would exert visual influence over this location.

B. Location, Nature and Design of Proposed Development

The turbine is 32.2m to the hub with a rotor diameter of 27m. A small 7m x 3m x 2.5m substation is also proposed. The proposal is located some 360m north west of an existing farm cluster at High Ugadale (these are currently unoccupied but within the same land holding as the application site) and approximately 2km south of the settlement of Saddell. The site lies centrally within a substantial, open field the boundaries of which are enclosed by coniferous woodland with the exception of to the south-west, with a backdrop of rising land to the north and west. The B842 is located 550m to the east of the site. The land slopes upward from the B842 toward the west. For contextual reference it should be noted that the proposed turbine is located on the 100m contour, the existing grouping of buildings at High Ugadale sit between the 70 and 80m contours and the B842 runs along the 50m contour as it passes the site. The site forms part of an agricultural holding and is on agricultural land.

The nearest third party sensitive receptor is over 900m away to the north-east known as The Old Sheep Fank which received planning permission in 2006 (reference 06/00821/DET). This property has a direct outlook across the site and toward an additional turbine further south at Ugadale, providing a cumulative visual impact across both turbines. This is the only property thus affected. A further property with a direct view of the turbine is approximately 1km from the site to the south. The rear of this property will look directly up towards the turbine site.

The proposed access track would run from High Ugadale Farm to the turbine and would be 5m wide. The applicant has stated that this can be grassed over at the request of the land owner or planning authority post-construction. The applicant has requested a micro-siting allowance of 10m.

C. Natural Environment

The turbine is located to the north-west of the farm buildings on rising land. There is a strip of coniferous trees which mask the base of the turbine tower from some views. This tree belt extends to almost all the way round the turbine site south, east and north east. These trees are within the same ownership as the turbine so there is potential to control the long-term retention of these trees, however they would be felled in due course as part of the cycle of felling and replanting. Further substantial coniferous plantation is located behind the turbine to the north and west. In the event that these trees were to be felled within the lifespan of the turbine (25-years) then the turbine would skyline from views from the road.

The turbine is located centrally within an existing agricultural field. Farmland in this area is generally used for grazing. A more appropriate position for any turbine would be to the edge of a field which limits the impact of the turbine on the operation of the farm and provides a less intrusive development in terms of visual impact. Given the proposed location out in the middle of the field, the access track would break across an undeveloped open area providing a significant visual impact on the slope in its own right.

G. Landscape Character

All proposals are assessed against Local Plan policy LP ENV1, in this instance in terms of landscape impact. According to the Council's Landscape Wind Energy Capacity Study (WECS) the site lies within landscape character type 20 (Rocky Mosaic) with type 6 (Upland Forest Moor Mosaic) lying directly to the west. The rocky mosaic landscape character is accorded '*high-medium*' sensitivity for small-medium scale turbines. The site is set back from the coastal area and is within an area of transition with the upland forest moor mosaic. The WECS does state that areas of transition with adjacent character types can prove less sensitive to turbine development. However, in this instance having regard to the scale of the landscape the turbine model proposed is simply too large for the location proposed.

The guidance for siting of small-medium turbines within Chapter 7 of the WECS sets out that "These turbines are larger than most buildings found in rural areas. They therefore should be sited where they can more readily be accommodated by landform scale, and avoid overshadowing or dominating smaller elements in the landscape, including small and complex landforms, small fields and any settlements". "These turbines are likely to be more difficult to accommodate in landscapes of intimate or complex topography associated with irregular outcrops and rocky knolls, along the floor or cultivated land in narrow glens, close to the small scale indented coast, along the settled coast, or where small landscape scale is created by small fields, diverse land use and complex or diverse settlement patterns." "This size of turbine is likely to be more readily accommodated in medium scale landscapes or the periphery of larger scale upland landscapes where they are more likely to fit with the landscape if they are sited to clearly relate to a specific land form. Turbines of this size could be accommodated on low hills or ridgelines which provide the immediate backdrop to the farmed areas, especially if they, too, are back-dropped by larger hills or more sweeping plateau."

In relation to the Rocky Mosaic landscape character area, the WECS sets out that "this character type usually follows an irregular narrow coastal or loch edge. The rolling landform of the landscape provides strong containment and the presence of small woodlands, fields and settlement reinforces its predominantly small scale. These loch shores and fringes make an important contribution to the wider scenic context, forming

an intricately patterned band between the foreground of sea or loch and backed by simple and more expansive upland landscapes.” In summary, the WECS cautions that the narrow width and small scale nature of landscape features and settlement within this landscape type are such that even smaller turbines could dominate its extent and adversely impact upon the perception of scale. Opportunities within this landscape type for small/medium typology turbines (35-50m) is identified to be where there is a more gradual transition with adjacent upland character areas which is less pronounced with a simpler landform and land cover able to accommodate turbine development with minimal impact on more sensitive settled loch and coastal edges.

Whilst the current proposal is located well back from the coastal edge and close to the point of transition to upland character the turbine would be viewed within the context of a more complex landform and small walled improved pastures close to settlement (which provide a positive contrast with the extensive forestry). This more complex landform of interlocking hills and slopes forms a backdrop to the settled coastal landscape provides the backdrop to the settled coastal landscape and features prominently in views from roads and settlement. The turbine is to be located in an open in-by field which is a Key Environmental Feature. This open in-by-field is important to the setting and character of the rocky mosaic landscape character area.

The small scale nature of this contained, undulating landscape would make a turbine of the height proposed appear incongruous in scale, and where, notwithstanding its restricted visibility, its presence would produce a dominating effect on the small scale landscape features that characterise this particular area.

The submitted ZTV demonstrates that this is a relatively well contained site, but from locations where the turbine would be visible it will result in a significant impact on the landscape, especially across longer views from the properties to the north east, south and the extant planning permission to the north east and short sections of the B842 public highway. Assessment of the submitted photomontages indicates that the proposal at 49.5m is for a turbine that is at the wrong end of the ‘small-medium’ scale. Given the proposed location out in the middle of the field, the access track would break across an undeveloped open area providing a significant visual impact on the slope in its own right. It is the assessment of officers that capacity in this particular landscape setting is restricted to a smaller scale turbine sited at the lower field edge, where it would be less elevated and more in scale with the landscape, and where it would also benefit from a visual association with the existing grouping of buildings at High Ugadale Farm.

The applicant has augmented the original submission with additional photomontages, however these have proven both unreliable in terms of both scale and position of the proposed development within the landscape. Indeed the most recent submission shows a turbine situated at the top of the field adjacent the tree line - this would be a material change to the existing application as it would be outwith the application site boundary. If the applicant wishes to pursue such an alternative site then a fresh application would be required.

There is an extant planning permission some 500m to the east of the site (reference 10/01322/PPP). This site will not be affected by noise or shadow flicker but it is worth noting that they will have a direct view of the turbine. The steading at High Ugadale is not easily noticed when travelling along the main road but on the approach to the steading the turbine will appear too far away to be properly associated with the steading and out of proportion. This element of the proposed siting of the turbine is not consistent with chapter 7 of the Council’s Landscape Wind Energy Capacity Study.

H. Renewable Energy Policy

The proposal is intended to sell the generated electricity to the national grid. Therefore the principle policy is adopted Local Plan policy LP REN1 which requires proposals to be assessed against the following criteria. In addition to this they must also be consistent with all other relevant development plan policies.

- Communities, settlements and their settings

The proposal is not adjacent to or within a settlement and will have little or no impact on the setting of Peninver given the topography and distance involved. Given the undulations of the road network it is unlikely that there will be significant long distance views and certainly none from the nearest settlement of Saddell which are limited given the undulating intervening topography. It should however be recognised that the proposal will be readily open to view and impact upon the visual amenity of a small number of existing dwellinghouses within the immediate locality of Ugadale.

- Areas and interests of nature conservation significant including local biodiversity, ecology and the water environment.

The turbine will not impact adversely on ecology or sites designated for ecological reasons as confirmed by SNH in their consultation response. However, concern has been raised over the possibility of impact on Black Grouse and further pre-construction work would be required in that regard.

- Landscape and townscape character, scenic quality and visual and general amenity.

Landscape and visual impacts are two of the primary determining factors in this case – specifically the scale and siting of the proposed turbine is considered to be contrary to the recommendations of the WECS and will result in an adverse impact upon landscape quality/visual amenity.

- Core paths, rights of way, or other important access routes.

The proposal will not infringe on any existing rights of way or pathways. Impact on the roads infrastructure is assessed below.

- Sites of historic or archaeological interest and their setting.

The proposal is not near any Listed Buildings or Scheduled Ancient Monuments as confirmed by Historic Scotland. WoSAS has asked for a watching brief planning condition to ensure the recording of any archaeological remains which may be present within the site.

- Telecommunications, transmitting and receiving systems.

There has been no objection from consultees to this aspect of the proposal.

- Important tourist facilities, attractions or routes.

The proposal is not adjacent to or near any tourist facilities but would be of significance in terms of users of the B842.

- Stability of peat deposits.

The proposal will not significantly impact on soils given the small area of ground disturbance for this single turbine.

Considering the above, and the further assessment below, the proposal is not consistent with Policy LP REN1.

I. Road Network, Parking and Associated Transport Matters.

The applicant has an agreement in place with the landowner to develop the turbine and therefore make use of the existing access. The applicant intends to use the road network including the private access track from the B842 to High Ugadale Farm and then to create a new track to the site. The submitted details indicate use of the B842 between Campbeltown and the development site.

The Area Roads Manager has deferred his recommendation on the basis that the applicant has not provided sufficient information relating to the transportation of turbine parts and plant to the site without damaging the public road. The public road is narrow and delivery of the turbine parts and crane would need to negotiate three bridges where the swept path and weight restrictions are currently raising concerns. These are:

- The Smerby Bridge which has high wing walls which retain the road. The walls are of a significant age and there are concerns that the load would damage this bridge;
- The Ardnacross Bridge where the swept path is very tight on the south of the bridge between walls. The Area Roads Manager is not confident that the accuracy of the OS map is suitable for the swept path analysis provided by the applicant. A survey should be carried out on this bridge for the avoidance of doubt. In addition where the overhang is above a drain the bank actually rises from the road. This may be an issue and needs to be assessed by the applicant;
- The Altnabeist Bridge where the carriageway widths between parapets is 3.25m, which is 0.136m less than the width of the vehicles required to provide all the necessary plant and components. Again this demonstrates a lack of accuracy in the applicants' submission and would indicate that the proposed access route is not feasible.

Further information has been requested from the applicant to demonstrate the suitability of the proposed access route to accommodate development traffic; however the applicant contends that access is achievable and has requested that demonstration of this be subject of a suspensive condition in the event that planning permission were to be granted. Officers have confirmed that such an approach would not be appropriate given that some of the solutions proposed may require planning permission in their own right or may not be achievable without causing irreparable damage to the public highway. Provision of access is a fundamental requirement of the development and as such the Planning Authority should not consider granting planning permission in a situation where these requirements are not reasonably capable of being met.

J. Infrastructure

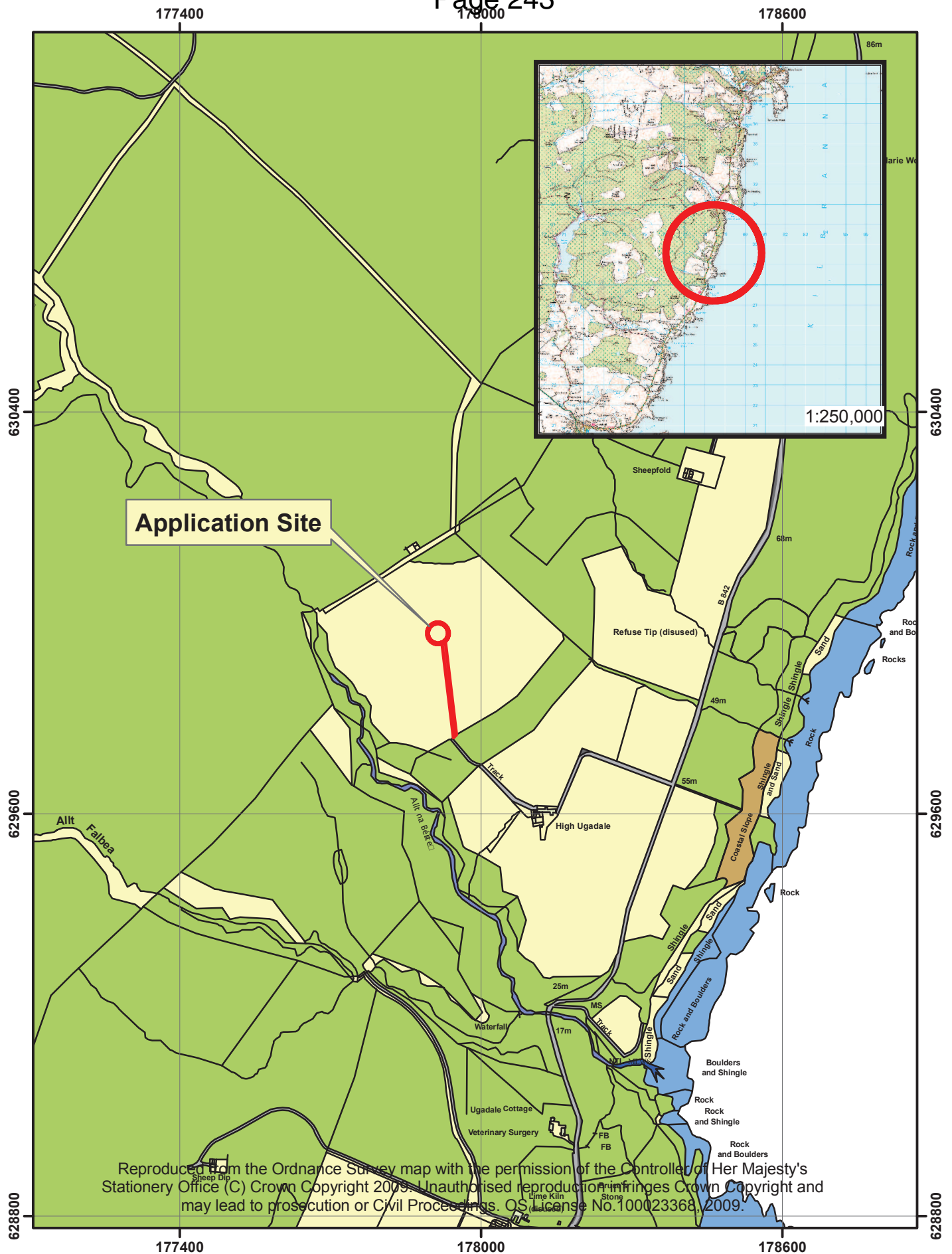
A sub-station is to be located to the south of turbine measuring 3m x 7m x 2.5m with a flat roof. This building will be fairly small but its positioning is likely to result in views

form some locations of an alien building in the landscape from Ugadale Point and the main road travelling north. There has been no mention of a borrow pit in the application, which in any event would require to be the subject of a separate application.

K. Conclusion

The applicant has previously been advised that this visually contained location would appear to have some potential to accommodate appropriately scaled and sited wind turbine development successfully. However, such advice was based upon limited information which did not allow a detailed assessment of the landscape and visual impact of a turbine of the scale now proposed. The application has not been accompanied by graphics of sufficient quality so as to enable ready assessment. The applicant has submitted several sets of photomontages. However, each has not been consistent with other sets of information. For example, the most recent set of submitted visuals show the turbine to be located at the top of the agricultural field, which does not accord with the application site plan, which shows the turbine to be in the middle of the field. Those photomontages which do show the turbine in the middle of the field do not appear to be consistent with the ZTV, which shows a far more visually contained turbine than the visuals. With this in mind, the quality of the application makes it unreliable to rely upon the graphics alone, so officers have reached their own conclusions based upon an appreciation of the site and its surroundings on the ground, supplemented by those elements of the applicants' documentation which appear credible. If we take those photomontages that tie in with the site plan, then those views from the south looking north (particularly photomontage 1) demonstrate a significant structure that is disproportionate to the character of the relatively small rolling part of this landscape character type. Views from the north looking south demonstrate a visible hub from the road which is out of context with the small scale hills and forestry. The conclusion has been that the turbine is inappropriately sited and is of a scale which impinges upon its landscape setting to the detriment of landscape character.

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Location Plan relative to Application Ref: 12/02281/PP

Date: 23.04.13

Scale: 1:10,000



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**Argyll and Bute Council
Development & Infrastructure Services**

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: 12/02766/PP
Planning Hierarchy: Local
Applicant: The General Trustees of the Church of Scotland
Proposal: Erection of residential development comprising 11 dwellinghouses (6 affordable), installation of treatment plan and associated vehicular accesses.
Site Address: Land South West of Ardfern House, Ardfern

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of 11 dwelling houses including 6 affordable units
- Formation of access points
- Formation of public footpath
- Installation of private foul water treatment plant

(ii) Other specified operations

- Connection to Scottish Water supply network
 - Planting and landscaping
-

(B) RECOMMENDATION:

It is recommended that planning permission be refused for the reasons appended to this report; Members are however advised, in light of the volume of third party representation both in support and opposition to the current application, that prior to considering this matter it would be appropriate to convene a pre-determination hearing.

(C) CONSULTATIONS:

Area Roads Manager (15.02.13) – No objections subject to conditions.

Environmental Health (23.01.13) – No objections.

Biodiversity Officer (04.03.13) – No objections subject to conditions.

Scottish Water (22.01.13) – No objections.

SEPA (18.01.13) – No objections.

Craignish Community Council (30.01.13) – Object to the application on the basis that the proposal is contrary to both the adopted Development Plan and Craignish Community Plan.

Whilst CCC recognise the demand for affordable housing within Craignish and that plans to develop social housing on the Glebe are supported it is noted that this PDA designation was initially removed from the current Local Plan at Public Inquiry stage and only reinstated following lobbying by CCC and 110 local residents who demanded it be restored to the Local Plan with the provisos that the PDA be for 100% affordability and must be utilised to meet housing need within the Craignish Community.

Specifically CCC view the current application as a means of achieving the maximum financial gain for the land owner and consider it unacceptable that the Local Plan and Community Plan should be disregarded to this extent purely for financial gain, regardless of whether the beneficiary is the Church of Scotland or a commercial developer.

CCC also object on the basis that the provisions of the Local Plan would seek to ensure that the development of Housing Allocations is completed prior to considering approval of development within a Potential Development Area.

Comment: For the purpose of clarity it is noted that the adopted Local Plan does not include provisions which would preclude consideration of Potential Development Areas in advance of Housing Allocations within the locality. It is noted that such provisions were included within earlier drafts of the Argyll and Bute Local Plan but were subsequently removed prior to its adoption in 2009.

(D) HISTORY:

None relevant to the current application.

(E) PUBLICITY:

The proposal has been advertised in terms of site notice as the site is within the setting of a listed building and also in the local newspaper because it has the potential to impact on a listed building, closing dates 08/02/13.

(F) REPRESENTATIONS:

(i) Representations received from:

There have been 122 representations of which 84 are in support and 37 are objections – these are listed in Appendix B attached to this report.

The supporting representations include comment from Cllr D. Philand.

(ii) Summary of issues raised:

Support:

- A proportion of letters of support come from individuals and families (and their relatives/friends) advising of their urgent requirement for affordable housing provision locally and the consequences of previous failure to deliver this provision within Craignish, including families who have been forced to reside in substandard residential accommodation and/or relocate outwith the Craignish area to access affordable housing.
- That whilst it would have been preferable that the current application sought consent solely for affordable housing development it is contended that the proposed mix of private and social housing should be viewed favourably as a necessary compromise given the urgent requirement for affordable housing provision at this time.
- It is stated that there has been no affordable housing provision within Craignish for some fifty years and that the current development is long overdue.
- That it is unthinkable that Craignish should pass up the current opportunity to deliver a fully funded affordable housing development particularly given that no guarantee can be provided if or when affordable housing development will materialise within the Housing Allocation (or elsewhere) in Ardfarn.
- That funds raised from sale of private house plots and land to Fyne Homes is to be ring-fenced and will be retained with the interest providing continuing support for Ministry in the Parish.
- That the General Trustees of the Church of Scotland have already committed to a significant amount of expenditure of some £20,000 in relation to progressing the current application.
- It is contended that Craignish Community Council have been aware of the current proposals since January 2012 but have subsequently not engaged with the local community in the design process until November 2012 where they brought forward alternative proposals.
- It is acknowledged that the Church of Scotland are facilitating the development of the Glebe by offering the site for £10,000, a value which is considered to be significantly lower than would be commanded for the site on the open market.

Objections:

Concerns in Relation to Location, Siting and Design of Development:

- Proposal is outwith the village and represents linear, ribbon development which should be avoided.
- Development along the lagoon should be avoided to maintain character of Ardfarn.
- The design of the housing is not of good quality and not making use of

renewable energy technologies.

- The proposal is not consistent with the Argyll and Bute Council Sustainable Design Guide.
- The proposal does not provide open space.

Comment: It is noted that the application site lies within the settlement area for Ardfern wherein the provisions of policies STRAT DC 1 and LP HOU 1 are generally supportive of up to and including 'medium' scale residential development. The merits of the proposal are addressed in detail in Appendix A below.

Concerns Relating to the Principle Of/Demand For the Development:

- The site is not consistent with the provisions of the Craignish Community Plan which forms supplementary planning guidance to the adopted Local Plan given that the allocation is for 100% affordable housing provision.
- The Church of Scotland stands to make considerable financial gain whereas the original proposal was to provide affordable housing. No financial benefit to the community has been demonstrated nor will the funds required for repairs to the church be raised through this development.
- There is no evidence to suggest that further affordable housing is required given existing permissions and allocated funding elsewhere in the area.
- There is no further need for private housing in Ardfern.
- The private plots are likely to become empty second homes for non-residents.

Comment: A requirement for local provision of housing, including affordable housing, is identified in the adopted Local Plan and the Argyll and Bute Housing Need and Demand Assessment (HNDA). The inclusion of private housing within the development is considered to be a minor departure to the provisions of the Development Plan, the relevant policy considerations and materiality of other factors which should be taken into consideration on the assessment of this application are discussed in detail in Appendix A below.

- The affordable housing should be completed at the same time as the private element.

Comment: It is noted that had Officers been in a position to recommend that planning permission be approved such recommendation would have been accompanied by a condition requirement that the affordable housing development is completed in advance of private housing development commencing – such a requirement being viewed as necessary to ensure delivery of the affordable housing.

- The approved development at Upper Soroba should be delivered before

any other housing sites as this also provides for affordable housing.

Comment: It is noted that the provisions of the adopted Local Plan do not preclude consideration of development within a PDA in advance of local Housing Allocations being completed/taken up.

- The proposal will not be guaranteed to provide housing for local people.

Comment: Affordable housing within the development would be built and managed by Fyne Homes with housing assigned in accordance with their allocation policy.

Concerns relating to Development Impact Upon the Historic Environment:

- The design will have an adverse impact on the setting of listed buildings the Craignish Parish Church and associated manse.
- The site could be of archaeological interest.

Comment: The application site is not located within an archaeological trigger area. The impact of the development upon the setting of the historic built environment is set out in Appendix A of this report.

Concerns relating to Development Impact Upon the Natural Environment:

- Impact on trees behind the site by the proposed through access to Upper Glebe.
- Impacts on wildlife tourism.
- Impact on the sites' ecology and specifically nearby otter holts.
- Sewage discharge will pollute the lagoon.
- The proposed SuDS outfall is regularly covered in salt water.

Comment: Neither the SEPA or the Council's biodiversity officer have raised objection to the proposal. The acceptability of foul and surface water drainage arrangements are subject to further regulation by Building Standards and SEPA.

Road Safety Concerns:

- The increase in traffic movements will have an adverse effect on pedestrian safety as there is no pavement proposed for the single track road.
- The access point for the furthest house will not achieve the required visibility splays.
- Adverse impact on the local road infrastructure from construction traffic.

Comment: The Council's Roads Manager has not raised objection to the proposal subject to imposition of planning conditions requiring upgrade of

the public highway, provision of footpaths and parking/turning arrangements which are commensurate to the scale of development proposed. Such provisions would also include for a requirement for the developer to make good any damage incurred to the public highway as a result of development operations.

Impact Upon Residential Amenity:

- Affordable housing proposals tend to raise anti-social behaviour and bring in people from outside the area and there is no community control.

Comment: This is not a material planning consideration.

- Adverse impact on neighbours from the construction period.

Comment: The impacts arising from construction of a development are temporary and short term in nature and as such not normally considered to be a material planning consideration. In this instance the construction of the development is not anticipated to give rise to any exceptional activities which require assessment in themselves and as such would be adequately controlled by the provisions of the Environmental Protection Act.

(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 |

The current application is accompanied by a Planning Statement and a Housing Design and Access Statement which, in summary, set out the following matters in support of the proposal (the full document is available to view via the public access section of the Council's website).

Planning Statement:

- It is confirmed that Fyne Homes will construct the affordable housing element of the scheme. This element of the development will be funded primarily through the Council's Rural Housing Development Fund (RHDF) and partly by means of a cross-subsidy from the private housing. The affordable homes will be constructed immediately.
- Fyne Homes currently allocate all of their properties via a common

policy as part of HOME Argyll, Argyll and Bute's Common Housing Register. The policy awards points to applicants according to their housing need and specifically does not take into account local connection as this is not allowed under the prevailing legislation. However, Fyne Homes do have a section in their own allocation policy which refers to the creation of balanced and sustainable communities and will be looking to make a case for a Local Lettings Initiative in these particular circumstances.

- Up until now the principle issue preventing delivery of affordable housing in Ardfern has been the ability to raise sufficient funding to acquire land at an open market value in addition to raising the capital necessary to service the site and construct the affordable houses. The Council's RHDF is providing £688,450 toward the overall development costs however this in itself is not sufficient to allow Fyne Homes to acquire the land and meet other development costs. In this respect the Church of Scotland in addition to agreeing to release the land well below its open market price for a sum of £10,000 have also funded the development costs of the design and application process by direct contribution of some £20,000.
- The monies which would be released by sale of private house plots will be invested on behalf of the Craignish Parish congregation with the resultant income used to support the ministry and Parish in perpetuity. Some of these funds will also be released for material works including repair, maintenance and improvement to church buildings and halls etc.

Housing Design and Access Statement:

- Identifies that the site demands a design approach which is sensitive to the shape and scale of Ardfern village and which respects the proximity of the foreshore and escarpment behind.
- Identifies a requirement to maintain a means of agricultural access from the B8002 across the site to the Upper Glebe.
- Identifies that the linear nature of the site makes it important to limit the appearance of ribbon development. It is intended to achieve this by varying the aspect of the houses with some gable-on and others aligned with the shoreline. Both of these approaches are seen as complimentary and have their origins in traditional planned village design.
- The affordable housing element shall comprise two terraces located at the village end of the site; the private housing shall occupy the southernmost half of the site and represent a less dense aspect of the development.
- All houses have private gardens to front and rear. The affordable houses will be provided with a mix of cottage flats and terraced units, all access from the rear to maximise the amenity of the front gardens areas and meet access requirements.

- Both affordable and private house types have been developed using a shallow plan form. Where the houses are aligned with the shoreline this helps to minimise excavation of the sloping site below the escarpment and maximises the options for south-facing living rooms, passive solar gain and views of the loch.
- Houses are designed with thick walls to accommodate high levels of insulation and have smaller windows to north facing elevations to minimise heat loss. Entrances are positioned either on the sheltered side of the buildings or are provided with draught lobbies. The proposal shows an external treatment of white drydash render to walls, slate grey cement roof tile, white timber facias, white uPVC windows and black uPVC rainwater goods. The same palette of materials is proposed for both private and affordable house types to achieve a coherence of design across development but with differences of detail.
- Notwithstanding pre-application discussion with the Council's Roads Dept who identified a requirement for carriageway widening works and footpath provision, it is contended that the rural location suggests that pedestrian safety may be better served by alternatives to a separate footpath since there is none through the rest of the village. The proposals show a series of refuge bays positioned on the shore side of the road midway between vehicle access points. These provide additional places where vehicles can pass pedestrians safely and will also serve as bus pick-up and drop off points. The road would be widened on the shore side of the road where necessary to achieve the stated minimum road width.

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

(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 8 – Landscape and Development Control
STRAT DC 9 – Historic Environment and Development Control
STRAT DC 10 – Flooding and Land Erosion

'Argyll and Bute Local Plan' 2009

LP ENV 1 – Impact on the General Environment
LP ENV 7 – Impact on Tree/Woodland
LP ENV 10 – Impact on Areas of Panoramic Quality (APQs)
LP ENV 12 – Water Quality and Environment
LP ENV 13a – Development Impact on Listed Buildings
LP ENV 19 – Development Setting, Layout and Design

LP CST 1 – Coastal Development on the Developed Coast

LP BAD 1 – Bad Neighbour Development

LP HOU 1 – General Housing Development
LP HOU 2 – Provision of Housing to Meet Local Needs including Affordable Housing Provision
LP HOU 3 – Special Needs Access Provision in Housing Developments

LP SERV 1 – Private Sewage Treatment Plants and Wastewater Systems
LP SERV 2 – Incorporation of Natural Features/Sustainable Drainage Systems
LP SERV 3 – Drainage Impact Assessment (DIA)
LP SERV 4 – Water Supply
LP SERV 5 – Waste Related Development and Waste Management Sites
LP SERV 8 – Flooding and Land Erosion – The Risk Framework for Development

LP TRAN 1 – Public Access and Rights of Way
LP TRAN 2 – Development and Public Transport Accessibility
LP TRAN 3 – Special Needs Access Provision
LP TRAN 4 – New and Existing Public Roads and Private Access Regimes
LP TRAN 5 – Off-site Highway Improvements
LP TRAN 6 – Vehicle Parking Provision

LP PG 1 – Planning Gain
LP DEP 1 – Departures to the Development Plan

P/PDA 1 – The Proposed Potential Development Areas

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.**

- Scottish Planning Policy 2010

- Craignish Community Plan Feb 2012
- ABC Sustainable Design Guidance
- Argyll and Bute Housing Need and Demand Assessment
- Third Party Representation
- 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 until 29th April 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): Yes

Members are advised that it would be appropriate to convene a pre-determination hearing having regard to the significant volume of third party representation both in support and objection to the current application.

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

The application site is located within the settlement area for Ardfarn and Potential Development Area PDA 12/80 wherein the Local Plan sets out an aspiration of delivery of high density residential development of 100% affordable housing and open space.

The current application seeks planning permission for eleven dwelling units comprising a mix of six affordable units in two blocks and five detached dwellinghouses and as such would be contrary to the aspirations of PDA 12/80 as expressed in the Local Plan and the Craignish Community Plan. However, the overriding demand for social housing provision within Craignish is such that material weight should be given to the circumstances of the application in so far as the affordable housing element of the development is fully funded and capable of being delivered immediately.

However, the massing, design and layout of the proposed development is considered to be poor in so far as it fails to pay sufficient regard to the sensitive setting of the

development or the existing built environment. In this respect the predominantly two storey scale and substantial massing of buildings within the development are considered to be overtly suburban in comparison to the essentially rural character of this location. In particular, the affordable housing element is bland and lacks sufficient architectural interest or detailing within its design, this is particularly reflective in the elements of excessive, featureless roofscapes and principle elevations of the affordable housing, and as a consequence will give rise to a significant adverse impact upon the local built environment and the key landscape qualities of an area recognised for its scenic qualities.

Notwithstanding the financial pressures which are known to prevail upon delivery of affordable housing it is not accepted that this would justify acceptance of a development which would otherwise cause significant harm to the visual amenity of the locale and consequently the proposal is considered to be contrary to the provisions of policies STRAT DC 1, STRAT DC 8, LP ENV 10, LP ENV 19 and LP HOU 1.

Furthermore, the proposed development has potential to adversely impact upon adjoining areas of woodland which are important features within the local landscape setting. The application as submitted provides insufficient information to allow an assessment of these potential impacts and the proposal is consequently considered to be contrary to the provisions of LP ENV 7.

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

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

The proposal, by virtue of a lack of appropriate open space provision and excessive linear form, predominantly two storey design emphasis, excessive mass and elements of utilitarian design is considered to be overtly suburban in appearance and has insufficient regard to its sensitive location within the Knapdale/Melfort Area of Panoramic Quality on the edge of the Ardfert 'settlement area'. The proposal would result in 'ribbon' type development of substantially larger building mass and proportion than the existing dispersed residential properties at Barfad and incorporating elements of inappropriate design (e.g. Substantial expanses of unbroken featureless roof scape and continuous, bland principle building elevations which lack traditional architectural detail or interest) rendering it incompatible with the essentially rural character and appearance of this edge of settlement location and is consequently contrary to the advice set out within the Council's published Sustainable Design Guidance. The development would appear as a prominent and incongruous extension to the Ardfert settlement area which would have a significant adverse effect locally upon the landscape quality of the Knapdale/Melfort Area of Panoramic Quality. The proposal is therefore considered to be contrary to the provisions of STRAT DC 1, STRAT DC 8, LP ENV 10 and LP ENV 19 of the Development Plan.

The development has potential to impact upon areas of woodland which adjoin the application site and which are in themselves key features of the local landscape setting and historic built environment. In the absence of sufficient information to allow a detailed assessment of these potential impacts of the development, the proposal is considered to be contrary to the provisions of LP ENV 7 of the Development Plan.

(S) 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: 3rd May 2013

Reviewing Officer:

Date:

Angus Gilmour
Head of Planning & Regulatory Services

REASONS FOR REFUSAL RELATIVE TO APPLICATION REF. NO. 12/02766/PP

1. The proposal, by virtue of a lack of appropriate open space provision and excessive linear form, predominantly two storey design emphasis, excessive mass and elements of utilitarian design is considered to be overtly suburban in appearance and has insufficient regard to its sensitive location within the Knapdale/Melfort Area of Panoramic Quality on the edge of the Ardfert 'settlement area'. The proposal would result in 'ribbon' type development of substantially larger building mass and proportion than the existing dispersed residential properties at Barfad and incorporating elements of inappropriate design (e.g. Substantial expanses of unbroken featureless roof scape and continuous, bland principle building elevations which lack traditional architectural detail or interest) rendering it incompatible with the essentially rural character and appearance of this edge of settlement location and is consequently contrary to the advice set out within the Council's published Sustainable Design Guidance. The development would appear as a prominent and incongruous extension to the Ardfert settlement area which would have a significant adverse effect locally upon the landscape quality of the Knapdale/Melfort Area of Panoramic Quality. The proposal is therefore considered to be contrary to the provisions of STRAT DC 1, STRAT DC 8, LP ENV 10 and LP ENV 19 of the Development Plan.
2. The development has potential to impact upon areas of woodland which adjoin the application site and which are in themselves key features of the local landscape setting and historic built environment. In the absence of sufficient information to allow a detailed assessment of these potential impacts of the development the proposal is considered to be contrary to the provisions of LP ENV 7 of the Development Plan.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 12/02766/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The application site lies within the 'settlement area' for Ardfern wherein the provisions of policies STRAT DC 1 and LP HOU 1 set out a general presumption in favour of up to and including 'medium scale' residential development (between 6 and 30 units) on appropriate locations and subject to compliance with all other relevant provisions of the Development Plan.

Furthermore, the application site relates to the extent of Potential Development Area PDA 12/80 identified in the adopted Local Plan for a combination of high density affordable housing provision (100%) and community open space.

These aspirational provisions of the PDA designation within the adopted Local Plan are further endorsed in the Craignish Community Plan 2012 which supports development of PDA 12/80 for high density affordable housing and public open space – aspirations for open space provision are further expressed in identification of part of the site as one of five potential locations within Ardfern for provision of a small public green.

The provisions of the proposed Argyll and Bute Local Development Plan re-state the Council's aspiration for delivery of 100% high density affordable housing and open space within PDA 12/80.

The current proposal seeks planning permission for erection of eleven dwellings comprising of six affordable units within a terraced development and five substantial private dwellings. The inclusion of any private housing development within PDA 12/80 represents a departure to the provisions of the Development Plan.

B. Location, Nature and Design of Proposed Development

The provisions of policy LP ENV 19 sets out that the Council will require developers to produce and execute a high standard of appropriate design in accordance with the design principles set out in Appendix A of the Local Plan and the Council's Sustainable Design Guidance in respect of development setting, layout, density and design.

The current application relates to the extent of PDA 12/80, a site of almost 1ha located between the extent of existing development on the south-western boundary of Ardfern and the existing cluster of dispersed residential development around Barfad. The application site is a narrow strip of land on the landward side of the single track B8002 public highway enclosed to the north-west by a steep, wooded escarpment and with an open aspect to Loch Craignish across a narrow strip of foreshore on the opposite side of the public highway. The extent of the application site is such that it adjoins the ground associated within Ardfern House in the north and the existing dwelling, Traighmhor, in the south, in this respect the development of the Glebe will result in the loss of the only significant area of undeveloped open space and between existing properties at Barfad and Craignish Parish Church.

The proposal seeks planning permission for the erection of eleven dwellinghouses comprising of six affordable and five private dwellings. The submitted details show a linear layout in two loose nodes, a group of five substantial, detached dwellinghouses within the southern half of the site with the affordable housing element to be provided within two substantial blocks located toward the northern end. Whilst the Local Plan sets out that 'ribbon' type development should be avoided it has to be acknowledged at the outset that the physical characteristics and topographical containment of the current application site combined with the requirement within the Local Plan for 'high' density development predicate a linear arrangement of buildings. It is similarly acknowledged however that the provision within the Local Plan for open space provision offers considerable scope to mitigate against the undesirable effects of ribbon type development. It is however considered that the development layout as proposed fails to include for provision of any significant element of open space along the road frontage to sufficiently mitigate for this effect. It is however advised that a significant area of open space could readily be provided for by amendment of the existing layout to delete private housing plot 1 to create a substantial landscaped area between the affordable housing and northern limits of the private housing to emphasise a degree of separation between the two nodes, preventing a continual run of development along the roadside and assisting in the integration of the development into the wider landscape setting.

Affordable Housing:

The affordable housing is to be provided within two blocks of three units with each comprising two, two bedroom cottage flats and one three bedroom terrace type dwelling. The two blocks are identical in design and finish with the exception of being handed. Each block is two storeys in height with traditional gable ends and a rectangular footprint providing for an unbroken 21m long road facing principle elevation and roofscape; the rear elevation of the building is interrupted to provide for a stairwell to the upper floor flat. It is intended to finish the external walls in white dry dash render, the roof covering in dark grey cement tile with white uPVC window and door units and black uPVC rainwater goods.

Vehicular and pedestrian access to the affordable housing development shall be via a single new connection to the B8002 with a shared parking court located between and partially in front of the two blocks with private garden areas provided adjoining each of the properties. The proposed parking layout includes some parking in front of both blocks which increases the prominence of the large parking area and in turn adds to the urban character of the development. The proposals do not give rise to privacy or amenity concerns in relation to their layout and provision of private curtilage.

The two storey design and unbroken, 21m long frontage and roofline of each block provides for a building of significant mass and bland design with little in the manner of architectural design interest which is overtly urban and utilitarian in appearance and consequently both out of scale and character with that of existing development within the locality and the rural setting of the application site.

Whilst it is acknowledged by Officers that the development is subject to tight financial constraints, it is not accepted that this provides sufficient excuse to merit approval of poor quality design which will give rise to significant harm to the character and appearance of the locale. The applicant has been advised to revisit the design of the affordable housing element with a view to adding architectural detail and breaking up the mass of these considerable buildings, suggestions which have been put forward include stepping building frontages and ridgelines, introducing dormers, window/door

bands, considering a variation of finishes and amendment of the proposal to provide entirely for terraced housing rather than flatted properties.

It is noted that the applicant has responded to this requirement and has informally tabled amended plans which would appear likely to satisfactorily address the concerns expressed by Officers (submission dated 1st May 2013) in relation to design, massing and layout. These details are however considered to cumulatively be a material amendment of the design and layout of the current submission and as such are unable to be considered within the confines of determining the current application. Whilst the applicant has been advised to make a fresh application to address this procedural requirement and allow consideration of their much improved design for affordable housing they have to date declined to do so.

Private Housing:

The private houses are approximately evenly spread across half the useable area of the site within substantial plots commensurate with existing private houses at Barfad to the immediate south of this edge of settlement location. These two and 1 ¾ storey houses are generally in the same style with a large rectangular main block with traditional gable ends and various single storey wings. They make use of pitched dormers, garages, porches etc. Materials are proposed as white dry dash render, dark grey cement tiles and white plastic windows and doors, the intention being to provide a degree of cohesion with that of the affordable housing element. Plots 1 and 4 are gable to the B8002 public road whilst plots 2, 3 and 5 are front facing to the road.

Development within the southern portion of the application site would be viewed as a point of transition between existing low density development at Barfad and the high density of the intended affordable housing development within the northern part of the PDA. The private house plots are commensurate in size with other plots in the village edge. However, the general scale and mass of the proposed houses are not. Edge of village houses tend to be more single and single and a half storey units set within large plots lowering the overall density of the rural area. Although the proposed houses do incorporate some traditional elements such as gables, dormers and chimneys their mass is too large in comparison with that of existing development and should be scaled down. It is considered that notwithstanding the inclusion of traditional design elements, the proposed substantial two storey detached properties will again appear to be significantly larger in scale than that of existing detached residential development to the south at Barfad and as such does not pay sufficient regard to the sensitive site location.

Notwithstanding the general policy presumption against private housing development within PDA 12/80, it is the consideration of Officers that the design and layout of this element of the development could be substantially improved. In particular has been suggested to the applicant that it would be appropriate to delete plot 1 to provide a significant undeveloped, landscaped area between the private and affordable housing to mitigate against the effects of ribbon development and assist with the assimilation of development within this rural setting - the position of the open space being predicated by the applicant's requirement to form an agricultural access at the mid-point of the site rather than any intention to segregate private housing from affordable. The applicant has also been advised that the private housing development would benefit from a reduction in the overall scale and mass of buildings with a mix of single and one and a half storey properties being deemed to be more appropriate to this edge of settlement location and that of existing, adjoining development at Barfad, than the proposed two storey dwellings. It has also been

suggested that the applicant seek to stagger the building line as far as site topography will allow and to provide sufficient open space to allow landscape planting between properties.

It is noted that the applicant has sought to respond to Officers concerns in respect of the private housing element and has informally tabled amended plans providing for the reconfiguration of these buildings with relocation of single storey elements to the rear to minimise the road facing mass of buildings and relocation and reduction of plot boundaries to locate plot 1 further to the south and provide an enhanced area of open space. Whilst these proposed amendments have been received favourably by Officers it is again noted that they do not fully address the concerns expressed in respect of the scale and massing of the private housing element and in any event are cumulatively considered to be a material amendment of the design and layout of the current submission and as such are unable to be considered within the confines of determining the current application. Whilst the applicant has been advised to make a fresh application to address this procedural requirement and allow consideration of their much improved design and layout for private housing they have to date declined to do so.

Summary:

Overall, both the affordable and private housing elements are considered to be of inappropriate scale and massing and design having regard to this sensitive rural location and the guidance contained within the Council's Sustainable Design Guide; consequently the proposal is consequently considered to be contrary to the provisions of STRAT DC 1, LP HOU 1 and LP ENV 19 of the adopted Local Plan.

C. Built Environment

The northern most affordable housing block lies some 50m to the west of Craignish Parish Church and 100m to the south of Ardfarn House, both of which are category B listed buildings.

Craignish Parish Church sits on the opposite side of the B8002 public highway and is partially screened from view on the southern approach to the village on the B8002 by scrub woodland on the shoreside of the road. When viewed from the water the church sits somewhat in isolation from existing development by virtue of its location on the shoreside of the road and wooded surrounds although this has already been subject to some intrusion from the modern dwelling 'Watermel' to the east.

Ardfarn House is a substantial two storey Georgian property which was erected originally as the Manse for Craignish Parish Church although it no longer performs this function. The building sits some 80m back from the B8002 and at a considerably higher elevation than the lower Glebe with a substantial curtilage area. Despite its elevated location Ardfarn House is partially obscured from wider view by mature trees within its curtilage and the woodland along the escarpment to the south, the building is however open to views across the northern portion of the PDA from the B8002 it is noted that a static caravan located within the curtilage area of the property and adjacent to the public highway is also evident.

It is considered that development within the northern portion of the PDA will not significantly erode the element of separation from existing development or key landscape features which presently provide for the setting of both of these listed

buildings. The proposal includes for the provision of a substantial portion of open space to the rear of the affordable housing development (to be retained by the Church of Scotland) which offers sufficient separation of new buildings from Ardfern House and potential to introduce additional landscape planting to mitigate for any intrusion upon views out of Ardfern House looking south over the Glebe.

Having regard to the above, the proposal is considered to be consistent with the relevant provisions of policies STRAT DC 9 and LP ENV 13a.

D. Impact on Woodland.

To the north west of the site is an area of woodland located on a steep escarpment which is also on land within the control of the applicant. The individual specimens within the woodland are themselves of little note and in need of positive management; however, collectively the woodland provides the backdrop to the Glebe and adds considerably to local landscape character.

The proposed development within the northern portion of the site may be at risk from falling trees/limbs and in this respect it has been identified that approval of development at this location is likely to result in pressure for felling/lopping within the adjoining woodland area. It is considered imperative that any grant of planning permission at this location makes provision for the long term retention, positive management and augmentation of the woodland area as a key landscape feature. Similarly the provision of an outfall on the shore side of the road may give rise to loss of some of the scrub woodland cover which presently provides for the setting of Craignish Parish Church. Officers have requested that the applicant undertake a survey of the condition of the existing woodland with details of any felling/lopping required to facilitate/secure safety of the proposed development however such details have not been forthcoming to date.

In the absence of sufficient information to allow an assessment of the proposed development in relation to the retention of/impact upon adjoining woodland areas which make a significant contribution to landscape setting, the proposal is considered to be contrary to the provisions of LP ENV 7.

There have been several comments from third party representations raising the issue of impacts on wildlife, specifically otter holts. The councils' Biodiversity Officer has been consulted but has not raised any concerns but did request a landscape and planting plan be submitted prior to the commencement of works.

E. Landscape Character

The application site lies within the Knapdale/Melfort Area of Panoramic Quality wherein the provisions of policies STRAT DC 8 and LP ENV 10 set out that the Council will seek to resist development where its scale, location or design will have a significant adverse impact on the character of the landscape, the exception to this being where such significant adverse effects would be clearly outweighed by social or economic benefits of National or regional importance.

The application site is located at the southern built limits of the Ardfern settlement area and with its open aspect to Loch Craignish to the east and back dropped by a steep wooded escarpment to the west is essentially rural in character and appearance and forms the approach to the southern 'gateway' to Ardfern where the

B8002 narrows and is swallowed by the wooded setting of Craignish Parish Church and Ardfarn House before emerging into the more densely developed village proper.

Notwithstanding the adverse landscape implications inherent in the loss of open countryside between Barfad and Ardfarn House which clearly cannot be retained if the aspirations of the PDA are to be realised, it is contended that development of the Glebe should have due regard to the essential rural and low density characteristics of existing edge of settlement development and should seek to retain and enhance the Key Landscape Features in so far as is practicable. Specifically, in addition to ensuring an appropriate scale, design and layout of development it is considered essential that development provide sufficient elements of undeveloped/open space and retain and improve woodland cover within both the application site and on the escarpment to the west.

Section B above sets out that the various elements of the proposed development are considered to be of inappropriate scale, massing and design and failure to accommodate sufficient open space provision and as such fails to have sufficient regard to the essentially rural landscape characteristics of the application site and its sensitive location on the edge of settlement and within an area of identified scenic value. It is officers' view that the development as proposed would appear as both a prominent and incongruous extension to the settlement of Ardfarn which is not only out of scale in comparison to existing edge of settlement development but which is also overtly urban in its form and design to an extent where a significant adverse effect upon a key landscape qualities for which the Knapdale/Melfort Area of panoramic quality has been designated. The proposal is consequently considered to be contrary to the provisions of STRAT DC 8 and LP ENV 10.

F. Affordable Housing

The adopted Local Plan sets out a general commitment by the Council "to facilitate greater choice in housing in terms of location, design, tenure and cost and in doing so to recognise that the market will not be able to meet some of the important housing needs". This includes locations and circumstances where affordable housing to lower income groups is not adequately supplied by the market. In a limited context the planning system can assist with the provision and retention of such housing where a particular need for affordable housing has been demonstrated".

The Local Plan further states that "there is a need for affordable housing throughout each of the Planning Areas in Argyll and Bute. This assessment of need for affordable housing draws upon the Argyll and Bute Housing Strategy and completed housing market studies. The Local Plan indicates in its housing schedules those particular allocation sites where the provision of an element of affordable housing is appropriate. These sites have been selected on the basis of their location and suitability for affordable housing provision. Provision of affordable housing can also be facilitated through the development of non-allocated sites e.g. Potential Development Areas and windfall sites within settlements. On suitable sites, a 25% provision of affordable housing is proposed. This reflects a minimum level of provision, which may be revised to reflect local circumstances and the emerging housing strategy".

Within the context of Ardfarn, the adopted Local Plan has identified Housing Allocation H-AL 12/4, a site for 30 dwellings with 25% affordability (7-8 units). In addition to this the provisions of the current application site, PDA 12/80, seek to provide for 100% high density, affordable housing and open space and are a

response to the longstanding demand for provision of social housing in the locality. Concern has been raised by Craignish Community Council and third party representation that it would be contrary to policy to allow development within a PDA in advance of delivery of local housing allocations; it is however noted for clarity that the provisions of the adopted Local Plan do not preclude such a situation. Third party representation also notes that to grant planning approval for private housing within PDA would undermine the delivery strategy for affordable housing provision within Housing Allocation H-AL 12/4 at Soroba Meadow – this allocation benefits from planning permission (ref. 10/01143/PP) for 17 dwellinghouses on a phased basis and includes for two affordable houses within its first phase. However, initial delivery of services required to facilitate first and subsequent phase affordable housing units is largely reliant on the sale of private plots which is proving slow in the current housing market. The potential availability of more desirable, loch side plots is contended by the developer of that site to be a further impediment to the sale of plots at Soroba Meadow Housing Allocation and consequently threatens his proposals to deliver affordable housing using the Scottish Government's Rural Housing for Rent grant funding which has been assigned to that site. It is however noted that similar threat exists from the availability of other infill, rounding-off and redevelopment sites within the Ardfarn settlement area and sites within Rural Opportunity Areas in the locality which may have more appealing location or aspect than the housing allocation. It is the stated intention of the Local Plan to provide a variety of housing opportunities to facilitate choice across as wide a spectrum of the housing market as possible rather than to create a monopoly position.

The provisions of the Craignish Community Plan identifies that “the need to resolve the lack of affordable housing remains a local priority, providing for young families, single people and the elderly. Innovation may be needed through local letting agreements, providing land and opportunity for self-build, community ownership, crofts and forest crofts in order to achieve this goal.

The current proposal seeks planning permission for five private dwellinghouses which would occupy approximately half of the PDA designation and consequently this application requires to be viewed as contrary to the provisions of policy P/PDA 1 as and allocation PDA 12/80 as identified by the Local Plan.

In considering the current application it is however appropriate to accord material weight to the long standing demand for provision of affordable housing within Craignish which has clearly been demonstrated through housing demand assessments undertaken by the Council and as a result of on-going enforcement proceedings relating to unlawful dwellings in the locality. Officers would also corroborate the applicant's claims that discussions have been on-going over a number of years in an effort to deliver affordable housing on this site but the current funding climate has made this impossible to deliver in the form originally envisaged by the local community and expressed as 100% affordability in both the Local Plan and Craignish Community Plan.

The current proposal relates to the provision of six affordable houses that would be built by Fyne Homes following receipt of a grant from the Council's Rural Housing Development Fund (RHDF) which is ring-fenced for use at the Glebe and as such is not able to be transferred for use at another location. Fyne Homes have confirmed that with the current funding package they are unable to deliver any more than the six units currently proposed and have confirmed that even this is only possible with the assistance of the Church of Scotland who have agreed to sell the land for a sum of £10,000 and directly fund design and application costs by a further £20,000.

In assessing the current application and being mindful of the current financial climate, Officers are accepting of the need to be flexible and innovative in the delivery of affordable housing which the market would otherwise not be able to support. To this end there is a general acceptance that an element of private housing development may indeed be necessary to secure delivery of affordable housing at the Glebe. It is however concerning that the current proposal would result in approximately 50% of the site area going to private housing development and in this respect Officers have sought to establish whether there is any direct correlation between the extent of private housing development and any shortfall in funding necessary to deliver the affordable housing element. Further discussion with the applicant has confirmed that no such direct relationship between the number of private dwellings proposed and funding requirements exists and that the extent of private housing is instead predicated by an aspiration of the applicant to achieve capital receipts from realisation of the open market value of a portion of the Glebe land for private housing development. Whilst this position falls far short of the stated aspiration for 100% affordable housing provision it remains nonetheless a fully funded development opportunity to immediately provide six affordable housing units in a locality which urgently requires social housing provision. In this respect Members are advised the circumstances of the proposal in relation to local demand for affordable housing provision and availability of funding to alleviate these in the short-term are material considerations and would, in the event that the proposal could be considered acceptable in all other respects (including design scale, massing and layout) provide reasonable grounds for a justified minor departure to the Development Plan having regard to the provisions of policy LP DEP 1.

G. Road Network, Parking and Associated Transport Matters.

The current application seeks planning permission for the formation of four new vehicular accesses onto the B8002.

The affordable housing element would be served by a single point of access with a centrally located parking court between the buildings providing onsite parking and turning for ten cars.

Three further vehicular accesses are intended: plot 1 would share an access with an intended agricultural track to the Upper Glebe; plots 2 and 3 and plots 4 and 5 would each share an access point. Parking for each dwelling would be provided within its curtilage.

The submitted details indicate minimal road widening works and provision of pedestrian refuge points with the intention of seeking to avoid introducing an urban footpath arrangement into this rural location. Whilst Officers are in agreement with the aesthetic intentions it is noted that the Area Roads Manager has advised that provision of an adoption standard footpath would be required in the interests of road safety along the site frontage and to connect beyond a point of reduced visibility on the B8002 as it passes Craignish Parish Church. Similarly, there is a requirement to widen the public highway to a width of 3.25m along the site frontage. For the avoidance of doubt it has been confirmed in discussion with Roads Officers that the applicant's proposals for pedestrian refuge points are likely to be misused as passing places/verge over-run and as such do not provide sufficient protection at a location where the existing vehicular carriageway is narrow and forward visibility afforded to oncoming traffic is limited. The applicant has advised in subsequent discussion that they are agreeable to provision of the requisite road improvements in a phased manner and it is noted that these could readily be achieved by means of planning

condition as the land required for such works is either within the control of the applicant or the Council as Roads Authority.

Having regard to the above, the Area Roads Manager has not objected to the proposal subject to the afore-mentioned improvements and minimum standards of access geometry, layout, visibility, parking and refuse collection being ensured by imposition of planning condition. The proposal is considered to be consistent with the relevant provisions of LP TRAN 4, LP TRAN 5 and LP TRAN 6.

H. Infrastructure

The affordable and private elements of the proposal would be served by separate waste water treatment systems. Scottish Water have confirmed that there is no public sewer available within the vicinity of the proposed development. These are currently identified as biodisc systems with an outfall to Loch Craignish. The site is within a waste water drainage 'hotspot' as identified by SEPA. To this end both SEPA and the Council's Environmental Health Officers were consulted on the application but raised no objection or raised concern in respect of local amenity. This element of the proposal, if approved, would be assessed in greater detail during the application for a building warrant. It is considered that this element of the proposal can be assessed under separate regulatory regimes managed by the councils' Building Standards department and SEPA.

The applicant intends to connect to the public water supply and provide a private Sustainable Drainage System (SuDS). Approval will need to be sought from Scottish Water to connect to the public water supply, whilst details of SuDS could be sought through the use of a planning condition.

It is considered that these elements of the proposal are consistent with the terms of Local Plan policies LP BAD 1, LP SERV1, LP SERV2 and LP SERV4.

The development site lies outwith areas identified at 1:200 risk of coastal inundation on SEPA's flood risk maps with the exception of the proposed outfall to Loch Craignish. It is noted that SEPA have not raised objection to this aspect of the proposal and the proposal is consistent with the provisions of LP SERV 8 in this respect.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 12/02766/PP

Elected Member Representations:

Councillor Douglas Philand Oriago 32 Fernoch Crescent Lochgilphead Argyll PA31 8AE (13/02/13)

Third Party Representations

Support

Mr Jamie McGrigor MSP The Scottish Parliament Edinburgh EH99 1SP (07/02/13)

Mike MacKenzie MSP Room M3.13 The Scottish Parliament Edinburgh EH99 1SP (11/01/13)

Mr Angus MacLarty The Homestead Ardfarn Lochgilphead Argyll PA31 8QN (06/02/13)

Mr Brian Sutherland An Cala Ardfarn Lochgilphead Argyll PA31 8QN (08/02/13)

Mr Bruce Duthie Hillcrest Drummorie Road Oban PA34 4JL (01/02/13)

Callum MacLean Cullaig Corranbeag Ardfarn PA31 8QN (06/02/13)

Cara Duthie Hillcrest Drummorie Road Oban PA34 4JL (08/02/13)

Catherine MacDonald 1 Ardfarn Cottages Ardfarn Lochgilphead Argyll PA31 8QN (08/02/13)

Chris Connor Cullaig Corranbeag Ardfarn PA31 8QN (01/02/13)

Mr Christopher R Thornhill 4 Ardfarn Cottages Ardfarn Argyll PA31 8QN (07/02/13)

Mr Colin Neil Peterson 1 An Doirinn Ardfarn Lochgilphead Argyll PA31 8QN (01/02/13)

D A Crawford 3 An Doirinn Ardfarn Argyll PA31 8QN (01/02/13)

Mr Daniel MacDonald 7 Macintosh Way Lochgilphead Argyll PA31 (08/02/13)

Dr James Moss An Isean Eala Clachan Seil Oban PA34 4TL (27/01/13)

Mr Duncan Crawford 3 An Doirinn Ardfarn Argyll PA31 8QN (01/02/13)

Mr Duncan MacIntyre The Garden Cottage Craignish Ardfarn By Lochgilphead PA31 8QS (08/02/13)

Mr Colin Malcolm, Galley of Lorne Ardfarn Lochgilphead Argyll PA31 8QN (08/02/13)

Helen Duthie Hillcrest Drummorie Rad Oban PA34 4JL (01/02/13)

Iain MacLean Cullaig Corranbeag Ardfarn PA31 8QN (04/02/13)

Mrs Ishbel MacNicol Glenview Turnalt Farm Barbreck Lochgilphead Argyll (07/02/13)

Mr James D MacNicol Glenview Turnalt Farm Barbreck Lochgilphead Argyll (07/02/13)

Mr James Paterson (Senior) 1 An Doirinn Ardfarn Lochgilphead Argyll PA31 8QN (16/02/13)

Joan Allan Hillside Cottage Ardlarach Road Ardfarn Lochgilphead Argyll (15/01/13)

Joan Wylie Tigh An Innis Ardfarn Argyll PA31 8JA (07/02/13)

Mr John Kerr Gorse View North Connel By Oban PA37 1QX (05/02/13)

Kirk Session, Craignish Parish Church c/o Ishbel MacNicol, Session Clerk, Glenview Turnalt Farm Barbreck Lochgilphead Argyll (07/02/13)

Margaret Johnston East Lodge Barbreck Lochgilphead Argyll PA31 8UW (05/02/13)

Mary MacLarty C/O The Homestead Ardfarn By Lochgilphead Argyll (08/02/13)

Maureen Sutherland 8A Mill Park Soroba Road Oban PA34 4JH (01/02/13)

Miss Erica Thornhill An Cala Ardfarn By Lochgilphead PA31 8QN (04/02/13)

Miss Katherine Sutherland An Cala Ardfarn PA31 8QN (28/01/13)

Miss Lucy Thornhill 4C Glensheallach Terrace Oban PA34 4BH (21/01/13)

Miss R Dalgleish An Dhoirre Bheag Barbreck Lochgilphead Argyll PA31 8UW (04/02/13)

Morag Kerr Gorse View North Connel By Oban PA37 1QX (06/02/13)

Alasdair MacNicol Turnalt Farm Barbreck By Lochgilphead PA31 8QW (21/01/13)

Mr David Bloomfield Lumsdaine Dean Coldingham Eyemouth TD14 5UA (01/02/13)

Ms Tricia Bloomfield Lumsdaine Dean Coldingham Eyemouth TD14 5UA (01/02/13)
Mr Archibald MacLarty Barnlunich Barbreck By Lochgilphead PA31 8QW (05/02/13)
Mr Bob Black Whin Bank Ardforn Lochgilphead PA31 8JA (15/01/13)
Mr Calum Ross Loch Melfort Hotel Arduaine nr Oban PA34 4XG (21/01/13)
Mr David Carruthers The Manse Kilduskland Road Ardrishaig PA30 8HE (15/01/13)
Mr David Lander 17 Stirling Road Drymen Glasgow G63 0BW (15/01/13)
Mr Derek Logie Rural Housing Service 28 Sidegate Haddington EH41 4BU
(07/02/13)
Mr Ian Mackie 28 Burnside Road Uphall EH52 5DE (10/01/13)
Mr John Alexander 11 Cullipool Village Isle of Luing Oban PA34 4UB (14/01/13)
Mr John Stannard Seall-Na-Mara Arduaine Oban PA34 4XQ (10/01/13)
Mr Martin Waddell 2 Kilbrandon Cottages Balvicar Oban PA34 4RA (13/01/13)
Mr Robert Rae Ardara, Clachan Seil Ardara Oban PA34 4TL (18/02/13)
Mrs Ann MacKenzie 136 Currieside Avenue Shotts ML7 4AX (15/01/13)
Mrs Anne MacNicol Iainshouse Turnalt Farm Barbreck Lochgilphead PA31 8QW
(04/02/13)
Mrs Clare McNiven The Anchorage Ardforn Argyll PA31 8QN (03/02/13)
Mrs Fiona MacNicol Turnalt Farm Barbreck By Lochgilphead PA31 8QW 21/01/13)
Mrs Frances Lander 17 Stirling Road Drymen Glasgow G63 0BW (13/01/13)
Mrs Jean Alexander 11 Cullipool Village Isle of Luing Oban PA34 4UB (14/01/13)
Mrs Jenny MacLarty Barnlunich Barbreck By Lochgilphead PA31 8QW (05/02/13)
Mrs Judith Stannard Seall-Na-Mara Arduaine Oban PA34 4XQ (10/01/13)
Mrs Katherine Crooks The Moorings Minard By Inveraray PA32 8YB (13/01/13)
Mrs Mairi Thornhill 4 Ardforn Cottages Ardforn Lochgilphead Argyll PA31 8QN
(08/02/13)
Mrs Maura Rae Ardara Clachan Seil Oban PA34 4TL (22/01/13)
Mrs Patricia Barclay 3 Ardforn Cottages Ardforn Lochgilphead Argyll PA31 8QN
(08/02/13)
Ms Hester Ross The Manse Kilmelford Oban PA34 4XA (03/02/13)
Mr Neil Crawford 3 An Doirlinn Ardforn Argyll PA31 8QN (01/02/13)
Noreen Hanley 55 High Bank Park Lochgilphead Argyll PA31 8NN (22/01/13)
R Allan Hillside Cottage Ardlarach Road Ardforn Lochgilphead Argyll (12/01/13)
Rev Dr Kenneth Ross The Manse Kilmelford Oban PA34 4XA (05/02/13)
Rev John Paton Cross House Flat Kirkgate Linlithgow EH49 7AL (28/01/13)
Rev M Erskine The Manse Cambridge Street Alyth PH11 8AW (06/02/13)
Rev T. Alastair McLachlan 9 Alder Road Milton of Campsie Glasgow G66 8HH
(15/01/13)
Rev Walter Ritchie Hazel Cottage 7 Barr Mor View Kilmartin PA31 8UN (17/01/13)
Mr Ron MacLean Cullaig Corranbeag Ardforn PA31 8QN (01/02/13)
The Occupier Craigellachie Kilchrenan Argyll PA35 1HG (03/02/13)
Sir Tom Farmer Maidencraig House 192 Queensferry Road Edinburgh EH4 2BN
(14/01/13)
William Sutherland 8A Mill Park Soroba Road Oban PA34 4JH (01/02/13)
Mr Bruce W Duthie Hillcrest Drummorie Road Oban PA34 4JL (06/02/13)
Ron MacLean Cullaig Corranbeag Ardforn PA31 8QN (01/02/13)
Mrs Mary Sandilands Dunearn Easdale Oban PA34 4RF (21/01/13)
Mr Roderick MacKenzie 136 Currieside Avenue Shotts ML7 4AX (15/01/13)

No Address

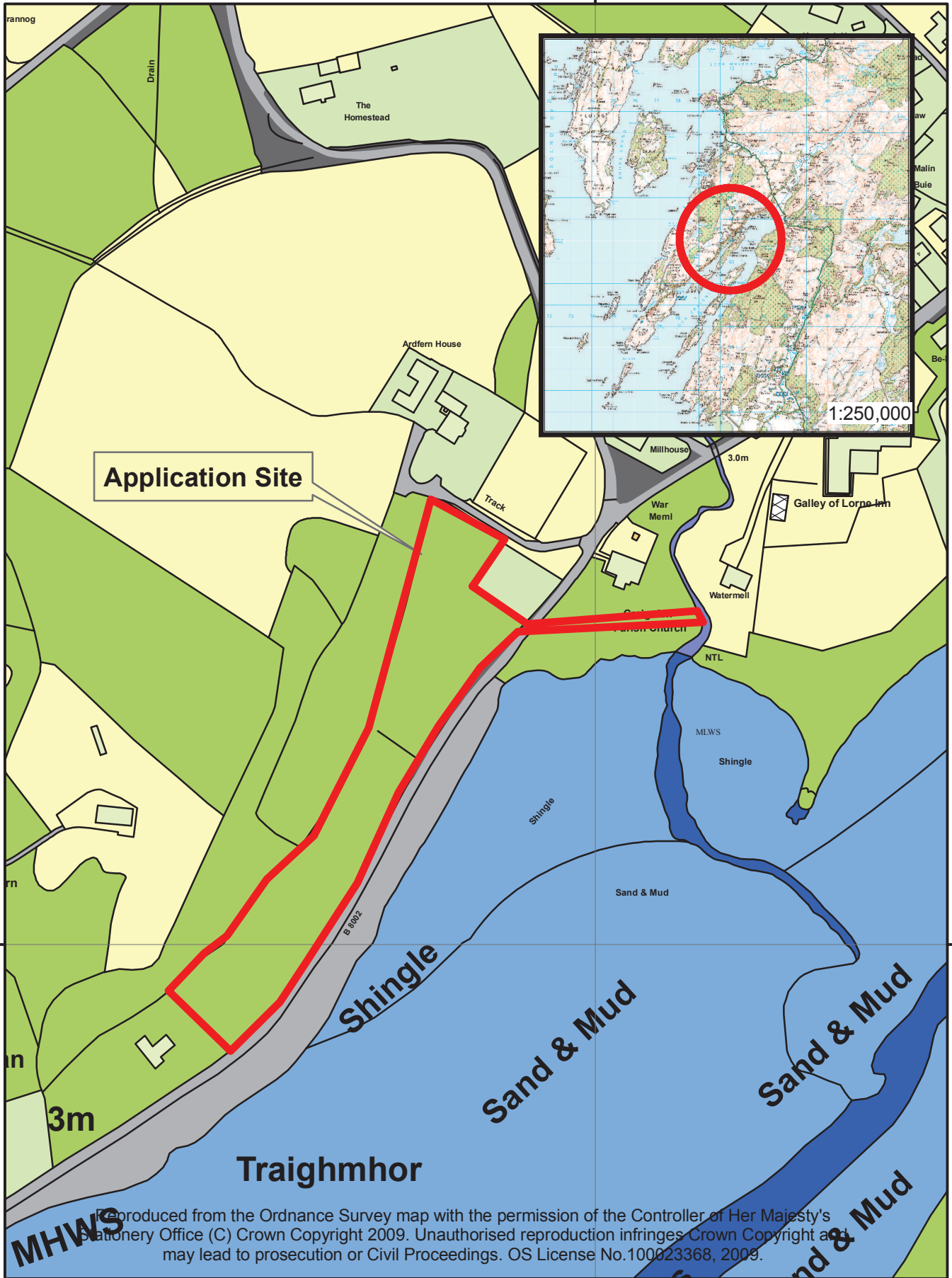
Mr Stanley Hood (28/02/13) - Support

Objection

Alan Gent-White Traighmhor Ardforn Lochgilphead Argyll PA31 8QN (21/01/13)
Margot Gent-White Traighmhor Ardforn Lochgilphead Argyll PA31 8QN (21/01/13)
Ania Zwozdiak Coille An Dodhran The Glebe Kilmelford PA34 4XF (27/01/13)

Carol Graham Barfad Ardfarn By Lochgilphead Argyll PA31 8QN (12/02/13)
Colin Lindsay-MacDougall Lunga Craobh Haven Lochgilphead Argyll PA31 8UU
(06/01/13)
Mr David Campbell Barbreck House, Lochgilphead PA31 8QW (08/02/13)
Ms Alexandra Campbell Barbreck House, Lochgilphead PA31 8QW (08/02/13)
Mr David Graham Barfad Ardfarn Lochgilphead Argyll PA31 8QN (06/02/13)
Dr Alan Borg CBE FSA Telegraph House 36 West Square London SE11 4SP
(19/02/13)
Dr Roger Webber Watermill Ardfarn Lochgilphead PA31 8QN (31/01/13)
Mr Jo Leslie The Smithy Barbreck Lochgilphead PA31 8QW (06/02/13)
M T Selby Ardfarn House Ardfarn Lochgilphead Argyll PA31 8QN (15/01/13)
Miss Faith Shannon MBE ARCA ATC Corranbeg Workshops Ardfarn PA31 8QN
(04/02/13)
Miss Isla Graham Barfad Ardfarn By Lochgilphead PA31 8QN (03/02/13)
Mr Bruce Condie Culrain Ardlarach Road Ardfarn PA31 8JA (13/03/13)
Mr Christopher Grieve Drumalban Corranbeg Ardfarn PA31 8QN (28/01/13)
Mr Clive Brown Otters Ardfarn Lochgilphead PA31 8QN (05/02/13)
Mr Colin Smith Albion Lodge Ardlarach Road Ardfarn PA31 8JA (13/01/13)
Mr Iain Saunders Duine Ardfarn PA31 8QN (22/01/13)
Mr Paul Smyth Corlach Barbreck Lochgilphead PA31 8UW (07/02/13)
Mr Peter Richardson Millhouse Ardfarn By Lochgilphead PA31 8QN (14/01/13)
Mr Ronald McIlquham Osprey Cottage Ardfarn Lochgilphead PA31 8QN (06/02/13)
Mr Sandy MacKilligin Corranbeg House Ardfarn Lochgilphead PA31 8QN (01/02/13)
Mr Tom McCardel Aarhus Ardlarach Road Ardfarn PA31 8QW (30/01/13)
Mr Tony Gill Rowancraig Ardfarn Lochgilphead PA31 8QN (07/03/13)
Mrs Diana Herriot 30 Wellview Lane Muriston Livingston EH54 9HU (21/01/13)
Mrs Jan Brown Otters Ardfarn Lochgilphead PA31 8QN (12/01/13)
Mrs Kirsty Richardson Millhouse, Ardfarn Millhouse Lochgilphead PA31 8QN
(08/02/13)
Mrs Louise Ramsay Bamff Alyth Blairgowrie PH11 8LF (29/01/13)
Mrs Mary Smyth Corlach Barbreck Lochgilphead PA31 8UW (01/02/13)
Mrs Valerie Smith Albion Lodge Ardlarach Road Ardfarn PA31 8JA (24/01/13)
Ms Chris McIlquham Osprey Cottage Ardfarn Argyll PA31 8QN (02/02/13)
Ms Rachel Rogers Barfad Beag Ardfarn By Lochgilphead PA31 8QN (07/02/13)
Prof. Colin Davidson Tigh nan Eilean Ardfarn Lochgilphead PA31 8QN (18/01/13,
07/02/13, 08/02/13)
Mr Tom Fisher Barfad Beag, Ardfarn PA31 8QN (06/02/13)
W S M Thomson Two Trees Ardfarn By Lochgilphead Argyll PA31 8QN (05/02/13)
Mr Daniel Richardson Millhouse, Ardfarn Millhouse Lochgilphead PA31 8QN
(28/02/13)

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**Argyll and Bute Council
Development and Infrastructure**

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: 13/00064/PP

Planning Hierarchy: Local Development

Applicant: Glenfeochan Estate

Proposal: Erection of 2 Dwellinghouses, Formation of Vehicular Access and Installation of Private Wastewater Treatment Systems

Site Address: Land East of Balnagowan, Kilmore, by Oban

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of 2 dwellinghouses
- Formation of vehicular access and parking
- Installation of private wastewater treatment systems, with outfalls to a watercourse

(ii) Other specified operations

- Connection to public water main
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(B) RECOMMENDATION:

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

(C) HISTORY:

12/01215/PP

Erection of 2 dwellinghouses, installation of 2 septic tanks and formation of new vehicular access – Withdrawn: 23/08/12

(D) CONSULTATIONS:

Area Roads Manager

Initial response dated 27/02/13 advising 'deferred decision' to allow a Section 75 Agreement to be investigated with the owners of 'Balnagowan' to secure the necessary visibility splays. However, it came to light that the wrong drawing had been examined by Roads when compiling that response, and an amended report dated 04/03/13 was submitted advising 'no objection subject to conditions' regarding the construction of the access, clearance of visibility splays, provision of parking and commensurate improvements on the public road by means of one additional passing place.

Scottish Water

Letter dated 27/03/13 advising no objection to the proposed development advising that Tullich Water Treatment Works currently has capacity to service the proposed development.

Environmental Health Unit

Memo dated 07/03/13 advising no objection to the proposed developments.

West of Scotland Archaeology Service

E-mail dated 01/03/13 advising that despite lying within an area of heightened archaeological sensitivity, the scale and detailed location of the proposals mean that it is unlikely that any significant archaeological remains would be directly affected and therefore no substantive archaeological issues are raised by the application.

Kilmore Community Council

E-mail dated 15/03/13 advising that the author had consulted with members of the Kilmore Community Council and agreed that they held no valid objections to the application. Expressed concern regarding the increased volume of traffic using the Musdale Road and would hope for the provision of an additional passing place and turning points.

A further e-mail dated 05/04/13 was received from the Community Council stating: *"following a meeting we wish to make an observation regarding the Development Plan on behalf of the Kilmore community. We live in a scattered rural area and consider that future development within our community should follow the traditional nature of small "townships". We have made our views known to our Councillors in the past and have encouraged new development to ensure the continued vibrancy of the community. The type of development we favour is demonstrated in the small "clachan" at Kilmore Farm on the Musdale road. This is a mix of 10 old and new buildings and sits well in its situation. We consider that it has reached an ideal level. There are a number of other developments which have been recently been completed to this pattern and have been welcomed, however a proposed development of 22 houses in one site at Barran gave rise to a strong local opposition at the public meeting held before the Planning Committee. We ask that these matters be considered within the proposed plan for future development."*

Comment: *The Area Roads Authority was consulted on the proposed development and in their response advised no objection subject to conditions. The Roads assessment includes consideration of all road safety matters. The conditions recommended include a requirement for one additional passing place, in addition to the site specific requirements for the access, clearance of visibility splays, provision of parking and prevention of surface water run-off onto the public road.*

The secondary observations of the Community Council are noted. The emerging Local Development Plan is currently out to consultation and can not be a material consideration before 29th April 2013. Even after that, any provisions of the LDP will only

be afforded weight in the event that a change in policy has not been the subject of any objection. At the time of writing it is not known whether this is the case. At present, the provisions of the LDP do not represent a material consideration in the determination of any planning applications. The current Local Plan identifies the site within settlement.

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20 procedures, closing date 21/03/13.

(F) REPRESENTATIONS:

24 objections have been received regarding the proposed development:

Alex Darby, 12 Goldacre Close, Leamington Spa, Warwickshire, CV31 2TW, (07/03/13)

Heather Gossage, 17 Bladon Close, Mapperley, Nottingham, NG3 5FY, (Undated)

Graham Gossage, 15 Dendys, Hemingford Grey, Huntingdon, Cambs, PE28 9EU, (12/03/13)

Karen Gossage, 15 Dendys, Hemingford Grey, Huntingdon, Cambs, PE28 9EU, (12/03/13)

Mark & Fiona Haward, 73 Bradham Lane, Exmouth, Devon, EX8 4AW, (11/03/13)

Mr & Mrs John Mittelstein, PO Box 787, Emirate Of Fujairah, United Arab Emirates, (11/03/13)

Kerrie Reece, 63 Willow Way, Chelmsley Wood, Birmingham, B37 7PJ, (Undated)

Mark L. Jones, 2 Court Gardens, Hallsenna Road, Seascale, Cumbria, CA20 1JS, (06/03/13)

Frances Darby, 52 Frederick Road, Sutton Coldfield, Birmingham, B73 5QN, (07/03/13)

John Beaton, Primrose Bank, McKelvie Heights, Oban, PA34 4PP, (12/03/13)

Trevor Davies, Fioryn, Clachan Seil, Oban, PA34 4TJ, (11/03/13)

Derek Cowan, Brae Of Ganavan, Ganavan Road, Oban, PA34 5TU, (Undated)

Mr Tristan Carre, Akaroa, Musdale Road, Kilmore, PA34 4XX, (11/03/13)

Mrs Alison Carre, Akaroa, Musdale Road, Kilmore, PA34 4XX, (11/03/13)

Caroline Booth & John Turnbull, Meadow Croft, Musdale Road, Kilmore, PA34 4XX (10/03/13)

Karen Nelson, Balnagowan, Musdale Road, Kilmore, PA34 4XX, (12/03/13)

Mr Brian Nelson, Balnagowan, Musdale Road, Kilmore, PA34 4XX, (Undated)

Mrs Jane Darby, Sheep Fank Cottage, Kilmore, PA34 4XX, (2 representations, 11/03/13, 16/03/13 & 03/05/13)

Joseph Darby, Sheep Fank Cottage, Kilmore, PA34 4XX, (11/03/13)

JE Darby, Sheep Fank Cottage, Kilmore, PA34 4XX, (Undated)

Donald M. Morrison, Ruaidheabhal, Kilmore, PA34 4XX, (Undated)

Donald E. Morrison, Ruaidheabhal, Kilmore, PA34 4XX (Undated)

Mary M. Morrison, Ruaidheabhal, Kilmore, PA34 4XX, (Undated)

Mrs Ann Ferguson, Dalantobair, Musdale Road, Kilmore, PA34 4XX, (20/03/13)

(i) Summary of issues raised

- Road and pedestrian safety issues: the public road is narrow, single track, with a narrow bridge, no footpath, soft verges, a lack of passing places, school children have to walk the road to the bus stop, question over when last road survey was undertaken, increased traffic in recent years, nowhere for lorries to turn, visibility, parking requirements, access being on a bend, questions raised in terms of compliance with LP TRAN 4.

Comment: The Area Roads Authority was consulted on the proposed development and in their response advised no objection on road or pedestrian safety grounds subject to conditions being imposed. The conditions relate to: the construction of the access, clearance of visibility splays, provision of parking and turning areas within the site and commensurate improvements by way of an additional passing place provided on the public road. The visibility splays are within the applicant's control or within the road verge only.

- Construction vehicles accessing the site during the construction of the dwellinghouses will block the road and could have an adverse impact in emergency situations.

Comment: Blocking the public road is a matter for the Area Roads Authority and the police in the event that it occurs.

- Neighbours have 'heritable and irredeemable servitude right of wayleave' over the ground involved in the application site. An existing septic tank/soakaway is situated within plot 1 close to the proposed house position and the access crosses over existing private drainage pipes, which could be damaged.

Comment: The existing rights would be unaffected by a planning decision and access rights and damage to property would be civil matters between the affected parties. At building warrant stage, minimum distances must be achieved between septic tanks and proposed buildings. The septic tanks proposed to serve both plots are shown on the site plan accompanying the application, but the location of any existing tanks are not shown. No details of the proposed septic tanks other than their position have been submitted and therefore it is appropriate to impose a condition reserving this aspect of the scheme for further approval.

The site plan has been updated to show the position of the existing septic tank. However this is for information only as the existence of the septic tank

on site and any potential impact as a result of the proposed development is not a material consideration in the determination of this current planning application but a matter between affected parties.

- Concerns over the number of septic tanks (6 houses already) discharging to the burn, and query over SEPA involvement and whether appropriate testing has been undertaken to BS6297:1983. Concerns regarding pollution of the burn, impact on migratory fish and other wildlife.

Comment: BS6297 relates to percolation tests, which is only relevant for ground based soakaway design. The discharge in this case is proposed to a watercourse. These arrangements need SEPA's direct consent under separate legislation. If the burn can not cope with the additional discharge, then consent will not be forthcoming. SEPA regulate and control the prevention of pollution of water air and land. As there are no public sewers within the vicinity of the proposed development to allow connection, Policy LP SERV 1 allows for private systems to serve developments.

- There is insufficient water, electricity and telecoms to serve a further two dwellinghouses.

Comment: Scottish Water was consulted with regard to water supply and raised no objection advising that Tullich Water Treatment Works had sufficient capacity to serve the proposed development. With regards to electricity and telecoms, these are not material considerations in the determination of this planning application.

- The proposed dwellinghouses will overshadow Balnagowan and Meadow Croft and result in a loss of sunlight to the garden ground. The houses will be overlooked and will cause overlooking of neighbouring houses, creating poor privacy and amenity standards, contrary to LP ENV19.

Comment: The dwellinghouse on plot 2 is 3.15 metres from the boundary of Balnagowan and 16 metres from the dwellinghouse itself. It is 25 metres from the boundary of Meadow Croft and 30 metres from the dwellinghouse itself. The house on plot 2 will introduce a small degree of overshadowing of the south-eastern corner of garden ground but no overshadowing of the buildings will occur as tested against the recognised industry standard assessment as set out by the BRE. It is not considered the impacts of the development are such that conflict exists with LP ENV19. The separation distances, combined with the orientation proposed, and the proposed window positions, will ensure that the proposed dwellinghouses do not result in any significant adverse impact on the current privacy and amenity levels afforded to the neighbouring properties. A condition is proposed on the grant of planning permission to seek a scheme of boundary and landscaping treatment to help integrate the dwellinghouses into their setting. The proposed plots are sufficiently separated from buildings across the road as to suffer no unacceptable overlooking.

- The proposal would result in noise and light pollution due to increased vehicular activity, external lights and general commuting.

Comment: The site has been identified within the settlement zone alongside existing residential development. It is not considered that the additional traffic lighting or noise generated by the 2 proposed houses will be incompatible with the existing housing at the settlement.

- The proposal involves insensitive siting and design, contrary to PAN72, and PPG15 and STRAT DC2. The orientation of the dwellinghouse proposed on plot 2 does not fit with the existing development at this location and the design of the dwellinghouses is not in keeping with development in the surrounding area. The proposal would create a dense cluster of development with insufficient spacing, to the detriment of the rural ambience of the settlement.

Comment: *There is no distinct architectural style evident in the settlement, nor any rigid building lines. There are a mix of single, one and a half and one and three quarter storey properties, some traditional with others more contemporary and incorporating a variety of finishing materials. Whilst the dwellinghouses subject of this current application are contemporary designed structures, they are of a scale, design and finish which is considered to be acceptable and will not detract from the setting and character of the existing houses. The orientation of the house on plot 2 is considered acceptable on the basis of the variation in orientation already at the settlement. The orientation strikes a balance between the realigned overhead power lines and still retaining an open outlook and appropriate daylight into the frontage of Balnagowan. Part of the existing character of the settlement is the variation in building orientation, which the application proposes to continue. The Local Plan identifies additional land as settlement beyond just the existing houses, which indicates policy support for limited growth of the settlement. The application site fits the allocation in the existing Local Plan.*

- The proposed dwellinghouses will result in a loss of views/open aspect.

Comment: *This is not a material consideration in the determination of this planning application.*

- Has the application been subject of an Environmental Impact Assessment (EIA) with regards to the works on the Feochan Burn.

Comment: *The application does not fall within any of the criteria which would require it to be accompanied by an EIA.*

- Will the Council be required to carry insurance for any damage to adjacent properties as a result of any problem connected with the development.

Comment: *Any damage caused by the development would be a matter for the developer and affected parties.*

- The proposed development would set a precedent for further development in the area. Concerns are expressed that the development proposed may simply be a tactic to justify development of 'easier' sites elsewhere later.

Comment: *The granting of planning permission for dwellinghouses on this site would accord with the adopted Development Plan. It would not establish a precedent for any further development beyond the allocated settlement zone. Every planning application is considered on its own merits and assessed against the terms of the Development Plan in force at the time. An approval on this site would not justify a development elsewhere as feared by the objectors.*

- The open land is an important habitat for biodiversity, migratory birds and wildlife, as well as representing good or prime quality agricultural land and its development is contrary to PPG15, Local Plan paragraphs 2.16 and 5.5 and LP HOU1.

Comment: The site is not located within or adjacent to any Nature Conservation sites. No known protected species are affected by the development. Although currently open pasture, the site fits within the identified settlement per the Local Plan, and as such, a supportive presumption exists for its appropriate development for small scale housing under STRAT DC1 and LP HOU1.

- Kilmore Community Council has submitted representations about the size of the settlement being ideal and the building of additional houses would significantly affect this situation.

Comment: The site has been included within the settlement zone of Kilmore in the adopted Argyll and Bute Local Plan, 2009. Any representations to the forthcoming Local Development Plan are not material considerations in the determination of this current application. It is noted that the Community Council has not objected to the planning application.

- The burn that currently delineates the extent of the community is a natural feature and development should not project beyond this point. The burn will be adversely affected.

Comment: This comment is noted, however the site has been identified within settlement suitable for small scale residential development by the adopted Development Plan. The burn already runs between housing sites on the both side of the road.

- The development will have an adverse visual impact and will adversely affect tourism at adjacent guest house/B&B's.

Comment: The proposal is for two houses only, on land within the existing settlement. The proposal fits the provisions of the development plan. It is not considered that undue visual impacts will be generated, nor is it considered that tourism will be affected.

- The proposal does not address any particular local community need, is no enhancement to the community, and is primarily a commercial development.

Comment: A development of two additional houses would make a small positive contribution to the local housing supply. A development of this scale, within the settlement zone, need not demonstrate that it serves a specific local need, or that it directly enhances the existing community. The financial benefit of the proposal is not a material planning consideration.

The above represents a summary of the issues raised. Full details of the letters of representation are available on the Council's Public Access System by clicking on the following link <http://www.argyll-bute.gov.uk/content/planning/publicaccess>.

(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 e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc:	No
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(H)	PLANNING OBLIGATIONS	
(i)	Is a Section 75 agreement required:	No
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(I)	Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:	No
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(J)	Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application	
(i)	List of all Development Plan Policy considerations taken into account in assessment of the application. <u>Argyll and Bute Structure Plan 2002</u> STRAT DC 1 – Development within the Settlements STRAT SI 1 – Sustainable Development <u>Argyll and Bute Local Plan 2009</u> LP ENV 1 – Impact on the General Environment 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 TRAN 4 – New and Existing Public Roads and Private Access Regimes LP TRAN 6 – Vehicle Parking Provision Appendix A – Sustainable Siting and Design Principles Appendix C – Access and Parking Standards	
(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.	

Argyll & Bute Sustainable Design Guidance (2006)

SPP1 The Planning System , 2002

(K)	Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:	No
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(L)	Has the application been the subject of statutory pre-application consultation (PAC):	No
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(M)	Has a sustainability check list been submitted:	No
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(N)	Does the Council have an interest in the site:	No
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(O)	Requirement for a hearing:	No
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In deciding whether to hold a discretionary hearing, Members should consider:

- How up to date the Development Plan is, the relevance of the policies to the proposed development, and whether the representations are on development plan policy grounds which have recently been considered through the development plan process.
- The degree of local interest and controversy on material considerations, together with the relative size of community affected, set against the relative number of representations and their provenance.

In this case, the site has been allocated as suitable for small scale residential development by the adopted Development Plan, by virtue of being within the identified settlement zone. The principle of the development is therefore consistent with current Local Plan Policy subject to assessment against relevant Local Plan policies.

The application has been the subject of 24 representations with 13 of those representations being from respondents occupying 6 households in the immediate vicinity of the application site. The Community Council does not object to the development.

It is not considered that the application raises any complex or technical issues and that the photographs and plans of the site give a good representation of the topography and character of the settlement. The objections received are very detailed and provide the information required to enable an informed assessment. It is therefore recommended that Members ought not to hold a hearing prior to the application being determined as it is unlikely that this would add value to the process.

(P)	Assessment and summary of determining issues and material considerations
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Planning permission is sought for erection of two dwellinghouses on an area of ground to the east of Balnagowan, Kilmore, by Oban.

In terms of the adopted 'Argyll and Bute Local Plan' the site is situated within the Settlement Zone of Kilmore where Policy STRAT DC 1 of the approved 'Argyll and Bute Structure Plan' gives a presumption in favour of development within the minor settlements to small scale development which is compatible with an essentially rural settlement location on appropriate infill, rounding-off, and redevelopment sites, subject to compliance with other relevant local plan policies. Small scale residential development comprises proposals up to five houses.

Policy LP HOU 1 gives encouragement to housing development in settlements provided it will not result in an unacceptable environmental, servicing or access impact with Policy LP ENV 1 requiring applications to be assessed for their impact on the natural, human and built environment.

Policy LP ENV 19 states that development shall be sited and positioned so as to pay regard to the context within which it is located and that development layout and density shall integrate with the setting of surrounding development. Developments with poor quality or inappropriate layouts, including over-development, shall be resisted.

The principle of the development is consistent with current Local Plan Policy subject to assessment against Local Plan Policy LP HOU1 along with other associated relevant Local Plan policies.

The proposal has elicited 24 representations, 13 from respondents occupying 6 households in the immediate vicinity of the application site.

(Q)	Is the proposal consistent with the Development Plan:	Yes
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(R) Reasons why planning permission should be granted

It is considered that the site offers a suitable opportunity for development with two dwellinghouses which would consolidate the extent of built development at this location. The development makes use of the currently undeveloped land within the allocated settlement zone, in accordance with Development Plan policy. The scale, design and finish of the dwellinghouses is considered acceptable within this location where there is no distinct architectural style evident, and their position and orientation within the site will ensure that they will do not give rise to any adverse privacy or amenity concerns with neighbouring properties. The varied orientation reflects the variety already found at the settlement and is considered to be acceptable in this instance. Furthermore, there are no infrastructural constraints which are known to preclude the development of this site.

The proposal accords with Policy STRAT DC 1 of the approved Argyll and Bute Structure Plan and Policies LP ENV 1, LP ENV 19, LP HOU 1, LP SERV 1, LP TRAN 4 and LP TRAN 6 of the adopted Argyll and Bute Local Plan and there are no other material considerations, including issues raised by third parties, which would warrant anything other than the application being determined in accordance with the provisions of the development plan.

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

(T)	Need for notification to Scottish Ministers or Historic Scotland:	No
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Author of Report: **Fiona Scott** **Date:** 12/04/13

Reviewing Officer: **Stephen Fair** **Date:** 24/04/13

Angus Gilmour
Head of Planning

CONDITIONS AND REASONS RELATIVE TO APPLICATION REFERENCE 13/00064/PP

1. No development shall commence on site, or is hereby authorised, until the vehicular access at the junction with the public road has been constructed in accordance with the Council's Roads Engineer Drawing Number SD 08/004a with visibility splays of 53m x 2.4m in each direction formed from the centre line of the proposed access, and measures to prevent surface water run –off onto the public road. Prior to work starting on site these visibility splays shall be cleared of all obstructions above the level of the adjoining carriageway and thereafter maintained to the satisfaction of the Planning Authority.

The vehicular access granted consent shall be constructed to at least base course level prior to any work starting on the erection of the dwellinghouses which it is intended to serve and the final wearing surface of the road shall be applied prior to the first occupation of the dwellinghouses.

Reason: In the interests of road safety to ensure the proposed development is served by a safe means of vehicular access.

2. No development shall commence on site, or is hereby authorised, until an additional passing place has been completed alongside the UC25 Musdale public road between the A816 and the site entrance in accordance with the Council's Roads Engineer Drawing Number SD 08/003a in a location that must first be submitted in plan form to and agreed in writing by the Planning Authority in consultation with the Roads Authority.

Reason: In the interests of road safety to ensure the proposed development is served by a safe means of vehicular access with commensurate improvements to the existing access regime in accordance with Local Plan Policy LP TRAN 4 part D.

3. The proposed on-site vehicular parking areas shall provide parking for three vehicles within each plot and shall be formed in accordance with the approved plans and brought into use on each plot prior to the first occupation of the dwellinghouse on each respective plot hereby approved.

Reason: To enable vehicles to park clear of the access road in the interests of road safety by maintaining unimpeded vehicular access over that road.

4. No development shall commence on site, or is hereby authorised, until full details of the proposed means of private foul drainage to serve the development, including evidence of SEPA's consent to the proposed discharge to a watercourse, has been submitted to and approved in writing by the Planning Authority. The duly approved scheme shall be implemented in full concurrently with the development that it is intended to serve and shall be operational prior to the first occupation of the dwellinghouses.

Reason: To ensure that an adequate means of foul drainage is available to serve the development.

5. No development shall commence on site, or is hereby authorised, until full details of the proposed means of crossing the burn within the site to enable access into plot 2 has been submitted in plan form to and agreed in writing by the Planning Authority in consultation with SEPA. The development shall thereafter be completed in strict accordance with such details as are approved.

Reason: In the absence of any details having been submitted and to ensure that the burn is not adversely affected by the method of implementing the development hereby approved.

6. No development shall commence on site, or is hereby authorised, until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved in writing by the Planning Authority. The scheme shall comprise a planting plan and schedule which shall include details of:

- i) Existing and proposed ground levels in relation to an identified fixed datum;
- ii) Existing landscaping features and vegetation to be retained;
- iii) Location design and materials of proposed walls, fences and gates;
- iv) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;
- v) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the Planning Authority.

Any trees/shrubs which within a period of five years from the completion of the approved landscaping scheme fail to become established, die, become seriously diseased, or are removed or damaged shall be replaced in the following planting season with equivalent numbers, sizes and species as those originally required to be planted unless otherwise approved in writing by the Planning Authority.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity.

7. No development shall commence on site, or is hereby authorised, until full details of the proposed material, texture and colour for all external materials have been submitted to and agreed in writing by the Planning Authority. The development shall thereafter be completed in strict accordance with such details as are approved.

Reason: In the absence of any details having been submitted and to ensure that the development integrates with its setting.

8. The development shall be implemented in accordance with the details specified on the application form dated 11/01/13 and the approved drawing reference numbers:

- Plan 1 of 7 (Drawing Number L(Ex)K001 Rev A)
- Plan 2 of 7 (Drawing Number L(Ex)K001)
- Plan 3 of 7 (Drawing Number L(PL)K105 Rev B)
- Plan 4 of 7 (Drawing Number L(PL)K101)
- Plan 5 of 7 (Drawing Number L(PL)K104)
- Plan 6 of 7 (Drawing Number L(PL)K102)
- Plan 7 of 7 (Drawing Number L(PL)K103)

unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended).

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

NOTE TO APPLICANT

- **Length of the 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 Area Roads Manager has advised that a Roads Opening Permit (S56) is required for the proposed development, please contact him direct on 01631 569160 to discuss the matter further.
- Please note the advice contained within the attached letter from Scottish Water. Please contact them direct to discuss any of the issues raised.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 13/00064/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

Planning permission is sought for erection of two dwellinghouses on an area of ground to the east of Balnagowan, Kilmore, by Oban.

In terms of the adopted 'Argyll and Bute Local Plan' the site is situated within the Settlement Zone of Kilmore where Policy STRAT DC 1 of the approved 'Argyll and Bute Structure Plan' gives a presumption in favour of development within the minor settlements to small scale development which is compatible with an essentially rural settlement location on appropriate infill, rounding-off, and redevelopment sites, subject to compliance with other relevant local plan policies.

Policy LP HOU 1 gives encouragement to housing development in settlements provided it will not result in an unacceptable environmental, servicing or access impact with Policy LP ENV 1 requiring applications to be assessed for their impact on the natural, human and built environment.

Policy LP ENV 19 states that development shall be sited and positioned so as to pay regard to the context within which it is located and that development layout and density shall integrate with the setting of surrounding development. Developments with poor quality or inappropriate layouts, including over-development, shall be resisted.

The principle of the development is therefore consistent with current Local Plan Policy subject to assessment against Local Plan Policy LP HOU 1 along with other associated relevant Local Plan policies.

B. Location, Nature and Design of Proposed Development

The application details two detached dwellinghouses on an area of land to the south-east and east of Balnagowan, Kilmore, by Oban.

The site is a flat area of open pasture situated within the minor settlement of Kilmore, bounded on its north and west boundaries existing dwellinghouses and to the south by open farmland. The eastern boundary tapers back to meet the public road. The site is bisected by a small watercourse.

It is considered that the site offers a suitable opportunity for development with the proposed dwellinghouses which would consolidate the extent of built development at this location.

The application shows two contemporary designed one and a half storey dwellinghouses finished in what appears to be white render, dark grey roof finish and areas of timber cladding. There is no distinct architectural style evident in the residential development surrounding the application site or in the wider area which comprises a mix of single, one and a half and one and three quarter storey properties, some traditional with others more contemporary incorporating a variety of finishing materials. Whilst the dwellinghouses subject of this current application are contemporary designed structures, they are of a scale, design and finish which is considered to be acceptable within this location and will

not detract from the setting and character of the existing houses. A condition is necessary to control the external finishes in detail.

Furthermore, the positioning and orientation of the dwellinghouses within the site will ensure there are no significant adverse privacy or amenity issues affecting neighbouring properties. The orientation proposed reflects the variety that already exists at the settlement, which forms part of its visual interest, and also accounts for the other constraints of the site including overhead power lines, and the desire to retain an open aspect to the front of Balnagowan. In this regard the proposal is considered to comply with the terms of Policy LP ENV 19 and Appendix A.

C. Natural Environment

The proposed development is not located within or adjacent to any Nature Conservation sites.

D. Road Network, Parking and Associated Transport Matters.

The application proposes to form a new vehicular access from the unclassified Musdale road to serve the proposed dwellinghouses. The Area Roads Authority was consulted on the proposed development and in their response raised no objection subject to conditions. The conditions required relate to the formation of the access at the junction of the public road, clearance of visibility splays, provision of an appropriate level of parking and turning to serve each dwellinghouse and commensurate improvements to the public road by way of provision of a single passing place.

With conditions, the proposal is considered to be acceptable from a road safety perspective and complies with the terms of Policies LP TRAN 4 and LP TRAN 6 which seek to ensure that developments are served by an appropriate means of vehicular access and have a sufficient parking and turning area.

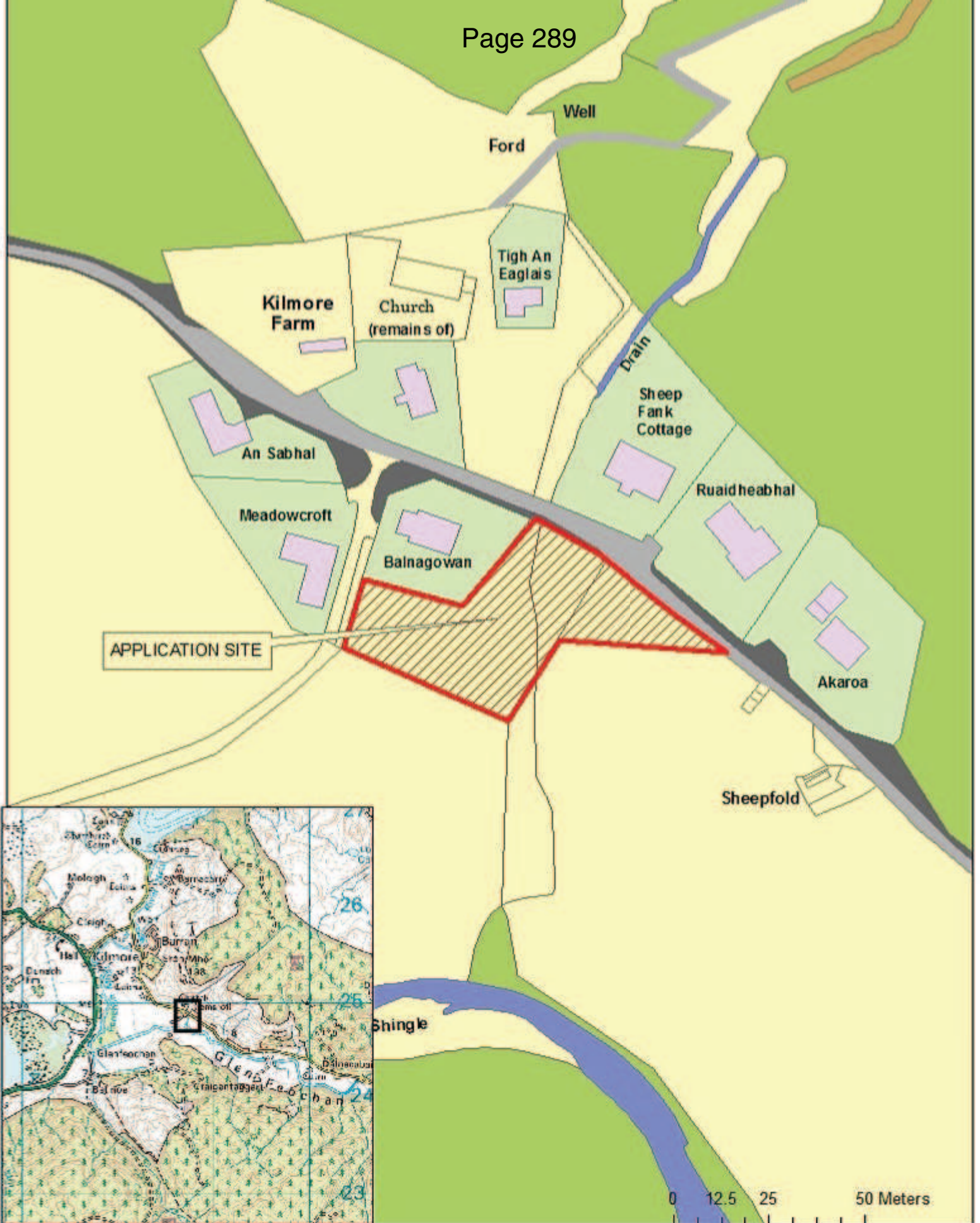
E. Infrastructure

The application indicates that drainage is via installation of two private septic tanks with the outfall to the adjacent stream. No details of the tanks have been submitted in support of the application and therefore it is considered appropriate to impose a condition reserving this aspect of the scheme for further approval. Building Standards and SEPA will apply sufficient control over the detailed arrangements of the system to ensure that no pollution of the burn occurs.

The proposal is considered acceptable in terms of Policy LP SERV 1 in that there is no public sewer within the vicinity of the proposed development to allow connection.

The application indicates connection to the public water main. Scottish Water has been consulted on the proposal and raised no objection advising that Tullich Water Treatment Works currently has capacity to service the proposed development.

The proposal is considered acceptable in terms of Policy LP ENV 1 which seeks to ensure the availability of suitable infrastructure to serve proposed developments.



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**Argyll and Bute Council
Development & Regulatory Services**

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: 13/00446/PP

Planning Hierarchy: Local Application

Applicant: W D Codona

Proposal: Change of use of car park to amusement park (renewal of planning permission 12/00191/PP).

Site Address: Helensburgh Pier West Clyde Street Helensburgh Argyll And Bute

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

- (i) Development Requiring Express Planning Permission**
Change of Use of Land from public car park (no specified use class) to site for amusement fair (Class 11, assembly and leisure)
 - (ii) Other specified operations**
None
-

(B) RECOMMENDATION:

It is recommended that planning permission be approved subject to the attached conditions and reasons.

(C) HISTORY:

97/00153/COU – Change of use of land to site amusement fair – Granted 15/04/1997
 98/00139/COU – Change of use: Car park to amusement park (Renewal) – Granted 14/04/1998
 99/00085/COU – Siting of amusement fair – Granted 15/04/1999
 00/00074/COU – Change of use of land to site amusement park – Granted 08/03/2000
 01/00121/COU – Change of use of land to site amusement park – Granted 10/04/2001
 02/02023/COU - Change of use of land to site amusement park - Granted 6/2/2002.

00/00209/DET – Erection of supermarket and associated car parking and landscaping works – Permission refused
03/02344/COU – Change of use of land to site amusement park – Granted 03/02/04
04/02521/COU – Change of use of land to site amusement park – Granted 02/02/05
05/02460/COU – Change of use of land to site amusement park – Granted 09/02/06
06/02556/COU – Change of use of land to site amusement park – Granted 16/01/2007
08/02219/COU – Change of use of Car Park to Amusement Park (Renewal of Consent) – Granted 04.02.2009
12/00191/PP – Change of use of Car Park to Amusement Park (Renewal of Consent) – Granted 23.03.2012

(D) CONSULTATIONS:

Area Roads Manager – 09.04.2013 - No objections subject to previous conditions applying.
Development Policy – 11.03.2013 - No objections to a temporary permission for 2 years.
Environmental Health – 3/5/13 – No objections.

(E) PUBLICITY:

Regulation 20 Advert Local Application (expiry date 04.04.2013)

(F) REPRESENTATIONS: None received

(i) Summary of issues raised

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) Environmental Statement:** N
- (ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** N
- (iii) A design or design/access statement:** N
- (iv) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** N

Summary of main issues raised by each assessment/report

N/A

(H) PLANNING OBLIGATIONS

- (i) Is a Section 75 agreement required:** N
-

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

- (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 Local Plan' 2009

LP ENV 1 – Impact on the General Environment

LP BAD 1 – Bad Neighbour Development

- (ii) **List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.**
-

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

- (L) **Has the application been the subject of statutory pre-application consultation (PAC):** N
-

- (M) **Has a sustainability check list been submitted:** N
-

- (N) **Does the Council have an interest in the site:** Yes, as owners of the site.
-

- (O) **Requirement for a hearing (PAN41 or other):** N
-

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

Planning permission is sought for the siting of an amusement park on Helensburgh Pier, which is owned by the Council. The site is within Helensburgh Town Centre as defined by the adopted Local Plan. Permission has been granted on a temporary basis for the siting of the fair in its present location since 1976.

The site is located to the western corner of Helensburgh Pier Car Park, adjacent to the swimming pool. The area involved is approximately 1800 sq. meters and is within the Town Centre as defined by the adopted Local Plan. It is considered that this type of development is preferred within a town centre location. Because of the nature of the application, it is considered a bad neighbour development and should be assessed as such. Policy LP BAD 1 states that bad neighbour developments will only be permitted where there are no unacceptable adverse effects on the amenity of neighbouring residents; the proposal includes appropriate measures to reduce the impact on amenity

by way of noise, light and smells; that there are no transport, amenity or public service provision objections; that technical standards for traffic and pedestrian access are met; and that the proposal does not conflict with any other Structure Plan or Local Plan Policy. The Area Environmental Health Officer has been consulted and has no objection subject to the previous noise control requirements being reimposed and met. The Area Roads Manager has also been consulted and has no objections to the proposal. As previously stated, the amusement park has been sited on the Pier since 1976, with no adverse impact on the amenity of the surrounding area or residents. It is therefore considered that the proposal is acceptable and accords with this policy.

In approving previous applications the permission has been time limited to a year. A period of one year was granted on the basis that a longer permission may prejudice the future redevelopment of the pier head area which is seen as a key component in the regeneration of the waterfront. A revised masterplan for the pier head area has now been agreed. Development Policy was consulted and have advised that both the original and replacement masterplan do not envisage the permanent retention of a seasonal funfair. Moreover, it will be important that there are no impediments to the delivery of the masterplan and marketing opportunity on the pierhead. However, on this occasion it is considered that, given the timescale for the masterplan and marketing opportunity for the pierhead, a temporary permission of two years would be appropriate.

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

(R) Reasons why planning permission or a Planning Permission in Principle should be granted

It is considered that the proposal is acceptable and accords with Local Plan policies. The amusements have been running on this site since 1976 with no adverse impact on the surrounding area or residential properties. It is therefore considered that, on the basis of a temporary permission for two years, it will not prejudice the masterplan and marketing opportunity for the pierhead and accords with Policies LP ENV 1 and LP BAD 1 of the Argyll and Bute Local Plan.

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

N/A

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

Author of Report: Jim Reid
Reviewing Officer: Howard Young

Date: 19 April 2013
Date: 19 April 2013

Angus Gilmour
Head of Planning & Regulatory Services

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 13/00446/PP

1. Permission shall enure for a period of two years from the date of this consent.

Reason: Imposed in order not to prejudice the provisions of appropriate future levels of parking provision for Helensburgh in the longer term and not to prejudice the provisions of the current development plan for the area.

2. The development shall be implemented in accordance with the details specified on the application form dated 27/02./2013 and the approved drawing reference number 1/1 unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

3. At the end of the period of permission the use authorised by the permission shall be discontinued unless an application for an extension of the period is approved by the Council.

Reason: Imposed in order not to prejudice the provisions of appropriate future levels of parking provision for Helensburgh in the longer term and not to prejudice the provisions of the current development plan for the area.

4. No engine, generator, public address system or music amplification system shall be used after 11.00pm on any evening.

Reason: Imposed in order to provide control over the timing and volume of noise from the fair in the interests of maintaining appropriate levels of residential and public amenity.

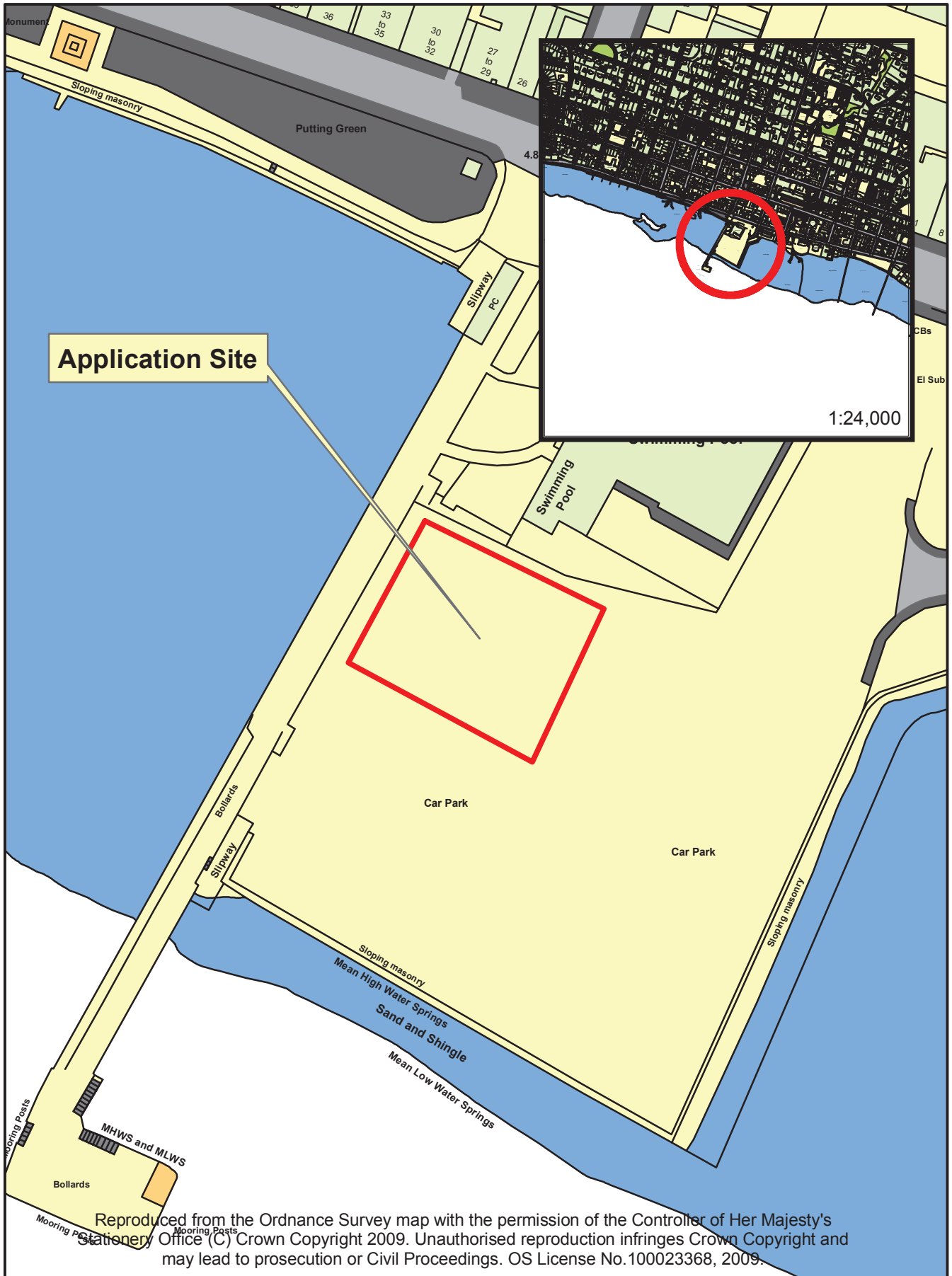
5. The noise level attributable to the amusement fair measured within a dwelling, hospital or school shall not exceed 50 d B(A) for more than 10% of the time, as measured over any 15 minutes period.

Reason: Imposed in order to provide control over the timing and volume of noise from the fair in the interests of maintaining appropriate levels of residential and public amenity.

6. Any fencing to be erected towards the northern edge of the application site (to the rear of the swimming pool and play areas) shall be positioned so as to allow a 2m gap to be maintained as a pedestrian / disabled access route to connect with the ramp to the pier.

Reason: In order that uninhibited pedestrian and disabled access may be maintained to the pier ramps.

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Location Plan relative to Application Ref: 13/00446/PP

Date: 22.04.2013

Scale: 1:1,250



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**Argyll and Bute Council
Development & Regulatory Services**

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:	13/00591/PP
Planning Hierarchy:	Local Application
Applicant:	Mr Andrew Watts
Proposal:	Alterations and change of use of community centre to form 3 dwellinghouses including demolition of plant room
Site Address:	Cove and Kilcreggan Community Centre, School Road, Kilcreggan

DECISION ROUTE

- (i) **Local Government Scotland Act 1973**

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Conversion of community centre to form 3 dwellinghouses
- Erection of external bin store
- Widening of existing rear access and formation of 7 parking spaces
- Relocation of boundary fence to create sight line
- Replacement of Windows and insertion of new velux windows into roof

(ii) Other specified operations

- Demolition of existing plant room
-

(B) RECOMMENDATION:

It is recommended that planning permission be approved subject to the attached conditions and reasons.

(C) HISTORY:

12/02381/PREAPP	Conversion to 3 dwellings. Acceptable in principle
12/02391/PP	Conversion to 3 dwellings – Withdrawn

12/02607/LIB
13/00647/LIB

Conversions to 3 dwellings – Withdrawn
Conversion to 3 Dwellings – Not determined. Requires referral to Historic Scotland as this is a Council owned property.

(D) CONSULTATIONS:

Area Roads Engineer (memo dated 01.05.13) – No Objections subject to imposition of conditions relating to sight lines and access width.

Area Environmental Health Officer (memo dated 09.04.13) - No objections

Scottish Water (letter dated 02.04.13) – No objections

(E) PUBLICITY:

Site and Press Notice Listed Building/Conservation Area – Expired 02.05.13

(F) REPRESENTATIONS: None

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) **Environmental Statement:** N
- (ii) **An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** N
- (iii) **A design or design/access statement:** N. A Design Statement was not require in this instance as the works comprise the alteration of an existing building.
- (iv) **A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** N

(H) PLANNING OBLIGATIONS

- (i) **Is a Section 75 agreement required:** N
-

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

(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 9 – Historic Environment and Development Control

'Argyll and Bute Local Plan' 2009

LP ENV 1 Impact on the General Environment

LP ENV 13a Development Impact on Listed Buildings

LP ENV 14 Conservation Areas and Special Built Environment Areas

LP ENV 19 Development Setting, Layout and Design

LP HOU 1 General Housing Development

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

LP TRAN 6 Vehicle Parking Provision

Appendix A Sustainable Siting and Design Principles

Appendix C Access and Parking Standards

Argyll & Bute Sustainable Design Guidance (2006)

Scottish Historic Environment Policy (Historic Scotland 2011)

(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.**

N/A

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

(L) **Has the application been the subject of statutory pre-application consultation (PAC):** Y

(M) **Has a sustainability check list been submitted:** N

(N) Does the Council have an interest in the site: Yes, as landowner.

(O) Requirement for a hearing (PAN41 or other): N

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

The building was originally built as the Free Presbyterian Church school and was largely endowed by the Carne Campbell family. The property was originally the main school building in Kilcreggan until the new school was built adjacent to the building. Educational Services declared the building surplus once the new school was built and a community group decided to manage it as a Community Centre and leased the building from the Council for a nominal value.

The community use of the building as the 'Rainbow Centre' continued until 2010 when the building was handed back to the Council to manage as the community had no further interest in using the building for community purposes.

The Cove Burgh Hall, a short distance from this property, had been refurbished and community groups preferred to use this as opposed to the Rainbow Centre, which was beginning to deteriorate and needed renovation. It was decided that the building should be disposed of by the Council as the Community had expressed no further interest in the building when the building was placed on the market for sale.

The site is located within the settlement of Kilcreggan in the Argyll and Bute Local Plan 2009. Within such areas there is a presumption in favour of development subject to a site based criteria assessment. For this reason the principle of conversion to dwellings is considered consistent with Policy STRAT DC 1 of the Structure Plan and Policy LP HOU 1 of the Argyll and Bute Local Plan as it represents a small scale residential conversion project within the settlement boundary. The site is also within the Conservation Area where development must preserve or enhance the Conservation Area.

It is considered that the works to the property have been designed to minimise as far as possible disruption to the existing fabric and that all important features have been maintained and therefore the change of use is in principle acceptable as the main external elevations will not only be retained but upgraded.

Having regard to all of the above, it is considered that the proposal would be consistent with Policies STRAT DC 1 and STRAT DC 9 of the Argyll and Bute Structure Plan 2002 and Policies LP ENV1, LP ENV 13(a), LP ENV 14, LP ENV 19, LP HOU 1, LP TRAN 4, LP TRAN 6 and Appendices A and C of the Argyll and Bute Local Plan (2009).

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

(R) Reasons why planning permission or a Planning Permission in Principle should be granted

The proposal accords with Policies STRAT DC 1 and STRAT DC 9 of the Argyll and Bute Structure Plan 2002 and Policies LP ENV1, LP ENV 13(a), LP ENV 14, LP ENV 19,

LP HOU 1, LP TRAN 4, LP TRAN 6 and Appendices A and C of the Argyll and Bute Local Plan (2009). The proposal raises no other material considerations which would justify refusal of permission.

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

N/A

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

Author of Report: David Moore

Date: 02.05.13

Reviewing Officer: Howard Young

Date: 03.05.13

Angus Gilmour
Head of Planning

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO: 13/00591/PP

1. The development shall be implemented in accordance with the approved drawings –

Drawing No. 1198/005	Location Plan
Drawing No. 1198/003G	Site Plan
Drawing No. 1198/011A	Ground Floor Plan and Elevations as Existing
Drawing No. 1198/030A	Proposed Ground and First Floor Plans
Drawing No.1198/031A	Proposed Roof Plan and Elevations

unless the prior written approval of the Planning Authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

- 2 Development shall not begin until samples of materials to be used (on external surfaces of the buildings) and/or in construction of hard standings/walls/waste or recycling stores/fences) has been submitted to and approved in writing by the Planning Authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing, with the Planning Authority.

Reason: In order to integrate the development into its surroundings.

- 3 Notwithstanding the requirements of condition 02 in relation to materials, the proposed Waste/Recycling store indicated on drawing 1198/003G shall be constructed to comply with the following dimensions - Length 5.3m x Width 1.0m x Height 1.2m. unless with the written agreement of the Planning Authority.

Reason: To ensure this facility is of an appropriate scale to both meet operational requirements for refuse storage and be appropriately scaled in its setting.

- 4 Prior to commencement of any works or building operations to convert the building into three dwellinghouses full details of all new windows to be installed shall be submitted to the Planning Authority for approval. Such details as may be approved shall be implemented and thereafter retained unless with the written agreement of the Planning Authority.

Reason: In the interests of visual amenity.

- 5 Development shall not begin until details of a scheme of hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:

- i) location and design, including materials, of walls, fences and gates
- ii) soft and hard landscaping works, including the location, type and size of each individual tree and/or shrub
- iii) programme for completion and subsequent on-going maintenance.

All the hard and soft landscaping works shall be carried out in accordance with the scheme approved in writing by the Planning Authority. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and

seeding seasons following the commencement of the development unless otherwise agreed in writing with the Planning Authority.

Any trees or plants which within a period of ten years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species, unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure the implementation of a satisfactory scheme of landscaping and to ensure that material used within the site reflect the listed status of the building

- 6 Prior to commencement of any other building or other operations on site associated with the implementation of this planning permission, the visibility splay of dimensions 2.4m x 42m x 1.05m shown on drawing 1198/003G shall be formed. All boundary walls, fencing or vegetation within the visibility splay shall thereafter be maintained in perpetuity at a height not exceeding 1.05 metres above the level of the road.

Reason: In the interests of road safety.

- 7 Notwithstanding the requirements of condition 02 in relation to materials, prior to the occupation of the first residential unit, the parking area shown on Drawing No.1198/003G shall be formed and, thereafter, maintained for such a purpose.

Reason: In the interests of road safety.

- 8 The vehicular access to the proposed car parking area associated with the development and indicated on Drawing 1198/003G shall be constructed and retained to a minimum width of 4.5m.

Reason: In the interests of road safety.

- 9 Prior to works commencing on site, details of the curtilage for each of the dwellinghouses hereby approved shall be submitted to and approved in writing by the Council as Planning Authority.

Reason: In the interests of amenity.

NOTES TO APPLICANT

1. 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).]
2. In order to comply with Section 27A(1) of the Town & Country Planning (Scotland) Act 1997, 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
3. In order to comply with Section 27B(1) of the Town & Country Planning (Scotland) Act 1997 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 complete.

4. It is likely that the proposed works will require a Road Occupation Permit. The applicant is advised to contact the Area Roads Department (Mr. Campbell Divertie) directly upon these matters.
5. Attention is drawn to the following Environmental Health Legislative requirements:
 - The hours of operation of the site during construction works should be restricted to between 08.00 and 18.30 on Mondays to Friday and between 08.00 and 13.00 on Saturdays. There should be no working on Sundays or Bank Holidays. Outwith these hours, no vehicles should be started, moved or maintained in the land as far as possible;
 - Prior to work starting on site, the applicant must ensure that appropriate steps have been taken to comply with the requirements of the Control of Asbestos Regulations 2012, namely the duty to check if asbestos is present in any of the existing buildings proposed to be demolished or disturbed in any way and to remove before commencing work.
6. The Habitat Regulations give bats, their breeding sites and resting places a high level of protection and it is a criminal offence to capture or kill a bat, disturb a bat while in a place of shelter or rest or damage or destroy a bat's breeding site or resting place. Prior to the commencement of development the buildings should be inspected for any evidence of bats. If any evidence of bats is found at any stage, this issue should be reported immediately to Scottish Natural Heritage (SNH) and no development should proceed until the issue has been resolved with SNH.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 13/00591/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The site is located within the settlement of Kilcreggan in the Argyll and Bute Local Plan 2009. Within such areas there is a presumption in favour of development subject to a site based criteria assessment. The site is also within the Conservation Area Policy LP STRAT 1 and LP STRAT DC 9 of the Structure Plan and Policies LP ENV 1, LP ENV 14, LP ENV 19, LP BUS 1, LP BAD 1, LP CST 1, LP HOU 1, LP TRAN 6, LP TRAN 8, LP DEP 1 and Appendix A and C of the adopted Local Plan are applicable.

B. Location, Nature and Design of Proposed Development

Cove and Kilcreggan Community Centre is a Category C(s) Listed Building set within the Kilcreggan Conservation Area. It is therefore essential that proposals are of a high quality design and also of a nature and scale appropriate to both the host building and the character of the Conservation Area.

The building is a former school house which has been used as a community centre and is now vacant and in need of restoration and re-use to safeguard its long term retention. The internal fabric of the building reflects its long term use as a school and then community centre, and officers consider that there is no internal detailing of historic or architectural merit. The internal layout is functional and not outstanding in terms of special characteristics and architectural detailing. The Historic Scotland Listing for the building contains no references to any internal details which require to be retained.

However, externally the building is attractive in terms of proportions, detailing, materials and general appearance, being set at a prominent location within the Conservation Area and contributing positively to its character and appearance. The external elevations of the building are substantially intact apart from a sympathetic single storey extension on the north elevation. The building is stone faced with a slate roof with ornate window openings and an attractive bell tower feature.

The site is set within an area which is characterised by both post war residential properties and an adjoining school of more contemporary appearance. Within this immediate context the re-use of the building for residential purposes would be an acceptable land use subject to meeting necessary standards.

It is recognised that, in many cases, continuation of an original use of a historic building is not a practical proposition and it will often be necessary to find an alternative use. In this instance the building was originally used as a school and then a community centre. It is considered important to seek to secure the retention and maintenance of the building as it contributes positively to the Conservation Area and is an important historic feature in a locality which has undergone more recent change. It is widely recognised that vacant buildings are at a greater risk of decline and it is therefore important that buildings are, where possible, brought back into beneficial use to maximise their chances of being well maintained and safeguarded. This is particularly important for Listed Buildings.

In this instance, as has been previously set out, the Listed Building is surplus to requirements of both the Council and local community and has therefore been marketed by the Council to allow an appropriate alternative use to come forward to secure the long term maintenance of the building. Unless funds are available to retain an obsolete

building in good repair, the acceptance of an alternative use is often the only practical means to preserve both the building itself and its contribution to the character and appearance of the area.

It is considered that the works to the property have been designed to minimise as far as possible disruption to the existing fabric and that all important features have been maintained and therefore the change of use is in principle acceptable as the main external elevations will not only be retained but upgraded.

Externally, the proposal will involve the repair of the existing fabric (e.g. walls and roofs) strictly in line with recommended conservation practice. All major features of the former school, including the bell tower on the roof and ornate window openings, will be retained and the works will result in a welcome upgrade to the fabric of the building securing its retention in a manner which will benefit the building itself and also the surrounding area through improving its appearance and securing this attractive feature in the townscape.

The major alterations to the external appearance, other than general upgrading the existing fabric, relates to the new windows being proposed on both the roof and also the elevations as set out below

It is proposed to install 14 conservation style rooflights into the roof of the building. Four similarly proportioned rooflights already exist on the eastern roof slope of the main building and these will be replaced. The new rooflights match the proportions and character of the existing rooflights and are therefore of an appropriate scale and design.

In respect of the increased numbers of rooflights, it is considered that as they are of an appropriately small scale, and will be set within the context of varied architectural detailing on both the roof and elevations they will successfully integrate into the building and will not detract from its integrity or appearance.

All but three of the windows on the external elevations require to be replaced and upgraded to meet modern building control standards including means of escape and energy efficiency standards. It is considered that subject to the new windows being both of a conservation style, and in keeping with the character of the building there is no objection in principle to the replacement of the existing windows. Discussions with the agent have clarified that due to the unusual design and scale of the windows of the school no standard manufacturer's window can be used and specially commissioned wooden framed double glazed units will have to be designed and manufactured.

Drawing 1198/031A indicates that the new windows proposed on the ground and first floor levels will contain a range of details including opaque glazed transom panels and matching leaded glazing bars. Officers consider that the window detailing represents an important element in defining the character and appearance of the building and it is therefore considered appropriate to use a condition in this instance to allow detailed designs for the windows to be produced at a future date for officer approval which will reflect the detailing shown on the application drawing.

It is considered that conservation style windows as proposed, with attractive detailing, will improve the appearance of the building.

An external plant room is to be demolished. This is a brick built later addition to the rear of the building and its demolition is considered to improve the external appearance of the building.

In relation to amenity space provision for new housing development, Appendix A at paragraph 4.2 states that all new development should have some private open space, ideally a minimum of 100sqm, and that in the case of terraced houses the density on the plot of up to 45% of site area being developed for buildings can be acceptable.

The proposed development has an external grassed amenity area of approximately 600sqm which approximates to 200sqm for each dwelling and is therefore in accordance with standards. A condition has been attached requiring the curtilage to serve each house to be specifically defined. The overall site area comprises some 1337sqm with the existing building having a footprint of 230sqm. The development therefore only takes up approximately 18% of the plot and is in accordance with the standards set out in Appendix A.

Drawing 1198/003G indicates that a communal waste /recycling store is to be provided adjacent to the rear parking area. The building required to accommodate refuse and recycling bins requires to be a minimum size of Length 5.3m x Width 1.0m x Height 1.2m in order to accommodate the necessary waste storage for a development of this size. However, this bin store requires to be scaled and designed in a manner which is sympathetic to the setting of the Listed Building and therefore a condition has been imposed to ensure it is of an appropriate design and finish in this sensitive setting.

C. Road Network, Parking and Associated Transport Matters.

Policies LP TRAN4 and LP TRAN 6 and Appendix C require to be addressed in considering the application.

The parking area for the community centre is currently located to both the front and rear of the building. The Area Roads Engineer has required the proposals to be amended to relocate all vehicular parking to the rear to be accessed off of a private access road. It is also proposed to relocate the existing boundary fence along the eastern edge of the site back into the site to form acceptable sight lines.

The removal of the vehicle parking from the front elevation of the property is considered to have benefits for the setting of the Listed Building and the character of the Conservation area. The main public views of the building will now be set within the context of an attractive landscape setting unobstructed by vehicles parked set at a higher level obscuring views of the building and impinging its interaction with its surroundings to the detriment of the character and appearance of the Conservation Area at this point.

Policy LP TRAN 4 (C) (1-5) requires that private accesses should be constructed to a minimum standard. In this respect the Area Roads Engineer is satisfied that the proposals are in accordance with required standards but considers that two conditions require to be imposed related to visibility splays and also the width of the car park access to ensure traffic and pedestrian safety is not compromised by the proposals.

The proposed visibility splays shown on Drawing 1198/003G are acceptable. However, to achieve this an existing railing along the eastern boundary of the site requires to be relocated from its existing line along the eastern edge of the site back into the site to allow for the 2.4m x 42m x 1.05m sight line. As has been previously stated, it is considered that this relocation is acceptable and will not adversely impact upon the character and setting of either the Listed Building or impact upon the character or appearance of the Conservation Area.

The existing stone pillars which form an attractive entrance feature on the North East corner of the site, and are referenced in the Historic Scotland schedule of listing, will be retained.

The Area Roads Engineer has also advised that the access to the car parking area to serve the dwellings should be a minimum of 4.5m wide and has requested a condition be imposed to this effect.

LP TRAN 6 and Appendix C of the Argyll and Bute Local Plan 2009 set down the standards for vehicle parking. The development is for 2 x 2 bedroom dwellinghouses and 1 x 3 bedroom dwellinghouse.

The required parking standard for both 2 and 3 bedroomed dwellinghouses set out at Appendix C is 2 spaces for each of the units requiring 6 off street car parking spaces..

The application proposes to provide 7 car parking spaces to the rear of the building accessed off of an existing private access road. The Area Roads Engineer has confirmed that this is in accordance with required parking standards set out at Appendix C.

D. Infrastructure

It is proposed to connect to both the public water main and public sewer. Scottish Water has raised no objection to this proposal.

E. Conclusion.

The site is located within the settlement of Kilcreggan in the Argyll and Bute Local Plan 2009. Within such areas there is a presumption in favour of development subject to a site based criteria assessment. For this reason the principle of conversion to dwellings is considered consistent with Policy STRAT DC 1 of the Structure Plan and Policy LP HOU 1 of the Argyll and Bute Local Plan as it represents a small scale residential conversion project within the settlement boundary. The site is also within the Conservation Area where development must preserve or enhance the Conservation Area.

It is considered that the works to the property have been designed to minimise as far as possible disruption to the existing fabric and that all important features have been maintained and therefore the change of use is in principle acceptable as the main external elevations will not only be retained but upgraded. Having regard to all of the above, it is considered that the proposal would be consistent with Policies STRAT DC 1 and STRAT DC 9 of the Argyll and Bute Structure Plan 2002 and Policies LP ENV1, LP ENV 13(a), LP ENV 14, LP ENV 19, LP HOU 1, LP TRAN 4, LP TRAN 6 and Appendices A and C of the Argyll and Bute Local Plan (2009).



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**Argyll and Bute Council
Development and Infrastructure Services**

PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE - 22nd May 2013

UPDATE ON RECENT SCOTTISH GOVERNMENT PLANNING DECISION

A) INTRODUCTION

This report advises of a recent appeal decision by the Scottish Government Directorate for Planning and Environmental Appeals relative to the case set out below.

B) RECOMMENDATION

Members are asked to note the contents of the report.

C) DETAILS OF APPEAL DECISIONS

**PLANNING APPEAL DECISION – PPA-130-2029– Dismissed
Formation of finfish farm comprising 14 No. 32m diameter cages and
installation of feed/service barge
Dun Bhuirg, Loch Scridain, Isle of Mull**

Planning permission for this proposed salmon farm was refused by committee in September 2012. In summary, the grounds for refusal were based upon adverse consequences for landscape character and visual amenity along with likely adverse impact upon commercial fishing interests.

An appeal against the refusal was subsequently lodged and the appeal was dealt with by way of written representations and an accompanied site visit by the Reporter. The decision in this case was to dismiss the appeal.

In reaching a decision the Reporter concluded as follows:

- In terms of fishing interests he noted that there had been objections from various fishing interests, some of which had been subsequently addressed by negotiation between the parties, whilst others remained outstanding. He concluded that the development would have some impact upon local creel fishing, but was not persuaded that the overall impact, individually or cumulatively with existing shellfish farms, would be such as to warrant refusal of planning permission on the grounds of unacceptable conflict with the interests of commercial fishermen.
- In terms of possible conflict with wild fish interests, he accepted the Council's conclusion that provided the site were to be operated in accordance with the industry code of good practice, then the risk would be controlled as far as reasonably practicable.

- In terms of impacts upon landscape and seascape he found the site to be of high scenic value, with added value due to its historical and nature conservation interests. He considered that the Landscape and Visual Impact Assessment carried out by the applicant under-estimated the consequences of the proposal and expressed the view that the process of determining landscape and visual impacts was not an exact science but involved an element of professional judgment. He agreed with the view expressed by SNH and the Council that the adverse landscape consequences of a proposal of this scale in a sensitive location would be particularly significant. He accorded significant weight to the local plan designated status of the area as an 'Area of Panoramic Quality'. He also concluded that there would be unwelcome cumulative impacts where the proposal could be viewed at close quarters in combination with, or sequentially with, existing mussel farms in the loch.
- In terms of economic benefits he concluded that whilst direct and indirect employment would benefit the local economy, despite this and the benefits to the wider activities of the applicant's company, these would not be of such magnitude to outweigh the significant adverse effect upon landscape character, scenic quality and visual amenity of the surrounding area. He felt that these adverse effects would also impact upon the recreational interests of the surrounding area to a point where this would amount to a supporting reason to dismiss the appeal.
- In reaching his decision he gave cognisance to the government's support for aquaculture as expressed in Scottish Planning Policy, but concluded that in view of its adverse landscape and visual effects, any general support for aquaculture on the part of the government was tempered by the inclusion of the site within an Area of Panoramic Quality.
- He concluded that the development would contravene structure plan policies STRAT SI 1 and STRAT DC 8 and local planning policies LP AQUA 1 and LP ENV10 of the local plan and found no other material considerations to warrant an exception being made to the provisions of the development plan.

D) IMPLICATIONS

Policy: None Financial: None Personnel: None Equal Opportunities: None

Author and contact officer: Richard Kerr (01546 604085)

**Angus J Gilmour
Head of Planning & Regulatory Services**

19th April 2013

ARGYLL & BUTE COUNCIL
DEVELOPMENT AND
INFRASTRUCTURE SERVICES

Planning, Protective Services and Licencing
Committee
22nd May 2013

The Planning Performance Framework (PPF)
Progress Report on – Sustainable Economic Growth and Open for Business

1. SUMMARY

The purpose of this paper is to provide Members with an update on the performance of the planning department in stimulating sustainable economic growth.

2. RECOMMENDATIONS

It is recommended that Members

- I. Note the content of the report.
- II. Endorse that planning plays an important role in the delivery of sustainable economic development
- III. Endorse that the report will be displayed on the Council website and will form part of the 2013 Planning Performance Framework (PPF)
- IV. Agree distribution of note to all Elected Members

3. Context

In 2012 the Scottish Government and Heads of Planning Scotland (HOPS) overhauled the way in which Local Authority Planning performance was measured.

The historic relatively draconian performance measures have been replaced by new indicators which are more holistic in approach and are captured annually in the Planning Performance Frameworks (PPF) based on 6 P's of Performance

- Process, People, Participation, policy, product and perception

ABC's first submission of PPF is on our website:-

<http://www.argyll-bute.gov.uk/planning-and-environment/planning-performance-framework-2012>

Whilst the PPF is published annually we also submit quarterly statistics to the Scottish Government who collate and publish them annually (some of the Quarterly Statistics are highlighted in the report)

One of the new measures in the PPF is that the Council should be '**Open for Business**'.

Based on the first 3 quarters of data that has been realised and qualitative commentary the report demonstrates that the Planning department is contributing positively towards sustainable economic growth.

4. IMPLICATIONS

4.1	Policy	No Policy issues
4.2	Financial	No financial implications
4.3	Personnel	No personnel implications
4.4	Equalities Impact Assessment	Nil
4.5	Legal	No legal implications



Planning Performance & Open for Business

May 2013

KEY STATISTICS

- The service has adopted a culture of negotiation, improvement where necessary and approval rather than refusal. This ethos is reflected in our pre application advice protocol and consistently high **approval rates in excess of 94% - higher than Scottish Average;**
- We have an effective **housing supply of 4,722 units (homes that have consent or allocated but not yet built) and currently 70.11 ha of industrial land is available for new development to take place** (ABC, build rate is usually 300 per annum);
- We are working with rented social landlords and the council housing service to provide opportunities for new social housing in Argyll and Bute. **Over 300 units now either on site or shortly to commence** including the former Lochgilphead High School; Former Hermitage site Helensburgh; Dalmally; Port Ellen; Bowmore, Dunbeg;
- We have an up to date Development Plan which is being renewed with the emerging Local Development Plan which contains nearly **400 Allocations and Potential Development Areas for various types of development;**
- We have a dedicated Major Applications Team who seek to deliver our most important projects with expedience and experience. We are trailing **Processing Agreements** with Marine Harvest which should further develop relationship with Aquaculture Industry. The latest performance figures show **we deliver Major projects faster than both the Scottish and Rural Average.**
- We have **determined 103 Business, Industry and Retail applications** in the past 2 years with only 1 being refused (Supermarket at former Gas Works site in Dunoon – Member Decision)
- We have helped deliver **6,367 m2 of new commercial floor space in 2011/12;**
- Latest Statistics show we deliver ALL LOCAL APPLICATIONS faster than the Scottish and Rural Average in a mean time of **10.9 weeks. Over 75% of all applications are determined under 2months.**

ADDING VALUE & ONGOING PROJECTS

- Planning secured **over £1million for projects in Dunoon and Helensburgh** through negotiation of Planning Contribution Funds relating to supermarket development;
- The Planning Service has assisted the delivery of Campbeltown CARS/THI; Rothesay CARS/THI and most recently the Inveraray CARS;
- We have an **award winning Forestry and Woodland Strategy** that has helped increase grant rates for the forestry industry in Argyll and Bute;
- We are working in partnership with the aquaculture industry to further develop their industry through new sites and factories based in Argyll and Bute;
- Focus on making efficiencies through reviewing processes in 2013/2014
- £50,000 secured for Wind Turbine Training from Scottish Government in competitive bid process
- Wind turbine Action Plan – improved process
- User Forums / User Groups / Community Council Training (via You Tube and Skype)
- Elected Member Training (bite sized learning, virtual learning + workshops)
- The service places great emphasis on the quality of outcomes on the ground either through coordinated regeneration schemes in towns such as Campbeltown and Rothesay, larger scale housing developments or business sites through to individual house sites. In many cases design improvements

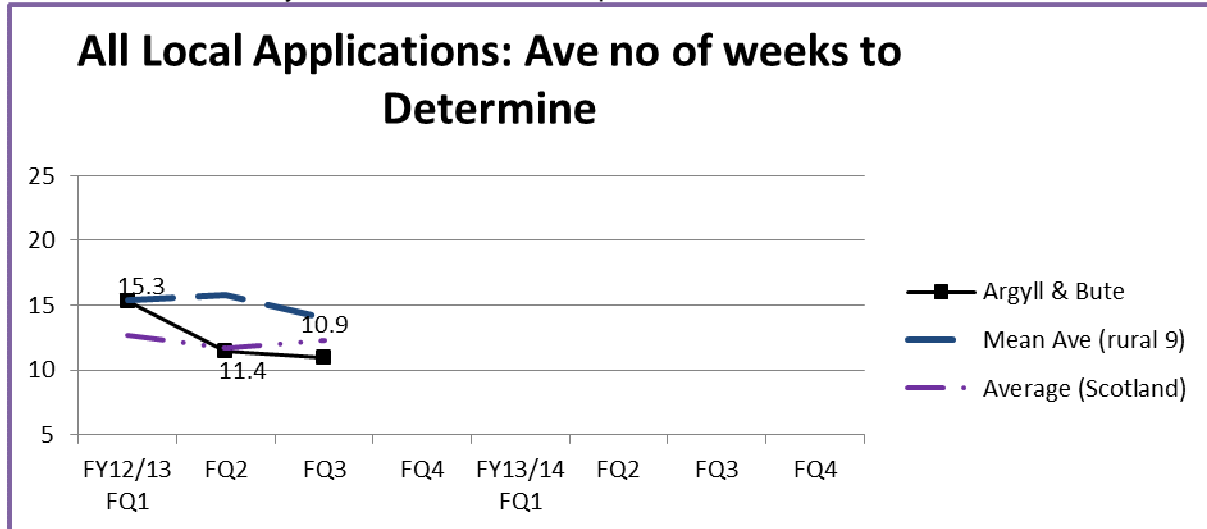
to schemes happen at the pre application stage and masterplans, together with associated design statements, are now a requirement for many of our larger development sites;

- We are working with various communities and community based initiatives such as MACC in Kintyre, the Craignish Community Plan to bring forward new development in their areas that provide a sustainable economic future;

National Performance Indicators

'ALL LOCAL APPLICATIONS' = Majority of our work (small scale housing, householder, business development)

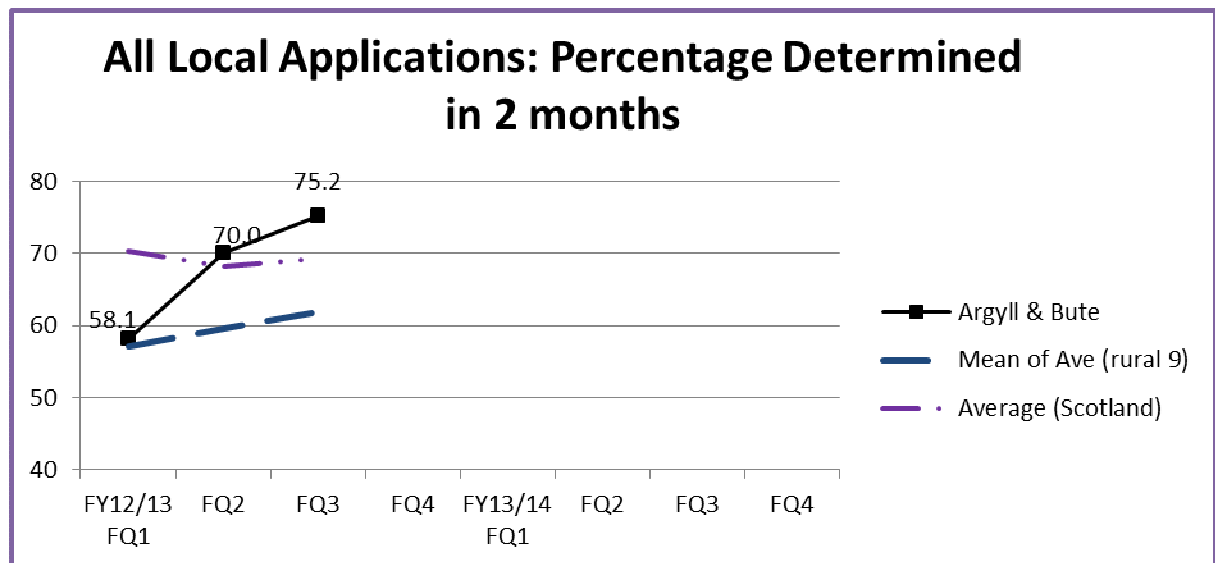
The less the Best!! Only 3 Quarters of Data been published so far



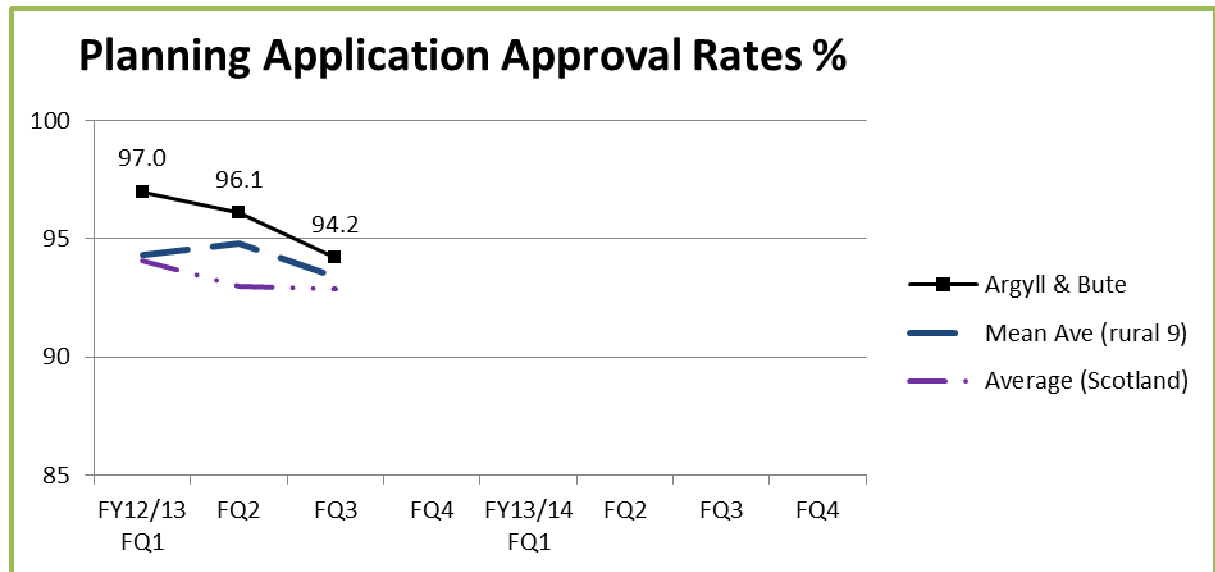
- **FQ3 Performance now better than Scottish Average and significantly better than Rural 9** (rural 9 are the other local authorities in Scotland who are rural in nature)

Poor performance against 'new indicators' in FQ1 attributed to:-

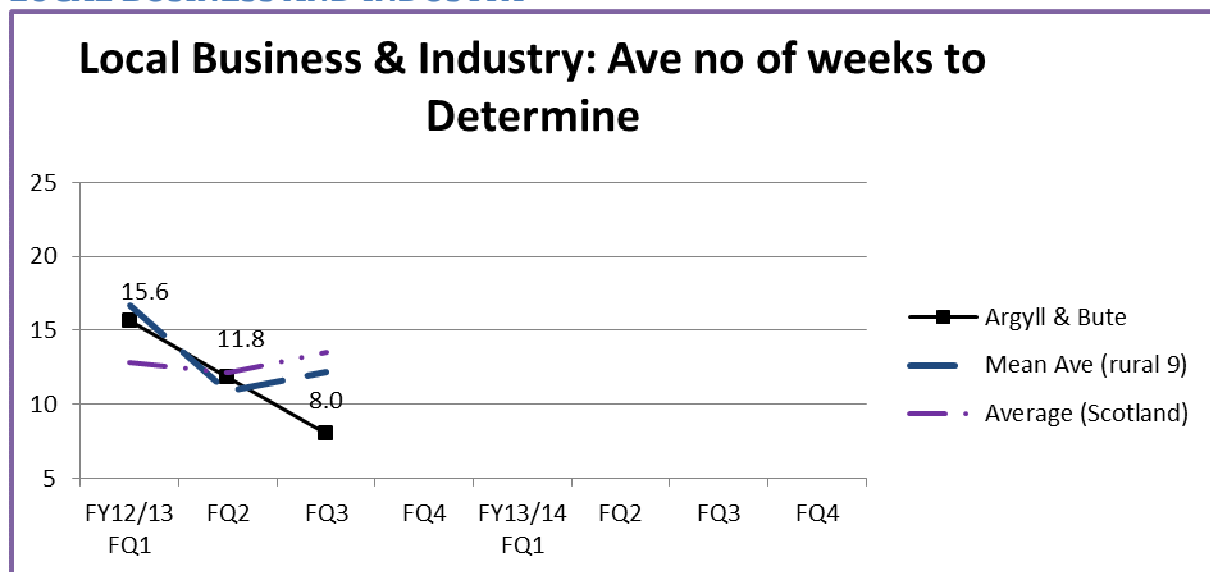
- Clearing 'legacy files' from tail end of previous financial year
- Not using 'clock stopping' - still not level playing field between Authorities



APPROVAL RATE IN CONTEXT

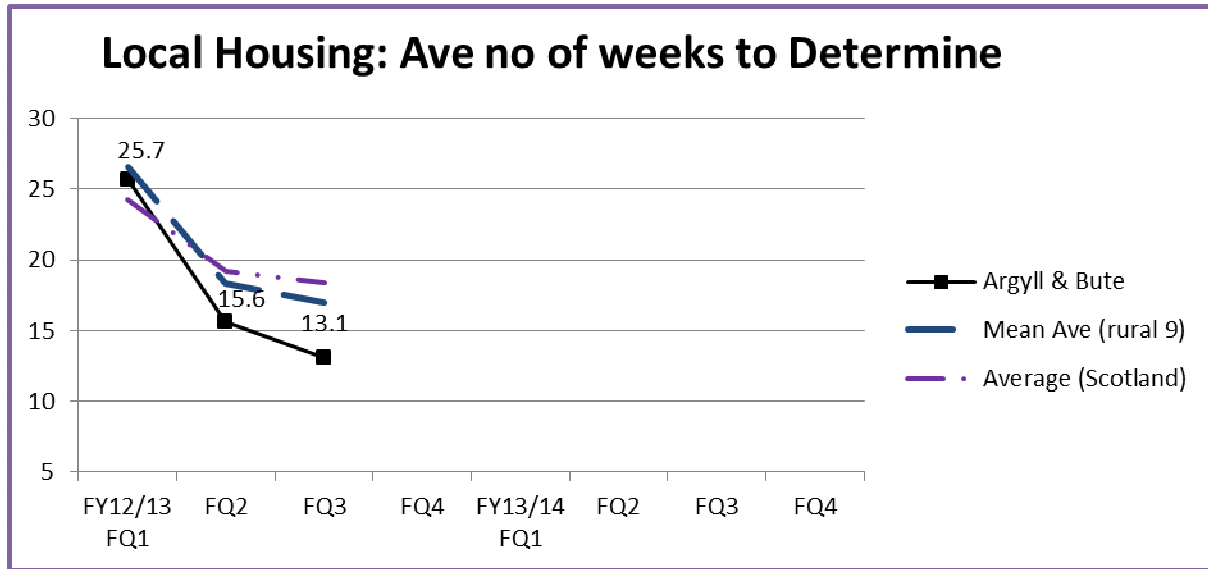


LOCAL BUSINESS AND INDUSTRY



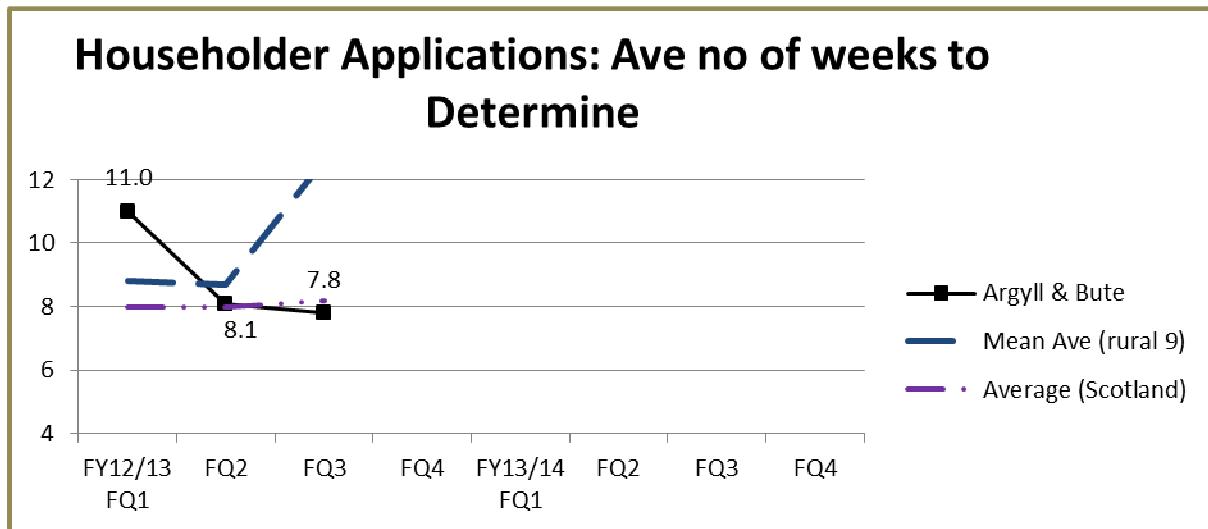
- Highlights we are improving in this area and are now well ahead of Scottish and Rural 9 average
- In the past 15 months not a single Local Business and Industry Application has been refused

LOCAL HOUSING



- This equates to the majority of residential sites in ABC. Any site < 50 houses
- Highlights we are improving in this area and are now well ahead of Scottish and Rural 9 average.

HOUSEHOLDER APPLICATIONS



- Quite often our 'shop window'. Members of public undertaking small scale projects such as extensions, porches or window replacements etc
- We are ahead of Scottish Average

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