



Argyll and Bute Council Proposed Local Development Plan

Supplementary Guidance

December 2012



Argyll and Bute Council
Development and Infrastructure
Director: Sandy Mactaggart



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www.argyll-bute.gov.uk



Argyll and Bute Council
**Proposed Local
Development Plan**

**Protecting, Conserving
and Enhancing our
Outstanding
Environment Together**

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SG LDP ENV 1— Development Impact on Habitats, Species and our Biodiversity (i.e. biological diversity)

(A) When considering development proposals Argyll and Bute Council will give full consideration to the legislation, policies and conservation objectives, contained within the following:-

- (i) Habitats and Species listed under Annex I, II & IV of the Habitats Directive;
- (ii) Species listed under Annex I & II of the Birds Directive and Red and Amber status in 'Birds of Conservation Concern';
- (iii) Article 10 Features under the Habitats Directive;
- (iv) Wildlife and Countryside Act 1981; (and as amended by the Nature Conservation (Scotland) Act 2004); Species listed on Schedules 1, 5, 7, 8, 9 and 14;
- (v) Wildlife and Natural Environment (Scotland) Act 2011. A Code of Practice on Non-Native Species supports this Act.
- (vi) Protection of Badgers Act 1992

(B) When considering development proposals the Council will also seek to contribute to the delivery of the objectives and targets set by the Local Biodiversity Action Plan (LBAP) and the Scottish Biodiversity Strategy. Proposals that incorporate and safeguard existing site interests within the design wherever possible will be encouraged. Applications for medium and large scale developments will be required to complete a biodiversity checklist*

Where there is evidence to suggest that a habitat or species of European, national and/or local importance exists on a proposed development site or would be affected by the proposed development, the Council will require the applicant, at his/her own expense, to submit a specialist survey of the site's natural environment, and if necessary a mitigation plan, with the planning application.

Development proposals which are likely to have an adverse affect on protected species will only be permitted where it can be justified in accordance with the relevant protected species legislation.

Biodiversity Checklist – see end of SG Document

Justification

Argyll and Bute is an internationally important area for nature and has the richest biodiversity in Scotland which provides us with a diverse range of the best examples in land-use, freshwater, marine and coastal habitats and species.

Biodiversity simply means the variety of life that surrounds and sustains us. This includes all living things both plant and animal, including people and the environment of which they are part.

In Argyll and Bute there are strong economic and social as well as moral and aesthetic, arguments for conserving biodiversity. Habitats and species could be lost to insensitive development and can never be replaced once lost. In order to ensure that biological diversity (or "biodiversity") is as rich as possible, it is very important that every opportunity is taken to protect and enhance the quality of the wider environment.

The aim of this SG is to give stronger protection to habitats and species, even when they are not associated with specifically designated nature conservation sites.

At the same time it requires the early completion of a biodiversity checklist by developers, which includes invasive non-native species for medium and larger scale developments to help alert developers to potential biodiversity issues in an effort to avoid delay and unnecessary expense.

The Wildlife and Natural Environment (Scotland) Act 2011 modernises legislation on the management of wildlife and improves legislative provision for invasive non-native species where they become established and cause adverse ecological, environmental or economic impacts. A Code of Practice on Non-Native Species supports this Act.

The Argyll and Bute Local Biodiversity Action Plan (LBAP) was renewed in 2010 and forms part of the Environmental SG that is linked to this policy. The LBAP identifies habitats and species important in

the local context and includes Action Plans for their conservation and enhancement.

The Scottish Biodiversity Strategy 2004 is currently being refreshed. This may affect the Scottish Biodiversity List.

This SG conforms to:

- NPF2
- SPP
- PAN 60 (Planning for the Natural Heritage)
- UK Biodiversity Action Plan
- LDP Key Objectives E & I
- EU Water Framework Directive

Background Information and Guidance:

- Argyll and Bute Local Biodiversity Action Plan (LBAP)
- List of international, European, national and local designated sites.
- The Scottish Biodiversity List web link is: <http://www.snh.gov.uk/docs/B277674.pdf>

SG LDP ENV 2 – Development Impact on European Sites

In all Development Management Zones development not directly connected with or necessary to the management of a European site, proposed European site or Ramsar site and which is likely to have a significant effect on the site (either individually or in combination with other plans or projects) will be subject to an appropriate assessment. Where it cannot be ascertained that the development would not adversely affect the integrity of the site it will not be supported unless:

(A) There is no alternative solution; AND,

(B) There are imperative reasons of over-riding public interest that may, for sites not hosting a priority habitat type and/or priority species, be of a social or economic nature.

Where the European site hosts a priority habitat type and/or a priority species (as defined in Article 1 of the Habitats Directive), the reasons referred to at (B) must relate to human health, public safety or beneficial consequences of primary importance to the environment, or other reasons which in the opinion of the European Commission (via Scottish Ministers) are imperative reasons of overriding public interest.

SG LDP ENV 3 – Management of European Sites

Argyll and Bute Council will seek to work in co-operation with other competent authorities/agencies and local communities to secure the conservation objectives of European sites dependant on wider management, such as marine sites. It will also encourage the management of features of the landscape, which are of major importance for wild flora and fauna.

SG LDP ENV 4 – Development Impact on Sites of Special Scientific Interest (SSSIs) and National Nature Reserves

In all Development Management Zones development which would affect Sites of Special Scientific Interest and National Nature Reserves will only be permitted where it can be adequately demonstrated that either:

(A) The proposed development will not compromise the natural feature or conservation objectives, or adversely affect the integrity of the site; OR,

(B) There is a proven public interest and benefit where social, economic, environmental or safety considerations of national importance outweigh the ecological interest of the site and the need for the development cannot be met in other less ecologically damaging locations or by reasonable alternative means.

Justification - SG LDP ENV 2, 3, & 4

Argyll and Bute is an exceptionally important area for nature with international and national sites being designated. Protection is afforded at a national level through Site of Special Scientific Interest (SSSI) designations. Overlaying these designations, however, is protection now offered to some of these sites that are considered to be of European significance. These are known as Special Areas of Conservation (SAC) under the Habitats Directive and Special Protection Areas (SPA) under the Birds Directive. Collectively these are known as Natura 2000 sites. Some SSSIs have also been declared as National Nature Reserves (NNR), which are concerned with management, education and public access. There is a requirement through legislation to protect all these sites from development that would have a detrimental impact upon their special environmental characteristics. In the coastal area, Marine Consultation Areas have also been identified. These areas are non-statutory and help guide the Council's consideration of development proposals.

All designated sites listed in SG LDP ENV 2, 3, & 4 have been included in the Local Development Plan Proposal Maps.

SG LDP ENV 2, 3 & 4 conforms to:

- NPF2
- SPP
- PAN 60 (Planning for the Natural Heritage)
- UK Biodiversity Action Plan
- LDP Key Objectives E & I
- EU Water Framework Directive

SG LDP ENV 5 - Development Impact on Local Nature Conservation Sites (LNCS)

Development that would have a significant, adverse effect on Local Nature Conservation Sites will not be supported unless the developer proves:

(A) Its public benefits at a local level clearly outweigh the nature conservation value of the site; AND,

(B) There is no suitable or available alternative site for the development; AND

(C) The Council is satisfied that all possible mitigation measures have been incorporated to minimise the adverse effects on the interests of the site.

Where development is allowed which could affect an LNCS, including beyond their boundaries, the developer must demonstrate that adequate measures will be taken to conserve and enhance the sites' ecological, geological and geomorphological interest.

Justification

The aim of this policy is to give Local Nature Conservation Sites protection from damaging development.

These sites play a valuable role in the environment, including providing vital links between different sites of nature conservation value, thus contributing to the development of habitat networks. They should therefore be protected against damaging development.

All Local Nature Conservation Sites have been included in the Proposals Maps.

This SG conforms to:

- NPF2
- SPP
- PAN 60 (Planning for the Natural Heritage)
- UK Biodiversity Action Plan
- LDP Key Objective E & I
- EU Water Framework Directive

SG LDP ENV 6 - Development Impact on Trees / Woodland

In accordance with Schedule FW 2, Argyll and Bute Council will protect trees, groups of trees and areas of woodland by making Tree Preservation Orders (TPOs) where this appears necessary in the interests of amenity.

Argyll and Bute Council will also resist development likely to have an adverse impact on trees by ensuring through the development management process that adequate provision is made for the preservation of and where appropriate the planting of new woodland/trees, including compensatory planting and management agreements.

Schedule FW 2 – Features of important woodland/trees to be safeguarded include:

- The whole area of woodland or segments of woodland when these are highly valued and not capable of absorbing development without fundamental damage occurring to the integrity, appearance or prized features of the woodland.
- The prize features of an important woodland may include:
 - the remaining part of an ancient, long established or semi-natural woodland;
 - recreational value to local people;
 - amenity value including within settlements, conservation areas and the setting of listed buildings;
 - the woodland setting;
 - the habitat value;
 - highly valued tree specimens;
 - windbreak characteristics;
 - the configuration of open space, glades, network, canopy and under-storey components within the woodland area;
 - the important contribution of the woodland, as key landscape features, to local and regional landscape character and distinctiveness.

Justification

With approximately 30% of our land coverage in Argyll and Bute under tree cover wooded areas form a large part of our landscape character. These areas are vulnerable to change and the purpose of this SG is to ensure that the important features of woodland/trees are safeguarded when development is being taken forward in both urban areas and in the countryside.

Tree Preservation Orders (TPOs) may be made by the planning authority to protect individual trees, groups of trees, or whole woods (in an urban or rural setting). If a TPO has been served, permission is required to fell, top, lop or otherwise damage tree(s). The planning authority may also stipulate replanting if necessary. There are currently 160 TPOs in Argyll and Bute and they have been identified in the SIG document of the Local Plan.

It should also be noted that trees in Conservation Areas and Sites of Special Scientific Interest are substantially protected due to these designations.

Development may provide opportunities for new planting. This should be in accordance with the local pattern of woodlands, thereby avoiding erosion of distinctive landscape patterns and enhancing landscape character.

Argyll and Bute Council also seeks to protect the key environmental features of important woodland areas. These are set out in Schedule FW 2 of this Local Development Plan.

The council will also take into account **SG WFS 1 - Argyll and Bute Woodland and Forestry Strategy** when taking decisions concerning woodland and trees.

This SG conforms to:

- NPF2
- SPP
- PAN 60 (Planning for Natural Heritage)
- LDP Key Objectives E & I

SG LDP ENV 7 - Water Quality and the Environment

In all Development Management Zones proposals for development that could affect the water environment will be assessed with regard to their potential impact on:

- (A) Water quality and quantity;
- (B) Riparian habitats and wildlife;
- (C) Leisure and recreational facilities;
- (D) Economic activity;
- (E) The resources protected by Policy LDP – Supporting the protection, Conservation and Enhancement of our Environment and other relevant Local Development Plan policies and SG.

Developments that may have a significant detrimental impact on the water environment will not normally be permitted unless it can be demonstrated that the impacts can be fully mitigated so as to ensure non-deterioration of waterbody status as required by the EU Water Framework Directive and the River Basin Management Plans covering Argyll and Bute.

Justification

Argyll and Bute has a rich and varied water environment. In addition to over 2000 miles of coastline, the area contains numerous lochs, reservoirs, rivers, burns and wetlands. These are resources of value, providing leisure, and recreation opportunities and indeed employment such as fishing, aquaculture, tourism and energy production.

The water environment in all its facets is sensitive to development. It can be affected directly, for example through river engineering works and water extraction for industrial processes, and indirectly, for example through pollution from surface water run-off, and industrial processes. It is therefore necessary to assess the impact of new development on the water environment. Applicants are also asked to consider the requirements of SG LDP SERV 2 that deals with Sustainable Urban Drainage (SuDs) and SG LDP SERV 3 that deals with Drainage Impact Assessments (DIAs).

This SG conforms to:

- Water Environment and Water Services (Scotland) Act 2003 (WESWA);
- EU Water Framework Directive.
- LDP Key Objectives E, H) and I)

SG LDP ENV 8 – Protection and Enhancement of Green Networks

Argyll and Bute Council will encourage developments to contribute towards the creation, retention and improvement of Green Networks within and surrounding the Main Towns of Campbeltown, Dunoon, Helensburgh, Lochgilphead/Ardrishaig, Oban and Rothesay.

Within defined Green Networks, development proposals will be expected to demonstrate that they safeguard and enhance the environmental integrity and functionality of the Green Network.

Justification

Within Argyll and Bute a Green Network, describes the connectivity of areas of open space, natural habitats and pathways linking together natural, semi-natural and man-made corridors including leisure/recreational space, creating an interconnected network that provides opportunities for physical and recreational activity, enhancing biodiversity, the movement of species and the quality of the external environment and increasing accessibility within settlements and to the surrounding countryside.

Argyll and Bute has identified Green Networks within and surrounding the Main Towns of Campbeltown, Dunoon, Helensburgh, Lochgilphead/Ardrishaig, Oban and Rothesay on **Supplementary Guidance maps**.

Development proposals affecting these Green Networks are expected to safeguard their integrity and improve the quality of these green networks in a manner that is proportionate to the scale and impact of the development proposed.

The purpose of this approach is to ensure that Green Networks within and around Argyll and Bute's main towns increasingly form attractive

settings for daily life, distinctive local identities for places, enhancing access to civic spaces, parks, playgrounds, and natural open space, and improving health and well-being within the wider community, enhancing bio-diversity and the movement of species, helping to mitigate against climate change, encouraging tourism and promoting sustainable use of scarce land resources.

This SG conforms to:

- NPF2
- SPP (paragraph 130)
- PAN 60 (Planning for the Natural Heritage)UK Biodiversity Action Plan
- Green Networks in Development Planning – SNH (2012)
- LDP Key Objectives A, E & G.

SG LDP ENV 9 – Development Impact on Areas of Wild Land

Argyll and Bute Council will resist development proposals, located either within or outwith the defined Wild Land Areas, where it is determined that the proposal would significantly diminish the wild character of an Area of Wild Land.

Justification

SPP states that areas of wild land character are most likely to be found in remote areas of mountain, moorland and coast, which mostly lie beyond contemporary human artefacts such as roads or other development. SNH has identified search areas where the main wild land resource is most likely to be found across Scotland.

The wild character of parts of Argyll and Bute provide valued elements to local and national identity. They are enjoyed for recreational purposes and aesthetic reasons and are significantly important to the tourism industry, attracting visitors from around the globe. These Areas of Wild Land within Argyll and Bute are shown on the proposals maps.

Intrinsically linked to landscape the Areas of Wild Land in Scotland have been shrinking over time. The character of these Areas of Wild Land is under threat, with increasing pressure from development

both within the Areas of Wild Land and from the impact of development adjacent to them. This development pressure often arises from renewables development, infrastructure development and from aquaculture / agricultural development, including hill tracks.

As areas of Wild Land have shrunk they increase in value due to rarity, and so now require protection to ensure their retention both for locals and visitors at the present time and for future generations.

Developers submitting proposals that impact upon Areas of Wild Land will be expected to submit supporting evidence that addresses the impact on the wild character of an Area of Wild Land. This should be in the form of a detailed assessment of the actual expected impact, including the area affected, the degree of impact and any mitigation proposed. Such proposals will only be supported when the resultant impact of a development on wild character is considered acceptable in terms of no significant diminution of the resource.

This SG conforms to:

- NPF2
- SPP
- PAN 60 (Planning for the Natural Heritage)
- LDP Key Objectives E & I

Background Information:

- Wildness in Scotland's Countryside; SNH (2002)
- Search Areas for Wild Land; SNH (2002)
- Assessing the Impacts on Wild Land; SNH (2007)

SG LDP ENV 10 – Geodiversity

Argyll and Bute Council will consider geodiversity impact when assessing development proposals. Development that would have a significant adverse effect on non-designated Geological Conservation Review Sites or Local Geodiversity Sites will not be supported unless¹:

- (A) Its public benefits at a national or local level clearly outweigh the geodiversity value of the site; AND
- (B) There is no suitable or available alternative site for the development; AND
- (C) The Council is satisfied that all possible mitigation measures have been incorporated to minimise adverse effects on the interests of the site. Where possible, any resultant rock exposures or other evidence of geodiversity interest should be considered for their potential as an educational or interpretative resource and a record is made prior to any loss.

Justification

Geological diversity is an important natural factor underpinning biological, cultural and landscape diversity and therefore an important parameter to be considered in the assessment, protection, conservation, management and use of natural areas of Argyll and Bute. Designation of geological and geomorphological features in Sites of Special Scientific Interest (SSSIs) is underpinned by the Geological Conservation Review (GCR). The GCR was designed to identify those sites of national and international importance needed to show all the key scientific elements of the Earth Heritage of Britain. Further information on the location of important geodiversity sites can be found at www.argyllgeology.co.uk.

New development should assess the potential impacts on geodiversity by taking steps to mitigate any damage that cannot be prevented, and identify opportunities that might benefit geodiversity. For example, some developments might allow the creation of more rock exposures, or offer an opportunity to re-establish natural systems; in others, planning permission may insist on mitigation, such as future monitoring and

¹ <http://www.argyllgeology.co.uk/>

maintenance work. For effective conservation of geodiversity there is a need to integrate the efforts of all interested parties and seek to conserve geodiversity in the wider landscape and not just be concerned with conservation of geological sites or features.

This SG conforms to:

- NPF2
- SPP
- PAN 60 (Planning for the Natural Heritage)
- UK Biodiversity Action Plan
- Key Objective E & I
- EU Water Framework Directive

SG LDP ENV 11 – Protection of Soil and Peat Resources

Argyll and Bute Council will only support development where appropriate measures are taken to maintain soil resources and functions to an extent that is considered relevant and proportionate to the scale of the development. Development that would potentially have a significant adverse effect on soil resources and functions or peat structure and function in terms of disturbance, degradation or erosion will not be supported unless it is satisfactorily demonstrated that:

- (A) such adverse effects are clearly outweighed by social, environmental or economic benefits of community wide importance arising from the development proposal; AND
- (B) there are no suitable alternative sites available; AND
- (C) A soil or peatland management plan is submitted which clearly demonstrates how unnecessary disturbance, degradation or erosion of peat and soils will be avoided and how any impacts mitigated as much as possible. Evidence of the adoption of² best practice in the movement of, storage, management, reuse and reinstatement of soils must be submitted along with any planning application.

² Construction Code of Practice for the Sustainable Use of Soils on Construction Sites
<http://www.defra.gov.uk/publications/files/pb13298-code-of-practice-090910.pdf>
Good Practice During Windfarm Construction:
<http://www.snh.org.uk/pdfs/strategy/renewables/Good%20practice%20during%20windfarm%20construction.pdf>

Justification

Soil provides ecosystem services critical for life: soil acts as a water filter and a growing medium; provides habitat for billions of organisms, contributing to biodiversity; and supplies most of the antibiotics used to fight diseases. Soil is the basis of our nation's agricultural ecosystems which provide us with food feed for our livestock, provide fibre, and fuel. We use soil for holding solid waste, filter for wastewater and foundations for our buildings. Peat is a major carbon store; a healthy peat bog absorbs and stores carbon, but an unhealthy and drying-out bog releases carbon, adding to carbon dioxide in the atmosphere and contributing greatly to climate change.

Conserving soil will prevent it from being eroded and lost and from losing its fertility due to alteration in its chemical composition. Soil provides the foundation for landscaping to meet both conservation and amenity objectives.

SG ENV LDP 11 conforms to:

- NPF2
- SPP
- PAN 60 (Planning for the Natural Heritage)
- UK Biodiversity Action Plan
- LDP Key Objectives E) & I
- EU Water Framework Directive

Soil Supporting Information:

Listed below are reports covering the overall principles of sustainable use of soil during construction.

SNIFFER: UKLQ01 in 2004 "Planning for soil: advice on how the planning system can help to protect and enhance soils".

http://www.sniffer.org.uk/files/4313/4183/8002/UKLQ01_Good_practice_guidance.pdf

Defra "Construction Code of Practice for the Sustainable Use of Soils on Construction Sites"
<http://www.defra.gov.uk/publications/2011/03/27/construction-cop-soil-pb13298/>

The section on related legislation only consider for English legislation but it provide very good case study and practical example of soil management options applicable anywhere.

SNH publication Good Practice during Windfarm Construction:

<http://www.snh.org.uk/pdfs/strategy/renewables/Good%20practice%20during%20windfarm%20construction.pdf/>

In regards to restoration and reinstatement of development sites, there is no one source of information. Best practices guidance is often related to the biodiversity or conservation restoration and not soil itself. However some information is available from:

1. British Standards has recently updated its standard on the use and requirements for topsoil (BS3882:2007 - Specification for topsoil and requirements for use).
2. The Highways Agency and the Construction Industry Research & Information Association have produced a best practice guide on habitat translocation
<http://jncc.defra.gov.uk/pdf/habitatpolicy.pdf> which includes useful information on soil handling.
3. Guidance related to specific activities also includes detail information on soil handling and management. For example track construction guidance
<http://www.snh.gov.uk/docs/A308736.pdf/> and wind farm development (e.g. peat survey part of
<http://www.scotland.gov.uk/Topics/Business-Industry/Energy/Energy-sources/19185/17852-1/CSavings>
4. There is some additional information from the SNH web site at
<http://www.snh.gov.uk/planning-and-development/advice-for-planners-and-developers/soils-rocks-and-minerals/soils-and-development/>

Please also note that soil map and information are now available free of charge (strictly for non-commercial use) by request to Scottish Government. Scottish soil information will also become available shortly to the public on line via a daughter website of Scottish Environment web site
http://www.environment.scotland.gov.uk/our_environment/land/soils.aspx

At present, only summary information on soil can be access via the Soil Indicators For Scottish Soils (SIFSS) web interface at
<http://sifss.macaulay.ac.uk/>

SG LDP ENV 12 - Development Impact on National Scenic Areas (NSAs)

Argyll and Bute Council will resist any development in, or affecting, National Scenic Areas that would have a significant adverse effect on the integrity of the area, or that would undermine the Special Qualities* of the area unless it is adequately demonstrated that any significant adverse effects on the landscape quality for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

In all cases the highest standards, in terms of location, siting, design, landscaping, boundary treatment, materials and detailing will be required for developments within a National Scenic Area. Developments will be expected to be consistent with Policy LDP – Development Setting, Layout and Design, associated SG and the relevant Argyll and Bute Landscape Capacity Assessment.

*As detailed in - The Special Qualities of the National Scenic Areas; SNH (2010)

Justification

The aim of this policy is to provide landscapes of national importance located within Argyll and Bute with adequate protection against damaging development that would diminish their outstanding scenic value.

There are seven National Scenic Areas within Argyll and Bute:

- Knapdale
- Scarba, Lunga and The Garvellachs
- Jura
- Lynn of Lorn
- Loch Na Keal
- Ben Nevis and Glencoe (Part of)
- Kyles of Bute

These NSAs encompass some of the most varied and valuable landscapes and coastscapes in Scotland. These NSAs are important not only for their physical landforms and scenic splendour, but also for the environmental assets that they represent. These qualities could easily be destroyed or damaged by even relatively small, insensitive development or in some areas by any development at all. They therefore must be protected.

The seven National Scenic Areas within Argyll and Bute have been identified on the Main Proposals Maps.

This SG conforms to:

- NPF2
- SPP
- PAN 60 (Planning for Natural Heritage)
- LDP Key Objectives D & E

Background Information:

- Argyll and the Firth of Clyde Landscape Character Assessment (SNH) 1996.
- The Special Qualities of the National Scenic Areas; SNH (2010)
- Argyll and Bute Landscape Capacity Assessments

SG LDP ENV 13 - Development Impact on Areas of Panoramic Quality (APQs)

Argyll and Bute Council will resist development in, or affecting, an Area of Panoramic Quality where its scale, location or design will have a significant adverse impact on the character of the landscape unless it is adequately demonstrated that:

(A) Any significant adverse effects on the landscape quality for which the area has been designated are clearly outweighed by social, economic or environmental benefits of national or regional importance;

In all cases the highest standards, in terms of location, siting, design, landscaping, boundary treatment and materials, and detailing will be required within Areas of Panoramic Quality. Developments will be expected to be consistent with Policy LDP – Development Setting, Layout and Design, associated SG and the relevant Argyll and Bute Landscape Capacity Assessment.

Justification

The aim of this policy is to provide panoramically important landscapes in Argyll and Bute, with adequate protection against damaging development that would diminish their very high scenic value. The Council has identified Areas of Panoramic Quality and these are shown on the

main Proposals Maps. These APOs are important not only for their physical landforms and scenic value, but also for the environmental assets that they represent. These qualities could easily be destroyed or damaged by even a relatively small, insensitive development. They therefore must be protected.

This SG conforms to:

- NPF2
- SPP
- PAN 60 (Planning for Natural Heritage)
- LDP Key Objectives D & E

Background Information:

- Landscape Assessment of Argyll and the Firth of Clyde (SNH) 1996.
- Technical Working Note 2.3 Landscape Classification (SRC).
- Argyll and Bute Landscape Capacity Assessments.

SG LDP ENV 14 – Landscape

Argyll and Bute Council will consider landscape impact when assessing development proposals, and will resist development when its scale, location or design will have a significant adverse impact on the character of the landscape unless it is demonstrated that:

(A) Any such effects on the landscape quality are clearly outweighed by social, economic or environmental benefits of community wide importance; AND

(B) The Council is satisfied that all possible mitigation measures have been incorporated into the development proposal to minimise adverse effects.

An Area Capacity Evaluation (ACE) will be required in instances where a development proposal does not conform to the general policy stance for a particular development type within a specific development control zone to assess the impact it will have on the landscape character of an area.

Developments will be expected to be consistent with Policy LDP – Development Setting, Layout and Design, associated SG and where required an Area Capacity Evaluation (ACE).

Justification

The aim of this policy is to provide the varied landscapes in Argyll and Bute with adequate protection against development that would undermine distinctive landscape character. These landscapes are important not only for their physical landforms, but also for the environmental assets that they represent and economic, identity and spiritual benefit that they provide. These qualities could easily be destroyed or damaged by even a relatively small, insensitive development. They therefore must be protected.

This SG conforms to:

- NPF2
- SPP
- PAN 60 (Planning for Natural Heritage)
- LDP Key Objectives E & I

Background Information:

- Landscape Assessment of Argyll and the Firth of Clyde (SNH) 1996.

SG ACE 1 TO FOLLOW

SG LDP ENV 15 – Development Impact on Historic Gardens and Designed Landscapes

There will be a presumption in favour of retaining, protecting, preserving and enhancing historic gardens and designed landscapes either listed in the Inventory of Gardens and Designed Landscapes, or which have been identified for inclusion.

Where development would affect a heritage asset or its setting the developer will be expected to demonstrate that the impact of the development upon that asset has been assessed and that adequate measures will be taken to preserve and enhance the special interest of the asset. Measures of assessment will be expected to follow the principles set out in the joint guidance “New Design in Historic Settings” produced by Historic Scotland, Architecture and Place, Architecture and Design Scotland. Guidance provided in Scottish Historic Environment Policy and Managing Change in the Historic Environment Guidance Notes, which are available to download from Historic Scotland’s website, is also expected to be followed.

Measures to mitigate against impact are likely to include enhanced physical access, interpretation and the provision of an open space or landscaped buffer zone, as appropriate.

In assessing proposals for development in, or adjacent to, gardens or designed landscapes particular attention will be paid to the impact of the proposal on:

- (A) The archaeological, historical or botanical interest of the site;
- (B) The site’s original design concept, overall quality and setting;
- (C) Trees and Woodland and the site’s contribution to local landscape character within the site including the boundary walls, pathways, garden terraces or water features; AND,
- (D) Planned or significant historic views of, or from, the site or buildings within it.

Justification

Argyll and Bute enjoys a wealth of historic gardens and designed landscapes. They are an important part of the area’s history, character and scenery and add greatly to the enjoyment of the countryside and settlements. In many cases they provide a landscape setting for an important building, have rare plant collections or contain interesting woodland or wildlife habitats. It is for these reasons that it is important for these sites to be protected and if possible enhanced to allow future generations to enjoy them in the years ahead.

An Inventory of Historic Gardens and Designed Landscapes in Scotland is compiled and maintained jointly by Historic Scotland and Scottish Natural Heritage. The effect of proposed development on an historic garden or designed landscape is a material consideration in the determination of a planning application. Planning authorities must consult with the Scottish Executive and Scottish Natural Heritage on any proposed development that may affect site contained in the Inventory.

These sites have been identified on the Proposals Maps of the Local Development Plan. Further information on the locations of Historic Gardens and Designed Landscapes in Argyll and Bute can also be found at <http://www.historic-scotland.gov.uk/index/heritage/gardens.htm> .

This SG conforms to:

- SPP
- Scottish Historic Environment Policy 2011
- Managing Change Guidance Notes
- LDP Key Objectives A and E.

SG LDP ENV 16(a) – Development Impact on Listed Buildings

Development affecting a listed building or its setting shall preserve the building or its setting, and any features of special architectural or historic interest that it possesses.

All developments that affect listed buildings or their settings must

- 1) be of the highest quality, and respect the original structure in terms of setting, scale, design and materials,
- 2) the proposed development is essential to securing the best viable use of the listed building without undermining its architectural or historic character, or its setting.
- 3) the proposed development conforms to Scottish Historic Environment Policy 2011 and the accompanying Managing Change Guidance Notes,

Where development would affect a heritage asset or its setting the developer will be expected to satisfactorily demonstrate that the impact of the development upon that asset has been assessed and that measures will be taken to preserve and enhance the special interest of the asset. The use of appropriate design statements and conservation plans are expected to facilitate this assessment. Where the development may have a significant impact, measures of assessment will be expected to follow, the principles set out in the joint guidance “New Design in Historic Settings” produced by Historic Scotland, Architecture and Place, Architecture and Design Scotland.

Enabling development proposals which have not already been identified in the Local Development Plan, subject to other policies and SG, will be considered in the following circumstances.

- 1) the building is Listed and on the Building at Risk Register, or in exceptional circumstance unlisted but considered worthy of conservation and reuse by the Council.
- 2) all other possibilities of development funding to secure the conservation and reuse of the building have been exhausted.

- 3) This includes exploring Grant aid and determining if any other group, such as a Building Preservation Trust, is willing to undertake the project; and putting the building on the open market for a period of time and price (reflecting condition and redevelopment costs) which can be considered reasonable to achieve a sale in the context of prevailing market conditions.
- 4) it is demonstrated that the amount of enabling development is the minimum required to meet a verifiable conservation deficit that would achieve conservation and reuse and, if required, this has been confirmed through an independent professional survey by an agency chosen by the council.
- 5) the wider public benefits of securing the conservation and reuse of the building through enabling development significantly outweigh any disadvantages of the development.

Measures to mitigate against impact are likely to include enhanced physical access, interpretation and the provision of an open space or landscaped buffer zone, as appropriate.

Justification

The aim of this policy is to protect Listed Buildings against detrimental works in accordance with current guidance and legislation.

Listed Buildings make a significant contribution to the character and amenity of Argyll and Bute. They are a valuable resource that can stimulate enjoyment of the wider environment and act as an important medium for education, economic development, recreation and tourism. As such, they must be protected.

Grants towards the repair of listed buildings may be available from Historic Scotland:

<http://www.historicscotland.gov.uk/index/heritage/grants.htm> as well as various other funding bodies, more details regarding funding can be found on the “Funding for Historic Buildings” website: <http://www.ffhb.org.uk/> and on the Heritage Lottery web site:

<http://www.hlf.org.uk/HOWTOAPPLY/PROGRAMMES/Pages/programmes.aspx>

Argyll and Bute council have a dedicated resource to support groups and projects through the funding process: <http://www.argyll-bute.gov.uk/community-life-and-leisure/grants-and-funding>

In the event of the planning authority being minded to grant listed building consent for works affecting category A or B listed buildings or for demolition of category C(S) listed buildings, the planning authority must notify Historic Scotland. To help assess proposals affecting listed buildings, Historic Scotland will therefore be consulted at an earlier stage, where appropriate, on proposals affecting category A or B listed buildings or the demolition of category C(S) listed buildings. We will also seek the views of the Architectural Heritage Society of Scotland and Architecture and Design Scotland, as appropriate.

To search for a Listed Building please consult Historic Scotland's web site: <http://www.historic-scotland.gov.uk/historicandlistedbuildings> or the Royal Commission for Ancient and Historic Monuments Scotland's past map service: <http://www.rcahms.gov.uk/pastmap.html>

Enabling Development:

The aim of Enabling Development is to facilitate restoration of valued built heritage and urban/rural regeneration in circumstances where it is deemed acceptable by the planning authority and its advisors. The SG provides measures for the planning authority to assess the merits, plausibility and detail of submitted applications.

Enabling Development will only be used where the public benefit of securing the future of a significant listed building or economic development opportunity decisively outweighs the disadvantages of breaching normal policy presumptions.

In exceptional cases, securing the future of significant unlisted buildings that are considered to be of sufficient historic or architectural value may also be supported by enabling development. Proposals will not be supported if the planning authority is not convinced that the public benefit will be gained.

For proposals associated with listed building restoration and reuse, the physical separation of the restored or reused listed building from the enabling development is normally preferred.

Associated housing development will, wherever possible, be built off-site at a suitable location. Where off-site housing is not possible, the housing development must retain and enhance the special interest, character and setting of the listed building and any other adjacent historic environment asset.

Measures such as a change of use, compatible with the character and appearance of an historic building, but otherwise contrary to policy could also be considered. Such cases would be examples of the "all other possibilities of development funding to secure the conservation and reuse of the building" which must be exhausted prior to using the policy and this SG for the purposes of housing led enabling development.

This SG conforms to:

- SPP 110 - 114
- Scottish Historic Environment Policy 2011
- Managing Change Guidance Notes
- LDP Key Objectives A and E

SG LDP ENV 16(b) – Demolition of Listed Buildings

Proposals for the total or substantial demolition of a listed building will be supported only where it is demonstrated beyond reasonable doubt that every effort has been exerted by all concerned to find practical ways of keeping it. This will be demonstrated by inclusion of evidence to the planning authority that the building;

- (1) Has been actively marketed at a reasonable price and for a period reflecting its location, condition, redevelopment costs and possible viable uses without finding a purchaser; AND
- (2) Is beyond economic repair and incapable of re-use for modern purposes through the submission and verification of a thorough structural condition report prepared by a conservation accredited professional and a detailed verifiable breakdown of costs in line with guidance provided in the Managing Change Guidance Note “Demolition” (available to download from Historic Scotland’s website).

Prior to demolition the Planning Authority must approve detailed proposals for the restoration and reuse of the site, including any replacement buildings or other structures, and may require that a contract be let for redevelopment in advance of demolition in appropriate cases.

In cases where the Planning Authority is minded to grant consent to the demolition (whole or part) of a listed building it will consider attaching conditions in respect of:

- (A) The recording of the building to be demolished, in addition to the requirement to formally notify the RCAHMS
- (B) Methods of demolition to be employed;
- (C) The conservation, retention or salvaging of architectural or other features, artefacts or other materials.

Justification

The aim of this Supplementary Guidance is to provide protection to Listed Buildings in accordance with current guidance and legislation.

Listed Buildings make a significant contribution to the character and amenity of Argyll and Bute. They are a valuable resource that can stimulate enjoyment of the wider environment and act as an important medium for education, economic development, recreation and tourism. As such, they must be protected.

Grants towards the repair of listed buildings may be available from Historic Scotland: <http://www.historicscotland.gov.uk/index/heritage/grants.htm> as well as various other funding bodies, more details regarding funding can be found on the “Funding for Historic Buildings” website: <http://www.ffhb.org.uk/> and on the Heritage Lottery web site: <http://www.hlf.org.uk/HOWTOAPPLY/PROGRAMMES/Pages/programmes.aspx>

Argyll and Bute council have a dedicated resource to support groups and projects through the funding process: <http://www.argyll-bute.gov.uk/community-life-and-leisure/grants-and-funding>

In the event of the planning authority being minded to grant listed building consent for demolition of a listed building or unlisted building in a conservation area, the planning authority must notify Historic Scotland. To help assess proposals of demolition, Historic Scotland will be consulted at an earlier stage. We will also seek the views of the Architectural Heritage Society of Scotland, the Scottish Civic Trust and any other relevant organisation as appropriate.

To search for a Listed Building please consult Historic Scotland’s web site: <http://www.historic-scotland.gov.uk/historicandlistedbuildings> or the Royal Commission for Ancient and Historic Monuments Scotland’s past map service: <http://www.rcahms.gov.uk/pastmap.html>

This SG conforms to:

- SPP 110 - 114
- Scottish Historic Environment Policy 2011
- Managing Change Guidance Notes
- LDP Key Objectives A and E

SG LDP ENV 17 – Development in Conservation Areas and Special Built Environment Areas

There is a presumption against development that does not preserve or enhance the character or appearance of an existing or proposed Conservation Area or its setting, or a Special Built Environment Area.

New development within these areas and on sites forming part of their settings must be of the highest quality, respect and enhance the architectural and other special qualities that give rise to their actual or proposed designation and conform to Scottish Historic Environment Policy 2011 and accompanying Managing Change Guidance Notes.

Where development would affect these areas or their setting the developer will be expected to satisfactorily demonstrate that the impact of the development upon that special area has been assessed and that measures will be taken to preserve and enhance the special interest of the asset. The use of appropriate design statements, conservation plans, character appraisals etc are expected facilitate this assessment. Where appropriate, measures of assessment will be expected to follow the principles set out in the joint guidance “New Design in Historic Settings” produced by Historic Scotland, Architecture and Place, Architecture and Design Scotland.

Outline planning applications will not normally be considered appropriate for proposed development in conservation areas.

The contribution which trees make towards the character or appearance of a Conservation Area will be taken into account when considering development proposals.

Justification

The aim of this Supplementary Guidance is to maintain and enhance the character and amenity of existing and proposed Conservation Areas in accordance with current guidance and legislation. New development, which is well designed, respects the character of the area and contributes to its enhancement, will be welcomed. Argyll and Bute currently has 32 Conservation Areas. The

boundaries of the Conservation Areas are shown on the Main Proposals Maps. Conservation Areas form an important physical record of the architectural development and historical growth of an area. They are an irreplaceable cultural and economic resource that contributes to the distinctive character and unique quality of Argyll and Bute and therefore must be protected.

When considering applications for new development in Conservation Areas, the Council’s priority will be to have regard for the special architectural and other special qualities that are the reason for the area’s designation.

The Planning Authority intends to continue to review its Conservation Areas and to prepare and review detailed Conservation Area Appraisals.

Argyll and Bute Council also wish to protect and where possible enhance **Special Built Environment Areas (SBEAs)** that have also been identified on the main Proposals Maps. They have sufficient quality to require safeguarding as part of the development control process and may have the special architectural or historic interest required of Conservation Areas.

This SG conforms to:

- SPP 110 – 112, 115 - 117
- PAN 71 (Conservation Area Management)
- Scottish Historic Environment Policy 2011
- Managing Change Guidance Notes
- LDP Key Objectives A and E.

SG LDP ENV 18 – Demolition in Conservation Areas

Proposals for the demolition of any structure which contributes to, or enhances the character, or appearance, of the Conservation Area or its setting will be considered as if that structure was listed – as set out in SG LDP ENV 14(b).

Prior to demolition the Council must approve detailed proposals for the reuse of the site, including any replacement buildings or other structures, and may require that a contract be let for redevelopment in advance of demolition in appropriate cases.

Justification

Planning permission is required for demolition in a Conservation Area. The aim of this policy is to safeguard the buildings, the building patterns and enclosures that give Conservation Areas their special character. Demolition can very often mean the loss of character and will be resisted. In cases where, every possible alternative has been exhausted and demolition remains the only option, permission may be granted if acceptable plans for an appropriate replacement building have been approved.

This SG conforms to:

- SPP 110 – 112, 115 - 117
- PAN 71 (Conservation Area Management).
- Scottish Historic Environment Policy 2011
- Managing Change Guidance Notes
- LDP Key Objectives A) and E.

SG LDP ENV 19 – Development Impact on Scheduled Ancient Monuments

There will be a presumption in favour of retaining, protecting, preserving and enhancing Scheduled Ancient Monuments and their settings. Developments that have an adverse impact on Scheduled Ancient Monuments and their settings will not be permitted unless there are exceptional circumstances.

Where development would affect adversely a heritage asset or its setting the developer will be expected to satisfactorily demonstrate that the impact of the development upon that asset has been assessed and that measures will be taken to preserve and enhance the special interest of the asset. The use of appropriate setting analysis, design statements, conservation plans, character appraisals etc. are expected facilitate this assessment. Where appropriate, measures of assessment will be expected to follow the principles set out in the joint guidance “New Design in Historic Settings” produced by Historic Scotland, Architecture and Place, Architecture and Design Scotland.

Measures to mitigate against impact are likely to include enhanced physical access, interpretation and the provision of an open space or landscaped buffer zone, as appropriate.

Justification

Scheduled Ancient Monuments are protected under the Ancient Monuments and Archaeological Areas Act 1979 and are scheduled by the Scottish Ministers. The preservation of ancient monuments and their settings is a material consideration when determining planning applications, whether a monument is scheduled or not. Further information on the location of Scheduled Ancient Monuments within Argyll and Bute can also be found at www.pastmap.org.uk and www.wosas.net/search.php

This SG conforms to:

- SPP 118 - 119
- Scottish Historic Environment Policy 2011
- Managing Change Guidance Notes
- PAN 42 (Scheduled Monument Procedures)
- LDP Key Objective E

SG LDP ENV 20 – Development Impact on Sites of Archaeological Importance

1. There is a presumption in favour of retaining, protecting, preserving and enhancing the existing archaeological heritage and any future discoveries found in Argyll and Bute. When development is proposed that would affect a site of archaeological significance, the following will apply:

(A) The prospective developer will be advised to consult the Council and its advisers the West of Scotland Archaeology Service at the earliest possible stage in the conception of the proposal; AND,

(B) An assessment of the importance of the site will be provided by the prospective developer as part of the application for planning permission or (preferably) as part of the pre-application discussions.

2. When development that will affect a site of archaeological significance is to be carried out, the following will apply:

(A) Developers will be expected to make provision for the protection and preservation of archaeological deposits in situ within their developments, where possible by designing foundations that minimise the impact of the development on the remains; AND,

(B) Where the Planning Authority deems that the protection and preservation of archaeological deposits in situ is not warranted for whatever reason, it shall satisfy itself that the developer has made appropriate and satisfactory provision for the excavation, recording, analysis and publication of the remains.

3. Where archaeological remains are discovered after a development has commenced, the following will apply:

(A) The developer will notify the West of Scotland Archaeology Service and the Council immediately, to enable an assessment of the importance of the remains to be made; AND,

(B) Developers should make appropriate and satisfactory provision for the excavation, recording, analysis and publication of the remains. (Developers may see fit to insure against the unexpected discovery of archaeological remains during work).

Note: The West of Scotland Archaeology Service must be consulted for all sites in each category.

Justification

Argyll and Bute contains a wide variety of archaeological features ranging from prehistoric features such as ancient forts and duns, early Christian chapels, mediaeval castles and recent industrial archaeology. Some such as the Kilmartin Glen may be of potential world heritage site status, while others are of national or more local importance. Much of Argyll and Bute's archaeology makes an important contribution to the tourism economy of the area, and can also have nature conservation benefits. The Council supports the retention of features or sites of archaeological importance and will expect developers to take account of archaeological interest in putting forward detailed proposals. Where the applicant convinces the Council that such features cannot be retained and there are overriding reasons why development should be permitted, the Council may grant permission subject to ensuring that the site is adequately excavated and recorded prior to development taking place.

This SG conforms to:

- SPP
- Scottish Historic Environment Policy 2011
- Managing Change Guidance Notes
- PAN 42 (Scheduled Monument Procedures)
- LDP Key Objective E

SG LDP ENV 21 – Protection and Enhancement of Buildings

Opportunities for the enhancement and re-use of existing buildings will be sought, through proposals for re-building, re-use or change of use, to maintain the fabric of the building and its value to the community. New uses will be approved in principle if;

- (A) The amenities of surrounding properties and residents are safeguarded within the framework of other LDP policies and SG;
- (B) Access and car parking proposals fully meet the criteria set out in SG – Access and parking Standards;
- (C) Any proposed alteration or extension to the building respects the appearance, scale and character of the original building and surrounding area;
- (D) The proposed new use is consistent with other LDP policies and SG.

Justification

There are many buildings in Argyll and Bute which, although not considered to be worthy of inclusion on the official List of Buildings of Architectural and Historic Interest, make a substantial contribution to the character and appearance of an area; some of these are buildings that are under used or vacant, having out-lived their original function or purpose. Many are still structurally sound and capable of refurbishment and reuse, the sustainable management and protection if these buildings secure their long-term survival, preserve their embodied energy and stimulate economic growth.

There are numerous examples throughout Argyll and Bute where the retention of a valued local building has greatly enhanced the local environment. This policy aims to encourage the further use of such buildings and development opportunities will be highlighted in the Plan's

Areas for Action (AFAs) development briefs (see the **Action Plan** that accompanies this plan 3 months after adoption).

Grants towards the repair and reuse of such buildings may be available from various funding

bodies; Argyll and Bute council have a dedicated resource to support groups and projects through the funding process: <http://www.argyll-bute.gov.uk/community-life-and-leisure/grants-and-funding>

Further information of funding can be found here; Funding for Historic Buildings; website: <http://www.ffhb.org.uk/> Heritage Lottery; <http://www.hlf.org.uk/HOWTOAPPLY/PROGRAMMES/Pages/programmes.aspx>

This SG conforms to:

- SPP
- Scottish Historic Environment Policy 2011
- Managing Change Guidance Notes
- LDP Key Objectives A and E

Supplementary Guidance (SG)

Elements of Coastal Development Strategy

Coastal Planning Framework

What is Coastal Development?

In the terms of this Strategy and the role of the Local Development Plan (LDP), coastal development is defined as development which requires planning permission on land (between Mean Low Water Springs and 1km inland³) or aquaculture⁴ development in marine waters (Mean High Water Springs to 3 nautical miles seaward).

Coastal Development can therefore include coastal infrastructure such as piers, harbours and slipways, marinas, aquaculture, housing, marine energy onshore infrastructure, fish processing sites and aquaculture shore bases.

Scottish Planning Policy

Scottish Planning Policy (SPP) states that development plans should identify coastal areas likely to be suitable for development, areas subject to significant constraints and areas which are considered unsuitable for development. The following LDP policy and supporting Supplementary Guidance (SG) guides development towards the most appropriate locations.

LDP Policy

The following Coastal Development Policy in the LDP sets out how Argyll and Bute Council will assess coastal development proposals. The SG referred to in this policy is described fully below.

Policy LDP – Supporting the Sustainable Development of our Coastal Zone

Argyll and Bute Council will support the sustainable development of our coastal zone. In assessing coastal development proposals, account will be taken of all other policies and supplementary guidance (SG) of the LDP.

In particular, the Argyll and Bute Coastal Development Strategy as SG to the LDP outlines how the Council will determine new coastal development proposals. The key SG statements most likely to be relevant to coastal development proposals include:

- SG LDP CST 1 - Coastal Development
- SG LDP CST 2 - Loch Etive ICZM Plan
- SG LDP CST 3 - Loch Fyne ICZM Plan
- SG LDP CST 4 - Sound of Mull Marine Spatial Plan
- SG LDP AQUA 1 - Aquaculture Development
- SG LDP TRAN 8 - Piers and Harbours

Other relevant documents

Argyll and Lochaber River Basin Management Plan
Clyde River Basin Management Plan
Argyll Marine SAC Management Plans
Firth of Clyde Marine Spatial Plan
Draft National Marine Plan

³ In some circumstances the coastal zone may extend further in land where the land exerts an influence on the uses of the sea and its ecology, or the lands uses and ecology are affected by the sea.

⁴ Aquaculture development covered by planning currently includes the culture of fish, shellfish and sea urchins, but excludes seaweed.

See Chapter 3 of LDP for full justification (Key Policy Theme – Protecting, Conserving and Enhancing Our Outstanding Environment Together)

SG for Onshore Coastal Development

SG LDP CST1 – Coastal Development

The following SG sets out how the Council will consider onshore coastal development proposals in relation to the development criteria and spatial framework identified in Policy LDP – Supporting the Sustainable Development of our Coastal Zone.

SG LDP CST 1 - Coastal Development

Development criteria

Applications for coastal development on land will only be supported where it can be demonstrated that:

- (A) A coastal location is essential to the development and that there is no viable alternative site outwith the coastal zone*;
- (B) The development is in a form, location and scale consistent with Policy LDP DM1;
- (C) It will not have a significant adverse impact, either individually or cumulatively, on the natural, built or cultural heritage and amenity value of the area and is compatible with Policy LDP – Supporting the Protection, Conservation and Enhancement of our Environment;
- (D) The location, scale and design are such that it will not have an unacceptable impact, either individually or cumulatively, on the landscape and seascape character of the coast;
- (E) Public access to and along the coast will be protected and, where possible enhanced;
- (F) The development uses or re-uses existing pier/harbour facilities where these are available;
- (G) Opportunities for the shared use of facilities are fully investigated and shown to the satisfaction of the Planning Authority, to be impracticable;
- (H) The proposal conforms with the requirements of the business and industry Policy LDP – Supporting the Sustainable Growth of Our Economy;
- (I) No part of the development will have an adverse impact on existing development and activity;
- (J) The proposal is consistent with SG LDP SERV 7 – Flooding and land Erosion, has taken account

of predicted sea level rise and does not require significant new defences against coastal erosion or coastal flooding, unless defences are planned as part of a long term settlement strategy;

(K) The proposal will not adversely affect natural coastal processes or water quality or result in deterioration of the overall ecological status of coastal and transitional water bodies as classified by SEPA under the Water Framework Directive;

(L) The development is consistent with the requirements of the Argyll and Bute Coastal Development Strategy, current Government guidance, other policies and Statutory and Non-Statutory Supplementary Guidance in the Local Development Plan; and

(M) The development is consistent with the National Marine Plan and relevant Regional Marine Plan, where proposals extend onto the intertidal zone or beyond, or interact with adjacent coastal waters.

Spatial Framework

(N) The spatial framework for coastal development relates to the existing Development Management Zones, as defined in Policy LDP DM1 which guides the preferred location of development as follows:

- Proposals for coastal development will generally be preferred within existing settlements in accordance with Policy LDP DM 1.
- Coastal development within the Countryside Zone and Rural Opportunity Areas may be permitted in certain circumstances, but capacity for development is limited.
- Development within Very Sensitive Countryside (isolated coast) and Greenbelt will only be permitted in exceptional circumstances, as outlined in Policy LDP DM 1.

- Development will only be acceptable on the natural foreshore if there is a specific operational purpose for its foreshore location and there being no effective alternative location for the development landward of the natural foreshore.
- Support will be given for proposals linked to regeneration or the re-use of brownfield land.
- The Council will promote the landward side of the road for development where proposals on the coastal side would otherwise interrupt scenic views over open water, unless a coastal position is essential, or if the effect would be a conflict with the existing settlement pattern.

** Coastal Zone definition – Strip of land between Mean Low Water Springs (MLWS) and 1 km landwards. In some circumstances the coastal zone may extend further in land where the land exerts an influence on the uses of the sea and its ecology, or the lands uses and ecology are affected by the sea.*

Justification

1. Additional information on Development Criteria

The requirements of each development criteria listed in **Policy LDP – Supporting the Sustainable Development of our Coastal Zone**, are described below.

(A) Locational need

Outwith established settlements that are not subject to flood risk or land erosion development will only be permitted within the coastal zone where it is demonstrated that a coastal location is essential and that there is a continuing operational requirement to be located on the coast. It should also be demonstrated that there is no other suitable site outwith the coastal zone, including the re-use of brownfield land.

Residential development outwith settlements and housing allocations will only be considered to require a coastal location in exceptional circumstances. These specific exceptions are detailed in **SG LDP HOU 1 – General Housing Development and Affordable Housing**

Table 1 – Development types which have a locational/operational requirement for the coast

Development Type	Coastal locational/operational requirements
<i>Large scale</i>	
O&M offshore renewable base (office, workshop, laydown area, helicopter pad)	<ul style="list-style-type: none"> • Supports water dependent use⁵ • Proximity to offshore development • Coastal access for workboats/passenger transport • Deep water berthing
Converter Stations (offshore renewables)	<ul style="list-style-type: none"> • In some circumstances energy may need to be converted on land, as close to offshore installation as possible, where cables make landfall.
Fish processing plants	<p>For plants processing farmed salmon:</p> <ul style="list-style-type: none"> • Sheltered coastal location • Require good access for well boat and adequate depth for well boat berthing at all states of the tide • Require good pier facilities or possibilities for pontoon/jetty. Preferable less than 100 meter distance between well boat and harvest station.
Commercial piers/harbour	<ul style="list-style-type: none"> • Supports water dependent use³ • Proximity to use i.e. aqua sites, ferry destination, fishing grounds • Suitable water depth • Sheltered coastal location • Safe navigation
Marinas	<ul style="list-style-type: none"> • Supports water dependent use³ • Sheltered coastal location • Adequate water depth
<i>Small-medium scale</i>	
Aquaculture shorebase	<ul style="list-style-type: none"> • Supports water dependent use³ • Proximity to marine aquaculture sites • Access to marine waters via slipway or pier • May require seawater intake
Hatcheries/onshore fish farms	<ul style="list-style-type: none"> • Supports water dependent use³ • Seawater and/or freshwater intake (for on-grow facilities)
Timber transhipment piers	<ul style="list-style-type: none"> • Supports water dependent use³ • Deep water berth • Relative shelter, limited wave action • Safe navigation for large vessels
Slipway/ jetties/small pontoons	<ul style="list-style-type: none"> • Supports water dependent use³ • Reasonable shelter, limited wave action • Adequate water depth (10m+)
Recreational facilities (Boat club, watersports centre)	<ul style="list-style-type: none"> • Supports water dependent use³ • Easy, safe sheltered access to coast
Subsea cable landfall sites	<ul style="list-style-type: none"> • Supports water dependent use³

⁵ Water-dependent use means a business or other activity which can only be conducted in, on, over, or adjacent to a water body because such activity requires direct access to that water body, and which involves, as an integral part of such activity, the use of the water.

(B) Form, location and scale

There are 7 **Development Management Zones** in the LDP that inform the content of the policies and Supplementary Guidance (SG) contained in the plan particularly with regard to the form, location and scale of new development. Three of the zones are concerned with the settlements which are identified as **Main Towns and Key Settlements**; Key Rural Settlements, **Villages and Minor Settlements**. The remaining four are concerned with the surrounding countryside and include the **Countryside Zone, Rural Opportunity Areas, Very Sensitive Countryside and Greenbelt**.

The Development Management Zones help support the LDP's settlement and spatial strategy by guiding significant scales of development to the larger settlements and safeguarding more sensitive and vulnerable areas from inappropriate levels of development. **Policy LDP DM 1** establishes the acceptable scales of development in each of the zones with the boundaries of all the settlements and countryside zones mapped in the LDP's Proposal Maps.

(C) Natural, built or cultural heritage and amenity value

Argyll and Bute Council will also assess all coastal development proposals against **Policy LDP – Supporting the Protection, Conservation and Enhancement of our Environment**, and supporting SG topics. This policy aims to protect, conserve and where possible enhance the built, human and natural environment through ensuring development proposals deliver the full potential of our natural assets together with the continued regeneration of our built heritage in ways that do not compromise the very qualities and attributes they are recognised for.

The Natural and Built Heritage SG topics most relevant to coastal development include:

Natural Environment

- SG LDP ENV 1 – Development Impact on Habitats, Species and Biodiversity
- SG LDP ENV 2 – Development Impact on European Sites
- SG LDP ENV 4 – Development Impact on Sites of Special Scientific Interest (SSSIs)
- SG LDP ENV 5 – Development Impact on Local Nature Conservation Sites
- SG LDP ENV 8 – Protection and Enhancement of Green Networks
- SG LDP ENV 9 – Protection and Enhancement of Wild Areas of Land

Historic Built Environment and Archaeology

- SG LDP ENV 15 – Development Impact on Historic Gardens and Designed Landscapes
- SG LDP ENV 16(a) – Development Impact on Listed Buildings
- SG LDP ENV 16(b) – Demolition of Listed Buildings
- SG LDP ENV 17 – Development in Conservation Areas and Special Built Environment Areas
- SG LDP ENV 19 – Development Impact on Scheduled Ancient Monuments
- SG LDP ENV 20 – Development Impact on Sites of Archaeological Importance
- SG LDP ENV 21 – Protection and Enhancement of Buildings

Communities

- SG LDP REC/COM 1 – Safeguarding and Promotion of Sport, Leisure, Recreation, Open Space and Key Rural Services

A description and spatial mapping of coastal Natural and Built Heritage interests is detailed in the Environment Chapter (Section 5) of the Coastal Development Strategy.

(D) Landscape and seascape character

It is important that the character of the Argyll and Bute coast is protected from inappropriate development and that development which requires a coastal location is directed in the first instance to areas where development has taken place.

Argyll and Bute Council will assess all coastal development proposals against **Policy LDP – Supporting the Protection, Conservation and Enhancement of our Environment**, and the following supporting SG topics which consider effects on landscape designations of national and regional importance and landscape/seascape character outwith these designations:

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

SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality (APOs)

SG LDP ENV 14 – Landscape

Landscape character has heavily influenced the boundaries of the Development Management Zones which guide the preferred location and scale of development. Areas of isolated coast which are distant from centres of population and lack obvious signs of development are of significant landscape value and are particularly sensitive to new coastal development. The special characteristics of the isolated coast are protected by a presumption against development in these areas.

A description and spatial mapping of coastal landscape/seascape interests is detailed in the Environment Chapter (Section 5) of the Coastal Development Strategy.

The location, scale and design of coastal development proposals will also need to be consistent with **Policy LDP – Development Setting, Layout and Design** which aims to achieve high quality new development that respects the local environment and provides a sense of place throughout Argyll and Bute.

Landscape capacity studies have been undertaken for Loch Etive, Loch Fyne and the Sound of Mull, primarily to guide future aquaculture development. These documents provide a useful sensitivity analysis that identifies opportunities and sensitivities to development for specific areas of coastline. A landscape/seascape sensitivity analysis of the Firth of Clyde coastline is currently being undertaken by the Firth of Clyde Forum in order to inform future marine and coastal development proposals. Where appropriate these documents will be a material consideration in planning applications for coastal development.

(E) Public access

The Council has a legal duty to protect and assert public rights of access to land and water as well as Public Rights of Way when determining planning applications.

Coastal development proposals should look to protect public access to and along the coast and, where possible enhance access. The safeguarding of outdoor access includes Core Paths, coastal Launching Points, claimed Public Rights of Way, Long Distance Routes, walking paths, cycle ways, waterways and significant areas where there are wider rights of public access under the Land Reform (Scotland) Act 2003 i.e. woodlands, agricultural land and the foreshore.

SG LDP TRAN 1 sets out criteria for assessing development proposals in this regard. Specific to coastal development, is the need to ensure the effective functioning of the foreshore in providing access between land and water activity and general public access down to and along the foreshore is not damaged or undermined. Foreshore in this context means the natural foreshore between the mean high and low water springs. The Council is required to protect public access rights to and along the foreshore for all non-motorised users.

(F) Use or re-use of existing facilities

Support will be given to coastal development proposals that make best use of existing infrastructure or brownfield land. Where development of the coast is justified, opportunities for the development or reuse of 'previously used land', buildings and coastal infrastructure should be considered in the first instance and if new facilities or infrastructure are proposed the applicant will need to show that there are no alternative facilities or properties nearby that could be utilised or redeveloped.

(G) Shared use of facilities

Coastal infrastructure, particularly ports, ferry terminals and harbours are key economic generators in Argyll and Bute and are essential to the operation of a range of different marine and coastal industries and our transport network. These uses are rarely incompatible and given the high cost of coastal infrastructure development and the limited locations suitable for such development, shared use of facilities by different sectors is a growing priority. Specific guidance on Ports & Harbours development is detailed in **SG LDP TRAN 8 – Piers and Harbours** below.

Coastal development proposals will not generally be supported unless opportunities for the shared use of facilities are fully investigated and shown to the satisfaction of the Planning Authority, to be impracticable.

Proposals for new coastal infrastructure or upgrading of existing infrastructure should consider the potential to provide access and facilities for other recreational and commercial users, including the provision of additional parking, dedicated launching points or toilet facilities.

(H) Impact on existing development and activities

While the Council wishes to direct development requiring a coastal location to areas with existing development new coastal development should not have direct or indirect significant adverse impacts on existing development or coastal activities. Coastal development proposals should clearly demonstrate the implications for existing development, activities and planned future use.

Assessment of impacts on existing development and activities could include the following:

- use of adjacent land-based or marine development;
- tourism and recreation interests (anchorages, shore access, dive sites, viewpoints, attractions and facilities); and
- access to and functioning of infrastructure such as cables, pipelines, piers, slipways, jetties, pontoons and moorings.

(I) Coastal flood risk and erosion

Rising sea levels and more extreme weather events resulting from climate change will have a significant impact on coastal areas. UK Climate projections (UKCP09) suggest an average sea level rise across Scotland of 22.7 cm by 2095 using the Medium emissions scenario, while ocean wave modelling studies indicate the northern and western coastlines of Scotland will continue to be affected by higher surge events than in eastern areas.

Projected sea level change rates are large enough to cause inundation, erosion and damage to the coast although individual extreme events represent the most important influence on rates of coastal erosion. This will have consequences for all existing and proposed coastal development and great care will need to be taken to ensure new development does not increase the likelihood of erosion or tidal inundation.

The Council will therefore adopt a precautionary approach to flood risk and land erosion and will refuse development proposals which are not consistent with **SG LDP SERV 7 – Flooding and Land Erosion – The Risk Framework for Development**.

Coastal development proposals should consider coastal flooding in relation to predicted sea level rise, storm surges, waves and tidal regime and should also consider the potential for cumulative flood risk from both coastal and fluvial flooding from the land.

Coastal development proposals for vulnerable development categories in 'areas likely to be significantly at risk from flooding'⁶ will be required to undertake a Flood Risk Assessment which will be reviewed by SEPA and the Council's Flood Risk Officer. Acceptable finished floor/construction levels for development on a coastal site will be based on the 1:200 flood water level plus allowances for Climate Change, wave action and a suitable freeboard.

In relation to medium or high flood risk areas, essential development such as navigation and water based recreation use, essential transport and some utility infrastructure may be acceptable where an alternative lower risk location is not achievable. Any essential infrastructure should be designed and constructed to remain operational during floods.

Recreational, sport, amenity and nature conservation use may also be acceptable providing adequate evacuation procedures are in place. Certain small scale water-based development such as pontoons, jetties, moorings and boathouses⁷ are unlikely to have a significant impact on flood risk and any flood related impacts of such developments can be minimised through good design which utilises flood resilient/ resistant materials.

Development proposals on areas liable to coastal erosion will only be permitted where the applicant can demonstrate that the development:

- Will not have a significant adverse impact on coastal processes;
- Will have exceeded its useful expectancy before erosion is likely to occur; or
- Is of a temporary nature; or
- Is associated with the defence of the coastal area where one or more of the following is threatened:
 - (a) Occupied buildings, or
 - (b) Important habitats such as machair, or
 - (c) Scheduled monuments or listed buildings, or major infrastructure utilities.
 - (d) Valued areas of protected open space (OSPAs)

Where development is deemed permissible the use of best practice methods of coastal protection should be employed and details should be submitted as part of the application.

New land-based development in coastal areas will not normally be permitted where it will require significant new defences against coastal erosion or coastal flooding, unless defences are planned as part of a long term settlement strategy.

Information on coastal erosion and coastal processes which may be useful to applicants is detailed in the Environment Chapter (section 5) of the Coastal Development Strategy.

(J) Ecological status of the coastal water environment

The water environment in all its facets is sensitive to development. It can be affected directly, from engineering works and water extraction for industrial processes, and indirectly, through pollution from surface water run-off and industrial processes. It is therefore necessary to assess the impact of new development on the water environment.

⁶ Based on SEPA Flood Risk Maps of Medium to High Risk Areas (1:200 or greater probability of flooding) and local knowledge on flooding issues

⁷ Excluding boat sheds or similar types of development which include residential accommodation.

Coastal development should not result in the deterioration of the overall ecological status of these water bodies or protected areas such Shellfish Waters and Bathing Waters and all development proposals will need to be consistent with the following SG:

SG LDP ENV 7 - Water Quality and Environment

SG LDP SERV 1 - Private Sewage Treatment Plants and Wastewater

SG LDP SERV 2 - Incorporation of Natural Features/Sustainable Drainage Systems

SG LDP SERV 3 - Drainage Impact Assessment (DIA)

Under River Basin Management Planning coastal surface waters include all transitional (estuarine) and coastal water bodies out to three nautical miles seaward from the Scottish territorial baseline. SEPA monitor and classify the overall ecological status of these water bodies, assessing parameters such as biology, chemistry, hydromorphology and marine non-native species. Many water bodies are also part of protected areas identified as requiring special protection because of their sensitivity to pollution or their particular economic, social or environmental importance. In Argyll and Bute, protected areas within the coastal zone include Bathing Waters, Shellfish Waters and water dependent Special Areas of Conservation (SAC) and Special Protection Areas (SPA). Information on the classification of coastal water bodies and protected areas and pressures from development is provided in the Environment Chapter (Section 5) of the Coastal Development Strategy.

In terms of sewage and waste water treatment, the Council wishes to ensure that where practicable, all new development is drained to a public sewer. However, it is recognised that within rural areas septic tanks and small wastewater schemes are essential for development in certain circumstances. New private waste water systems in areas adjacent to Shellfish Waters or Bathing Waters should discharge to land rather than water.

(K) Marine Planning

The approval of the Marine (Scotland) Act in March 2010 introduced a new statutory marine planning framework to manage competing demands for the use of the sea whilst protecting the marine environment. Land based development proposals on the coast will need to consider their effects on the marine environment and its users and in addition to being consistent with LDP policies they will need to consider national and regional marine planning policy objectives.

In reaching planning decisions, Argyll and Bute Council will therefore have regard to the National Marine Plan and subsequent Regional Marine Spatial Plans in so far as they impact within the inter-tidal zone and on the wider coastal zone.

More information on the integration of terrestrial and marine planning is detailed in **Section 1** of the Coastal Development Strategy.

2. Further information on spatial strategy

Coastal development is guided by the LDP's Spatial Strategy. This spatial strategy aims to direct development requiring a coastal location to areas with existing development, or sites where the character of the coastal zone could accommodate such development, and to minimise any adverse impact on the undeveloped coast, in particular our isolated coast.

The LDP contains detailed **Proposals Maps** that spatially show all land use **Allocations** and **Potential Development Areas** for housing, business, community and mixed uses and where development management policies apply to specific locations via the plan's development management zones.

Development Management Zones

The Development Management Zones help support the Local Development Plan's settlement strategy by guiding significant scales of development to our larger settlements and safeguarding our more sensitive and

vulnerable areas from inappropriate levels of development. Where development is not possible within existing settlements, the Council will promote a sequential approach to site selection, as outlined in **SG LDP CST 1 - Coastal Development** and presented in **Table 2** below.

Isolated Coast

Where the 'Very Sensitive Countryside Zone' is immediately adjacent to the foreshore it is considered to be 'Isolated Coast'. The 'Very Sensitive Countryside Zone' is shown the LDP **Proposals Maps** and areas of coast defined as Isolated are presented in Chapter 5 of the Coastal Development Strategy. Development within isolated coast will not normally be permitted, unless the development is minor in nature or necessary in the National interest as determined by the Scottish Government and is dependent on the characteristics of the isolated coast. If development is permitted, the highest possible standards of design will apply to minimise the impact of the development on the character of the coast.

Natural foreshore

The foreshore is the sensitive interface between land and sea. The natural foreshore corresponds to that area between mean high-water and low-water springs which has been largely unaltered by human activity. Within the natural foreshore there are environmental sensitivities and planning issues which impose severe limits on the acceptability of development.

These sensitivities and planning issues include: the ecological health of the foreshore; the importance of the foreshore in terms of outlook; the important economic functions of the foreshore e.g. for shellfish farming, for access to the sea and for urban harbour and waterfront infrastructure; and the need to safeguard public access down to and along the foreshore.

Coastal development proposals should not damage or undermine the key features of foreshore areas including the following;

- The dynamics and balance of the ecology of the foreshore;
- The sustainable productive capacity of the foreshore for shell-fish farming;
- The effective functioning of the foreshore in providing access between land and water activity;
- General public access down to and along the foreshore; and
- The attractive appearance of the foreshore itself and value of outlooks over and across the foreshore from land or sea.

Table 2 – Examples of the sequential approach to siting of coastal development

Appropriate scales of development in each of the zones listed in the table below are defined in **Policy LDP DM1**.

Coastal Development Type	Sequential Preference for Development (1 most suitable, EX – exceptional circumstances, NS – not suitable)						
	Settlement & Brownfield in settlement	Brownfield outwith settlement	Rural Opportunity Areas	Countryside Zone	Very sensitive countryside (Isolated Coast)	Greenbelt	Allocations/A FA/PDA ⁸
Housing ⁹	1	2	2	3	EX	EX	1
Large scale business developments (uncommon)							
O&M offshore renewable base (office, workshop, laydown area, helicopter pad)	1	1	2	3	EX	NS	1
Converter Stations (offshore renewables)	1	1	2	3	EX	NS	1
Fish processing plants	2	1	3	2	EX	NS	1
Commercial piers/harbour	1	2	3	4	EX	NS	1
Marinas	1	2	3	3	EX	NS	1
Small-medium scale business developments (more common)							
Aquaculture shorebase	4	1	3	2	EX	NS	1
Hatcheries/onshore fish farms	4	1	3	2	EX	NS	1
Timber transshipment piers	3	1	3	2	EX	NS	1
Slipway/ jetties/small pontoons	1	n/a	2	2	3	EX ¹⁰	n/a
Recreational facilities (Boat club, watersports centre)	1	1	1	2	EX	EX ⁸	1
Subsea cable landfall sites	1	1	2	2	3	EX	n/a

⁸ Areas for Action and Potential Development Areas

⁹ Specific exemptions for housing developments in the Countryside Zones are detailed in the Local Development Plan (SG HOU1)

¹⁰ Where contributes to access and enjoyment of the coast

SG LDP TRAN 8 - Piers and Harbours

Development within harbour areas is to be encouraged provided that such development promotes the retention of the harbour for commercial marine related uses. Development proposals should be consistent with Policy LDP – Supporting the Sustainable Development of our Coastal Zone and all other relevant LDP policies and SG.

A) Commercial Harbours

Proposals for development within established harbour areas will be permitted provided that:

(i) The proposal requires a harbourside location or is ancillary to activities taking place within the harbour itself;

(ii) The proposal would not compromise the efficient working of the harbour, including the provision of public or commercial ferry services and servicing of the fishing industry;

(iii) The design, scale and siting of the new development respects, as much as is reasonably possible in an industrial area, the character or appearance of the adjacent areas; AND,

(iv) The improvement of existing properties and their redevelopment is considered before the development of new buildings.

B) Tourism, leisure and recreation

The further development of existing piers, harbours and marinas for marine leisure and recreational purposes will be supported where proposals are compatible with existing commercial uses and the safe efficient working of the harbour.

C) Fishing

The enhancement and upgrading of piers, landing facilities and other facilities associated with the fishing industry will be supported, including fishing related development at piers and harbours which support tourism and recreation.

D) Freight facilities

The development of new infrastructure to support greater transportation of goods by sea will be supported where proposals can demonstrate:

(i) A locational and operational need;

(ii) That there are no alternative facilities or properties nearby that could be utilised or redeveloped;

(iii) That the proposed location is not incompatible with:

- A particular settlement or edge of settlement location because of conflict with the settlement plan or with the capacity of that settlement to accommodate the development.
- A particular coastal location because of the sensitivities of the coastscape or coastal ecology or significant conflict with other coastal use or natural heritage interest.

Support will be given for the enhancement of existing coastal freight facilities where proposals will increase efficiency of operations and/or increase the volume of transport of freight by sea and are compatible with Part A of this policy.

The development of temporary facilities may be considered appropriate where sea transport of timber or materials for renewable energy developments is only required for a limited time. In such cases, the impact on the environment from removing the temporary infrastructure should be considered alongside potential opportunities for continued use of facilities by other users, where a need has been identified and the location is deemed appropriate.

Where appropriate, development that can support multiple uses is encouraged, including transshipment of timber, building materials and cargoes associated with the fishing, aquaculture and renewables industries.

E) Servicing the emerging marine renewable energy industry

Development of infrastructure to support the offshore renewable energy industry will be supported and promoted at the following 'Key Ports' and within their 'spheres of influence', as identified in Chapter 4 of the LDP:

- Campbeltown;
- Oban;
- Tiree (Scarinish); and
- Islay (Port Askaig and Port Ellen)

Operations, including the moving, handling and storage of materials and equipment, maintenance and transport of staff relating to marine renewable energy developments will be supported at these Key Ports, where it can be demonstrated that such operations will not result in significant adverse environmental impacts, including impacts on surrounding land uses.

Justification

Ports and harbours are key economic generators in Argyll and Bute and are essential to the operation of a range of different marine and coastal industries and our transport network. The purpose of this policy is to assist in maintaining viable, thriving and stable harbour areas. This policy supports the enhancement and upgrading of piers, landing facilities and other facilities associated with the industries which require a pier and/or harbour location.

To ensure working harbours are not constrained by neighbouring development, land must be allocated for development adjacent to the harbour to help increase trade and competitiveness, and to support the needs of fishing and other harbour based industries, including marine renewables and aquaculture. It is also important to safeguard land for existing ferry operators to allow their continued operation and/or enhancement.

To support the inshore fishing fleet and the aquaculture and renewable energy industries there is a need for onshore working and storage space for equipment, maintenance and staff operations, within a reasonable distance of berthing facilities. Specific to the fishing industry, the available space for handling and processing of fish and shellfish is becoming limited in certain areas and there may be demand for the development of small onshore refrigerated units for the handling of shellfish. Such developments will be supported where they can increase efficiency and sustain this sector of the economy.

Whilst economies of scale have reduced activity at the smaller harbours they are still considered to have potential for leisure, recreation and tourism uses, especially with regard to small scale pleasure/yacht craft.

Coastal shipping can provide an environmentally friendly means of moving bulk freight. This requires wharves and harbour facilities able to handle and distribute goods. The largest volumes of freight in Argyll and Bute are associated with the agriculture, forestry and fishing industries. Much of this freight is transported by road over long distances in large vehicles. This traffic causes disproportionate damage to the road network and necessitates an increased maintenance effort to keep roads serviceable. The shipment of timber and quarry aggregate by sea and rail can relieve pressure on the road network and is therefore supported by this policy.

The off-shore renewable sector offers significant economic development potential in Argyll and Bute both in terms of manufacturing as well as opportunities for on shore maintenance, operations, research and supply side services. Spheres of influence and Key Ports for future investment have been identified where it is believed that if the off shore renewable energy projects are taken forward during the life of the LDP there will be a need to allocate land and identify infrastructure and community facility improvements to facilitate change in an acceptable manner. This includes Campbeltown/Machrihanish which has been identified as a national priority for investment in order to help facilitate Scotland's Renewable Energy industry.

Development briefs should be prepared for all major harbour works, following consultation between the relevant Council Departments, users of the facilities, and the community. Surveys of harbour areas should also be conducted to assess the most efficient and effective use of space and the most appropriate development suited to each area.

SG for Aquaculture Development

Aquaculture development which currently requires planning permission includes, finfish and shellfish farms in marine waters and oyster farms within the intertidal area. Scottish Planning Policy sets the national policy context on Marine Fish Farming stating that Development plans should identify areas which are potentially suitable for new or modified fish farm development and sensitive areas which are unlikely to be appropriate for such development.

Detailed SG for aquaculture has been developed which includes a criteria based policy and supporting indicative spatial mapping of opportunities and constraints.

Due to its complexity and size, this SG document has been included as a separate Annex to the Coastal Development Strategy – **Annex 1 Aquaculture SG**. (See Economic Theme of LDP)

Other Marine & Coastal SG

Council adopted marine and coastal plans

Argyll and Bute Council has developed Integrated Coastal Zone Management (ICZM) Plans for Loch Etive and Loch Fyne which were adopted as SG in 2011 and 2009 respectively.

A Marine Spatial Plan for the Sound of Mull was developed as part of a Scottish Government pilot project on marine planning. Argyll and Bute Council was a lead partner in this project and adopted the plan in 2011.

These plans were developed in collaboration with local stakeholders and regulators and provide guidance for coastal development and activities, with a particular focus on guiding aquaculture development.

Argyll and Bute Council will give special consideration to these plans in the determination of any planning applications for coastal development in Loch Fyne, Loch Etive and the Sound of Mull.

The plans should be used by developers, regulators and other stakeholders in conjunction with the Local Development Plan and its supporting SG.

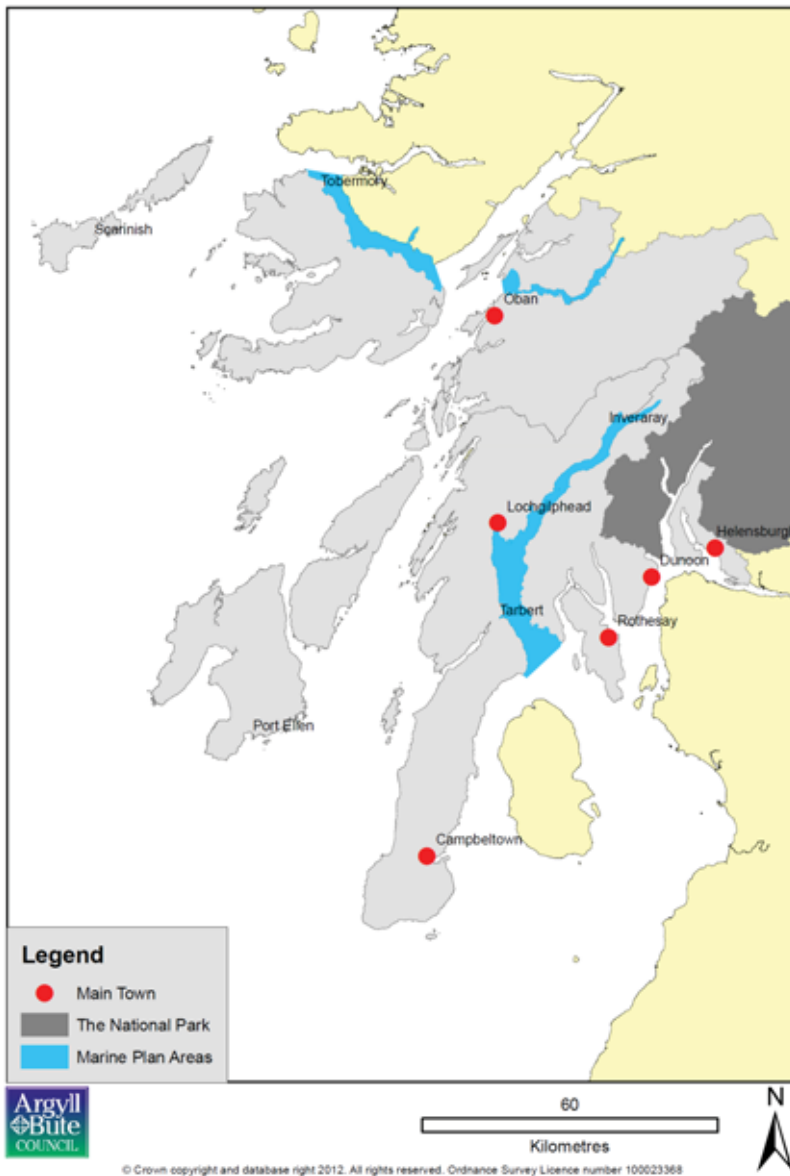
The plans are available to view on the Council website and cover the coastal areas shown in Figure 1.

SG LDP CST 2 - Loch Etive ICZM Plan – www.argyll-bute.gov.uk/lochetive

SG LDP CST 3 - Loch Fyne ICZM Plan – www.argyll-bute.gov.uk/lochfyne

SG LDP CST 4 - Sound of Mull Marine Spatial Plan – www.argyll-bute.gov.uk/soundofmull

Figure 1 – Council adopted ICZM/Marine Plan areas



Consideration of plans and strategies external to the Council

Argyll and Bute Council will take account of the following plans and strategies which have developed or propose to develop a framework to help guide development to appropriate locations and avoid environmental sensitivities, or present development opportunities for individual sectors.

River Basin Plans

Argyll and Bute is covered by two separate Area River Basin Management Plans which have been developed by local Area Advisory Groups on which the Council is represented. These plans aim to maintain and improve the quality of rivers, lochs, estuaries, coastal waters and ground waters, and will help to deliver Water Framework Directive requirements of improving all water bodies to good ecological status and preventing any deterioration.

The LDP and this Strategy (as supporting SG) will assist in ensuring that environmental objectives of the River Basin Plans are met by influencing the location, layout and design of new development through relevant policy which seeks to protect and improve water bodies.

Argyll and Lochaber Area Management Plan

Clyde Area Management Plan

Marine Spatial Plans

The Scottish Government are preparing a statutory National Marine Plan that aims to manage increasing demands for the use of the marine environment, encourage economic development of marine industries and incorporate environmental protection into marine decision making. To provide more detail at a local level, statutory regional marine plans will be developed by local Marine Planning Partnerships. Argyll and Bute's coast and marine waters out to 12 nautical miles will be covered by two regional marine plans; one for Argyll waters and the other for the Firth of Clyde.

In developing our LDP and its development policy, and the consideration of planning applications, Argyll and Bute Council will have regard to the National Marine Plan and subsequent Regional Marine Spatial Plans in so far as they impact within the inter-tidal zone and on the wider coastal zone.

More information on the integration of terrestrial and marine planning is detailed in Section 1 of the Coastal Development Strategy.

Firth of Clyde Marine Spatial Plan

This non-statutory marine plan covers a large part of the Argyll and Bute coast and adjacent coastal waters from the Mull of Kintyre to Helensburgh. Argyll and Bute Council was one of many key stakeholders involved in the development of this plan and will use this plan as a material consideration in the determination of planning applications for coastal and marine aquaculture development.

The implementation of this plan has initiated a number of projects, such as a landscape/seascape sensitivity assessment for the Firth of Clyde that aims to provide guidance for future marine and coastal development.

The Firth of Clyde Marine Spatial Plan and information on supporting projects can be viewed at www.clydeforum.com/ssmei

Inshore Fisheries Group Marine Plans

Draft management plans have been prepared for two IFGs covering parts of Argyll and Bute – Small Isles and Mull IFG, and the Clyde IFG. The boundaries of the existing IFG's are due to expand and it is therefore expected that the current draft plans will need to be reviewed and amended. Opportunities, constraints and development needs identified in these plans will be considered in the determination of relevant development proposals.

Once approved by the Scottish Government, these plans will be available on the [Scottish Government website](#).

Marine SAC Management Plans

Argyll and Bute Council, in partnership with Scottish Natural Heritage facilitated the development of management plans for the Firth of Lorn and Loch Creran Marine SACs.

The management plans are a tool that competent and relevant statutory authorities can use to help ensure that they are fulfilling the requirements set down by the Habitats Directive when making future development decisions that may affect these designated sites, whilst taking into account the multiple social and economic dependencies of the area.

The Management Plans can be viewed at www.argyllmarinesac.org

Argyll and Bute Council has, and will continue to be involved in the process of development and review of the above plans in order to positively influence policy and ensure necessary integration between our LDP and other strategies.



Argyll and Bute Council
**Proposed Local
Development Plan**

**Creating a Sustainable
and Growing
Economy Together**

Argyll and Bute Council
Development and Infrastructure
Director: Sandy Mactaggart



Chomhairle Earra-Ghàidheal is Bhòid
www.argyll-bute.gov.uk

SG LDP BUS 1 – Business and Industry Proposals in Existing Settlements and Identified Business and Industry Areas

Proposals for the development of new, or extensions to existing, business and industrial enterprises (Use Classes 4, 5, 6 and 7*) and waste management developments (as defined in SG SERV 5) within existing settlements and industry and business areas will normally be permitted provided that:

(A) The development is of a form, location and scale, consistent with Policy LDP DM 1, Schedule B 1, and Schedule B 2;

(B) Greenfield sites are avoided if brownfield land (see LDP glossary) is available in close proximity;

(C) In residential locations the proposed development would not erode the residential character of the area, or adversely affect local residents, through an increase in traffic levels, noise, fumes or hours of operation;

(D) The proposal is consistent with any other relevant Local Development Plan policy and associated SG;

(E) Technical standards in terms of parking, traffic circulation, vehicular access and servicing, and pedestrian access are met in full (see SG – LDP TRAN9 Access and Parking);

(F) The design, scale and siting of the new development respects the landscape/townscape character and appearance of the surrounding area (see SG –Sustainable Siting and Design Principles);

The conversion or change of use of existing buildings to industrial or other employment generating uses which includes waste management developments will also generally be encouraged if the above criteria are met. According to the type and lifespan of the development proposed, the Planning Authority may impose conditions limiting the hours of operation and/or duration of the planning consent.

*Details of the Use Classes are given in the LDP.

Justification

The aim of this policy is to promote well ordered, sustainable industrial and business development in

all existing settlements. The preferred location for any new business or industry proposal is within identified Business and Industry Areas (these are made up of - Established Business and Industry Areas (EBIA), Strategic and Local Business and Industry Allocations. Potential Development Areas identified for industry and business development are also promoted, subject to resolution of the identified constraints.

Other locations within settlements may also be appropriate for small-scale developments, particularly office type developments. The plan therefore supports small scale low impact industrial, business and service uses which can co-exist with housing and other sensitive uses without eroding amenity in the settlement areas. This includes businesses which involve working from home, where the amenity of surrounding properties will not be significantly affected.

When planning any development the developer should consider the need to minimise waste, through for example the use of secondary aggregates, retention and re-use of demolition materials on site and the inclusion of recycling facilities on major new developments.

The policy allows issues of sustainability, accessibility, amenity, design, conservation and traffic issues to be taken into account. In some instances, where it is considered that a proposed development will have a significant impact on these issues, additional information may be requested. This information should be submitted with the application. Development Management officers are happy to give applicants advice about any additional information which may be required depending on the type of development being proposed.

To give additional support to assisting economic development in the Economically Fragile Areas identified in the Economic Diagram of the LDP variation in the permitted scales of development will be considered through SG LDP BUS 5. Applicants should also see Policies LDP – **Supporting the Protection, Conservation and Enhancement of our Environment; Policy LDP – Supporting the Sustainable Development of our Coastal; Policy LDP – Improving our Connectivity and Infrastructure.**

This SG conforms to:

- SPP – paragraphs 33, 45 – 51, 92, 93 and 95
- PAN 73 Rural Diversification
- PAN 33 Development of Contaminated Land
- PAN 63 Waste Management Planning
- Scottish Government Economic Policy
- LDP Objectives A, B, D, E, H, I

Schedule B1 – Business and Industry scales of development:

Large-scale – buildings exceeding 600m² footprint,
gross site area exceeding 2 hectares.

Medium scale – buildings between 200m² and 600m² footprint,
gross site area between 0.5 hectares and 2 hectares.

Small scale – buildings not exceeding 200m² footprint,
gross site area not exceeding 0.5 hectares.

In the Economically Fragile Areas consideration will be given to variation of the above permitted scales of development - see **SG LDP BUS 5**.

Schedule B2 – Preferred locations for business and industry:

In the settlements: -

- Strategic Industrial and Business Locations (SIBL)
 - are preferred locations for all scales of business and industry development.
- Business and Industry Allocations (outwith SIBL), Potential Development Areas (PDAs) designated for business and/or industry (subject to resolution of identified constraints) and Established Business and Industry Areas*
 - These are preferred locations for all scales of business and industry development, subject to the constraints of and appropriate capacity within the specific sites.
- Other locations in settlements
 - these are preferred locations for small scale business development; and for small scale industry development.

*Established Business And Industry Areas (EBIAs) – for the purposes of **SG LDP BUS 1**, these areas correspond to EBIA's as shown in the proposal maps as well as to individual lawful business and industry use on sites which are not currently mapped in the plan.

SG LDP BUS 2 – Business and Industry Proposals in the Countryside Development Management Zones*

Proposals for the development of new, or extensions to existing business and industrial enterprises (Use Classes 4, 5, 6 and 7*) in the Countryside Development Management Zones will only be permitted where:

(A) The development is of a form, location and scale, consistent with policy LDP DM 1. Of particular note: Development proposals must also take account of SG LDP ENV 14 and comply with Schedule B1 and Schedule B3; OR,

(B) Proposals are for all scales of development in the rural opportunity areas, or for small scale development in the countryside zone, where the applicant can demonstrate a clear operational need for a specific location within these zones.

In all cases the proposals will also require to meet the following criteria:

- (i) Greenfield sites are avoided if brownfield land (see glossary) is available close by;
- (ii) The proposal is consistent with any other relevant Local Development Plan policies and SG;
- (iii) Technical standards in terms of parking, traffic circulation, vehicular access and servicing, and pedestrian access are met in full (see SG LDP TRAN 6 - Access and Parking);
- (iv) The design, scale and siting of the new development respects the landscape/townscape character and appearance of the surrounding area (see SG –Sustainable Siting and Design Principles and SG LDP ENV 14);
- (v) Good quality agricultural land is avoided, if poorer quality land is available close by.

Depending on the scale and type of development proposed, where appropriate, agreements under Section 75 of the Town and Country Planning (Scotland) Act 1997 will be entered into for the purpose of restricting or regulating the development or use of the land.

The granting of planning permission for exploration or appraisal proposals will be without prejudice to any subsequent application to develop at that location.

The Council acknowledges that exploratory work may be required to assess the viability of projects. However, permitting exploratory work does not commit the Council to subsequently approving a detailed commercial development for that site, irrespective of the outcome of the exploratory findings.

* Countryside Development Management Zones consist of Rural Opportunity Areas, Countryside Zone, Greenbelt and Very Sensitive Countryside.

*Details of the Use Classes are given in the LDP SG.

Schedule B3 – Preferred locations for business and industry:

In the countryside

- Business and Industry Allocations, Potential Development Areas (PDAs) designated for business and/or industry (subject to resolution of identified constraints)
 - All scales of business and industry development, subject to the constraints of and appropriate capacity within the specific sites.
- Other locations in the countryside
 - Small scale business and industry development on infill, rounding-off and redevelopment sites in the countryside zone and rural opportunity areas; these to be non-residential locations** in the case of industry.

**locations where residential use does not predominate – this includes mixed use areas.

Justification

With the exception of small scale business and industry development, the preferred location for business/office and industrial proposals is within existing settlements, as this strengthens their viability and vitality, reduces transport costs and makes use of existing infrastructure and public investment.

However, Argyll and Bute has a number of indigenous and emerging industries that are not suited to a location within an existing settlement. The special needs of the fragile economic areas are also recognised. There may also be business

opportunities arising from farm, croft or estate development programmes. Therefore, where an applicant can clearly demonstrate that their proposal requires a location in the countryside, permission will normally be granted, providing that redundant buildings and brownfield sites are used where possible. Any proposal must also satisfy the criteria listed in the policy and if required ensure that appropriate site restoration proposals are in place. In cases where additional control is required an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 will be negotiated.

For business or industrial development that requires a coastal location, please also refer to Policy LDP – Supporting the Sustainable Development of our Coastal Zone. For tourism development please refer to **SG LDP TOUR 1**.

This SG conforms to:

- SPP – paragraphs 33, 45 – 51, 92, 93, 95 and 97
- PAN 73 Rural Diversification
- PAN 33 Development of Contaminated Land
- PAN 63 Waste Management Planning
- Scottish Government Economic Policy
- LDP Key Objectives A, B, D, E, H, I

SG LDP BUS 3 – Safeguarding Existing Business and Industry Sites

The loss of existing business and industry areas* to non-employment uses will not be permitted unless it has been demonstrated, to the planning authority's satisfaction, that:

- (A) the retention of the land or premises for employment use has been fully explored without success; OR,**
- (B) The land or premises are unsuitably located in terms of its impact on the surrounding environment, the generation of traffic and its impact on the general amenity of the area or adjoining occupiers; AND**
- that there does exist suitably located land or premises either on the market or with outstanding planning permissions for displaced firms to relocate to within a reasonable distance.**

New uses at these locations will need to be consistent with all other LDP policies and Supplementary Guidance (SG) where relevant.

*Established Business And Industry Areas (EBIAs) – for the purposes of policy **SG BUS 3**, these areas correspond to EBIA's as shown in the proposal maps as well as to individual lawful business and industry use on sites which are not currently mapped in the plan.

Justification

The aim of this policy is to safeguard existing business and industry areas. The Council however recognises that there are some business and industrial uses that are located in inappropriate areas, including being adjacent to residential areas or in areas of high amenity such as the Green Belt and National Scenic Areas. The redevelopment of these sites will therefore be encouraged provided suitable alternative accommodation could be made available for any displaced firms. The Council will also ensure that the new use of the site will be appropriate to the location.

This SG conforms to

- SPP – paragraphs 33, 45 – 51, 92, 93 and 95
- PAN 73 Rural Diversification
- Scottish Government Economic Policy
- LDP Objectives A, B, D, E, H, I

SG LDP BUS 4 – Strategic Industrial and Business Locations

Argyll and Bute Council will support the further development of five strategic industrial and business sites in the Local Development Plan. The sites have been identified in the following locations.

- Dunstaffnage European Science Park;
- Kilmory Industrial Estate;
- Machrihanish Green Energies Hub;
- Sandbank Industrial Estate;
- Faslane Naval Base (linked to the Maritime Change Project):

These sites are important in order to help generate future investment into Argyll and Bute and generate high quality jobs for local people.

The LDP will support the addition of employment generating activities on these sites and the Council and its partners will prepare, where appropriate, Masterplans for each of the sites to help provide investor certainty and encourage their future development. The sites have been identified on the Economic Theme Diagram and the Proposals Maps of the LDP.

Proposals for these sites will also need to be consistent with all other LDP policies and associated SG where relevant.

Justification

A central aim of the LDP is to deliver sustainable economic growth. The identification of the five Strategic Business and Industry Sites will help achieve this and the Council will work with its partners, including the private sector, HIE and Scottish Enterprise to drive things forward.

This SG conforms to:

- SPP
- LDP Key Objectives A and D

SG LDP BUS 5 – Economically Fragile Areas

In the Economically Fragile Areas, identified in the LDP Economic Diagram, consideration will be given to variation of the permitted scales of economic development where it is judged by the planning authority that:-

- i) it has been demonstrated that no suitable preferred location is available;
- ii) the proposal is directly linked to the main potential growth sectors supported by the LDP and EDAP;
- iii) a sustainability checklist has been completed and it has been demonstrated that any concerns that have been identified over the sustainability of the proposal can be addressed satisfactorily;
- iv) Greenfield sites are avoided if brownfield land (see LDP glossary) is available in close proximity;
- v) In residential locations the proposed development would not erode the residential character of the area, or adversely affect local residents, through an increase in traffic levels, noise, fumes or hours of operation;
- vi) The proposal is consistent with any other relevant Local Development Plan policy and associated SG;
- vii) Technical standards in terms of parking, traffic circulation, vehicular access and servicing, and pedestrian access are met in full (see SG LDP TRAN 9 - Access and Parking);
- viii) The design, scale and siting of the new development respects the landscape/townscape character and appearance of the surrounding area (see SG –Sustainable Siting and Design Principles).

Justification

Fragile areas are characterised by factors including declining population, scarcity of economic opportunities, proportionately fewer young people, geographical and transport challenges, and below average income levels.

These areas are recognised by Highlands and Islands Enterprise as requiring interventions to develop enterprise and help local people create new economic opportunities.

It is important to support development in these areas that have significant economic and social impact, assist businesses and social enterprises to generate growth and social impacts, and contribute to community resilience.

To support economic growth and population retention in the Fragile Areas the LDP identifies a range of economic development opportunities. The LDP also sets out a settlement strategy which provides a framework to deliver sustainable development for the communities in these areas. In addition, to provide increased flexibility from the planning system in support of the LDP objectives for sustainable economic growth and to support population retention and growth in these areas the Fragile Areas SG BUS 5 permits consideration of the variation of scales of economic development.

This SG conforms to

- Scottish Planning Policy paragraphs 45 and 92 – 93
- PAN 73 Rural Diversification
- Scottish Government Economic Policy
- LDP Key Objectives B, C, D, E, H, I

SG LDP REN 1 – Wind Farm and Wind Turbine development Over 50 Meters High.

Wind farm developments will be supported in forms, scales and sites where the technology can operate efficiently, where servicing and access implications are acceptable, and where the proposed development will not have an unacceptable adverse impact directly, indirectly or cumulatively on the economic, social or physical aspects of sustainable development.

(A) For all wind farms, regardless of scale, the issues raised by the following must be satisfactorily addressed:

- Communities, settlements and their settings
- Areas and interests of nature conservation significance including local biodiversity, ecology, and the water environment
- Landscape and townscape character, scenic quality and visual and general amenity
- Core paths, rights of way; or other important access routes
- Sites of historic or archaeological interest and their settings
- Telecommunications, transmitting and receiving systems
- Important tourist facilities, attractions or routes
- Stability of peat deposits.

(B) The Windfarm Policy Map provides further guidance on where wind turbines between 50* and 79* metres and over 80* metres may be acceptable. They show for proposals on those scales:

- Broad Areas of Search within which proposals will be generally supported subject to addressing satisfactorily all other material considerations.
- Protected Areas within which proposals will be generally resisted unless it can be demonstrated that the proposed development will not have an unacceptable adverse effect on Special Protection Areas, Special Areas of Conservation, and Ramsar sites; National Scenic Areas and Sites of Special Scientific Interest; Areas of Search for Wild Land and land within the Green Belt; and that all other material considerations have been satisfactorily addressed.

- **Potentially Constrained Areas** where proposals will be neither generally supported nor resisted but considered on their merits taking account of the criteria referred to in (A) above and all other material considerations including any unacceptable adverse effect on Special Protection Areas, Special Areas of Conservation, and Ramsar sites; National Scenic Areas and Sites of Special Scientific Interest; land within the Green Belt; Areas of Panoramic Quality; Wild Land and Local Nature Conservation Sites.

** Wind turbine height measured to blade tip when vertical*

Justification

The council recognises that, within the lifetime of the local development plan, onshore wind power is likely to make the most substantial contribution towards meeting the targets for electricity generated from renewable sources set by Government and for addressing the related issues of climate change.

Scottish Planning Policy paragraphs 182 to 191 set out the national planning policies for renewable energy developments that planning authorities should consider when preparing development plans and when determining planning applications. The council is committed to support wind farm developments in forms, scales and sites where the technology can operate efficiently, where existing and approved grid capacity can be maximised, and where direct, indirect and cumulative environmental impacts can be satisfactorily addressed. These will include impacts on landscapes and the historic environment; ecology (including birds), biodiversity and nature conservation; the water environment, communities; aviation; telecommunications; noise; and shadow flicker.

For the avoidance of doubt, and notwithstanding the identification of Areas of Search, Potentially Constrained Areas and Protected Areas, all applications for the development of wind turbines above 50 meters high will be assessed against **SG LDP REN 1: Wind Farm and Wind Turbine development Over 50 Meters High.**, all other policies of the Local Development Plan, supplementary guidance and all other material considerations.

This SG Conforms to:

- SPP paragraphs 182 - 191
- LDP Policy Supporting the Sustainable Growth of Renewables.
- LDP Key Objectives B, C, D, H and I

SG LDP REN 2 – Wind Turbine Development Up To 50 Metres High

Wind turbines up to 50* meters will be supported in forms, scales and sites where the technology can operate efficiently, servicing and access implications are acceptable, and subject to specific proposals satisfactorily addressing all other material considerations. Including the guidance contained in the Argyll and Bute Landscape wind energy capacity study, as they relate to turbines up to 50 metres.

It must be demonstrated that the proposed development will not have an unacceptable adverse impact directly, indirectly or cumulatively on the following criteria:

- Areas and interests of nature conservation (including local biodiversity, ecology and the water environment).
- Highly valued landscapes including Gardens and Designed Landscapes.
- Sites of historic or archaeological interest and their settings.
- Settlement character including conservation areas.
- Visual, residential and general amenity.
- Telecommunications, transmitting or receiving equipment.

** Wind turbine height measured to blade tip when vertical*

Justification

The council recognises that, within the lifetime of the local development plan, onshore wind power is likely to continue to make the most substantial contribution towards meeting the targets for electricity generated from renewable sources set by Government.

The council supports the wider application of medium and smaller scale renewable technologies. Within that context the council, recognises the contribution which smaller scale and domestic turbines may make to

achieving renewable energy targets by contributing to lower CO2 emissions and reducing the dependence of the local economy on fossil fuels. However, smaller scale or domestic wind turbines should be the correct size for its proposed location and should fit well with its surroundings. Accordingly, they will be supported where they do not result in unacceptable harm to the built and rural environments in which they are sited or have a significant detrimental impact on residential, visual or general amenity.

This SG conforms to:

- SPP paragraphs 182 - 191
- LDP Policy Supporting the Sustainable Growth of Renewables.
- LDP Key Objectives B, C, D, H and I

SG LDP REN 3 – Other (Non-Wind) Forms of Renewable Energy Related Development

Non-wind renewable energy related development, including solar, hydro, biomass, energy from waste, and onshore development consequent on wave and tidal resource use, will be supported in forms, scales and locations where it will promote the aim of sustainable development, where servicing, electricity distribution and access impacts are acceptable, and all other material considerations including the council's international and national obligations are satisfactorily addressed.

It must be demonstrated that the proposed development will not have an unacceptable adverse impact directly, indirectly or cumulatively on the following criteria:

- Areas and interests of nature conservation (including local biodiversity, ecology and the water environment).
- Highly valued landscapes including Gardens and Designed Landscapes.
- Sites of historic or archaeological interest and their settings.
- Settlement character including conservation areas.
- Visual, residential and general amenity.
- Telecommunications, transmitting or receiving equipment.

Justification

The council is committed to supporting a diverse range of renewable energy technologies at all scales and to encouraging the development of emerging and new technologies. Thus, for instance, there is the possibility of developing solar and photo voltaic technologies; there are the untapped resources of wave and tide; there may be further potential to develop small scale hydro electric schemes; and energy released from biomass, in particular forest waste, would reduce demand from fossil fuels.

Within the context of that general encouragement for energy generated from renewable sources, the council recognises its obligation to meet its international and national statutory obligations to protect designated areas, species and habitats and the historic environment from inappropriate forms of development and ensure that impacts on local communities and other interests are satisfactorily addressed.

Thus, for instance, biomass plants must not have significant detrimental impacts on the natural heritage, landscape, built and cultural heritage, amenity (including public health), environmental and transport issues. Then again, where a hydro-electric scheme is proposed it must be demonstrated that impacts on the natural and cultural heritage, water regimes, fisheries, aquatic habitats and species and cumulative impacts have been adequately addressed and the requirements of **SG LDP ENV 7 Water Quality and Environment** have been met. Proposals to generate energy from waste will be assessed against the terms **SG LDP SERV 5 - Waste Related Development and Waste Management in Developments**.

This SG conforms to:

- SPP paragraphs 193 - 195
- LDP Policy Supporting the Sustainable use of Our Resources
- LDP Key Objectives B, C, D, H and I

SG LDP RET 1 – Retail Development in the Main Towns and Key Settlements – The Sequential Approach

There will be a presumption in favour of retail development (Use classes 1, 2 and 3*) provided:

- (A) It is within a defined town centre; OR,
- (B) Where the developer demonstrates that no suitable sites within defined town centres are available, on the edge of a defined town centre; OR,
- (C) Where the developer demonstrates that no suitable sites are available within defined town centres, or on the edge of defined town centres, elsewhere in the town in a location that is or can be made accessible by a choice of means of transport; AND IN ANY OF THESE CASES,
- (D) There is no significant detrimental impact on the vitality or viability of existing town centres (the Council may request an assessment at the developer's expense, as it considers necessary, to establish this, and may require applications to be accompanied by a reasoned statement of the anticipated impact of the proposal on the town centre); AND,
- (E) The proposal is consistent with all other LDP Policies and associated SG.

Convenience shops located and designed to serve only a local residential area, as well as those associated with recognised tourist facilities, farm and factory shops, are exempt from the sequential test requirement but may require a Retail Impact Assessment at the Planning Authority's request.

*Details of the Use Classes are given in SG on Use Classes.

Scales of retail development:

Large-scale retail development -	Building exceeding 1,000 sq gross floor space
Medium-scale retail development -	Building between 201 sq m – 999 sq m gross floor space
Small-scale retail development -	Buildings up to 200 sq m gross floor space

Justification

The aim of this guidance is to protect and enhance the vitality and viability of the defined town centres

in the larger settlements of Argyll and Bute through a sequential approach to new retail development.

The sequential test for selecting sites for new retail development ensures that first preference is given to town centre sites, followed by edge of centre sites, and then finally out-of-town centre sites. Otherwise, opportunities to enhance the retailing role of town centres may be lost and their role may become threatened. The only exceptions to this requirement are small shops serving the day to day needs of local communities and specialist forms of retailing such as those associated with recognised tourist facilities, farm shops and factory shops where the retail floor space element is less than 200 square metres, and this is ancillary to the main business use of the site.

When considering new retail development proposals the Planning Authority will look closely at the potential impact on the vitality and viability of existing town centres. New retail developments will therefore have to demonstrate that they will not have a significant adverse impact. If a potential adverse impact is identified, this will have to be mitigated through an appropriate developer contribution or such other action (possibly under a Section 75 Agreement).

Town Centres and Edge of Town Centre Zones (including Core Shopping Areas) have been identified on the main Proposals Maps.

This SG conforms to:

- SPP paragraphs 52- 65
- LDP Policy Supporting Our Town Centres and Retailing.
- LDP Key Objectives A, C, D, E, G, H and I

SG LDP RET 2 – Change of Use to and from Use Class 1 (Shops) in the Core Shopping Areas of the Main Town Centres

(A) Within the ground floor frontage premises in the “core shopping areas” of Campbeltown, Dunoon, Helensburgh, Lochgilphead, Oban and Rothesay, change of use from non-retailing uses to Use Class 1 (Shops) is consistent with this policy.

(B) Within these ground floor frontage premises change of Use Class 1 (Shops) to any other use other than a Use Class 3 (Food and Drink), is contrary to this policy unless it is demonstrated that:

- (i) Every effort is made by the applicant to retain a lively street frontage.
- (ii) The premises have been vacant and unused for at least 12 months despite reasonable attempts (including a clear marketing strategy) to market the property/business; OR,
- (iii) The development is part of a wider building refurbishment or redevelopment which, in the view of the planning authority, will add value to the economic vitality or built environment of the town centre.

Justification

Within the six main town centres of Argyll and Bute “core shopping areas” have been identified on the proposals maps. In these areas the vitality of the town centres and the commercial interests of individual shops benefit from ground floor shop premises being close to one another. The guidance seeks to limit the change of use within these core shopping areas and ground floor premises to a range of uses, which are viewed as being complimentary with one another and as reinforcing the economic integrity of these areas and a lively street frontage is retained. The frontage premises correspond to the retail frontage excluding rear storage, offices or servicing areas.

This SG conforms to:

- SPP paragraphs 52 -65
- LDP Policy Supporting Our Town Centres and Retailing
- LDP Key Objectives A, C, D, E, G, H and I

SG LDP RET 3 – Retail Development in the Key Rural Settlements, Villages and Minor Settlements

There will be a presumption in favour of retail development (Use Classes 1, 2 and 3) provided:

(A) The principles of the sequential test outlined in SG LDP RET 1 (Retail Development in the Main Towns – the Sequential Approach) are satisfied;

(B) The proposal does not exceed 1,000m² gross retail floorspace;

(C) Reasonable account has been taken by the developer of the possibilities of locating the proposal on brownfield land or in disused buildings;

(D) The site has good access to the public transport network, where available, or delivers major improvements to public transport services in scale with the development; AND,

(E) The proposal is consistent with all other policies and associated SG in the Local Development Plan.

Convenience shops located and designed to serve only a local residential area are exempt from the sequential test requirement but may require a Retail Impact Assessment at the Planning Authority’s request.

Justification

The Council seeks to protect and enhance the vitality and viability of undefined shopping centres in the smaller settlements in Argyll & Bute through a sequential approach to new retail development, and only allow out of centre retail development in exceptional circumstances. The rural shopping centre will be taken to be that area which can be described as such by the juxtaposition of land uses and its central location.

Rural shops play a key role in supporting a healthy rural economy. The aim is to support local facilities that provide an effective and valuable service to the community. In terms of retailing, existing food stores and small supermarkets often play a key role in maintaining the quality and range of shopping in rural centres as well as providing an essential service to both the surrounding settlement and its hinterland. These centres are preferred locations for both comparison and convenience retail development.

Given the potential impact on the variety of shopping in rural centres as well as surrounding settlements and village shops, the scope for superstores and other large retail developments is likely to be more limited in the smaller settlements than elsewhere. Therefore, it is appropriate to indicate a maximum store size, which is consistent with maintaining a variety of shops to ensure the development has no net detrimental impact. While a formal Retail Impact Assessment is required for larger retail developments (over 2,500 sq m gross retail floorspace), smaller proposals should also be accompanied by reasoned statements of the anticipated impact on the shopping centre.

This SG conforms to:

- SPP paragraphs 52- 65
- LDP Policy Supporting Our Town Centres and Retailing.
- LDP Key Objectives B, C, D, E, G, H and I

SG LDP RET 4 – Retail Development within Countryside Development Management Zones

There will be a presumption in favour of retail development (Use Classes 1 and 2) in the Countryside Development Management Zones provided:

- (A) Retail floorspace does not exceed 200 square metres gross;
- (B) New build development does not take place in Very Sensitive Countryside and open areas within the Countryside Zone;
- (C) Within the Greenbelt the proposal relates to the conversion of an existing traditional farm building, and where the proposals are part of a farm diversification scheme primarily to serve the tourist trade or to sell agricultural products from local farms;
- (D) The proposal is consistent with all other Policies and associated SG in the LDP.

Justification

The Council aims to support the viability and vitality of the town centres, by requiring larger scale developments to locate in these centres, but recognising that small-scale retail development can be developed at other locations without adverse

impacts on the core shopping functions of town and village centres. Smaller scale retail developments in the countryside, particularly where these relate to farm diversification schemes, tourist related development (see also **SG LDP TOUR 1**) and specialist niche marketing of quality Argyll and Bute products, support the aims of promoting a diversified rural economy.

This SG conforms to:

- SPP paragraphs 52 -65
- LDP Policy Supporting Our Town Centres and Retailing.
- LDP Key Objectives B, C, D, E, G, H and I

SG LDP RET 5 – Change of Use of shops outwith Designated Town Centres

Outside designated town centres, the Council will only permit the change of use of shops (Use Class 1) to other uses provided:

- (A) That day-to-day local convenience shopping provision/post office is available in the same community or in close proximity to; OR
- (B) That all reasonable steps over a period of 12 months have been taken to market the property as a retail concern.

Justification

Changes in peoples' shopping habits have resulted in an increasing reliance on car-related, out of town centre shopping development and a gradual loss of local/village shops. Such changes can undermine communities and disadvantage people who do not have ready access to private cars. This is especially the case when the shop under threat of closure is the last in the settlement/village.

These guidelines are intended to help minimise the loss of local shopping facilities and accords with the concept of sustainable development.

This SG Conforms to:

- SPP paragraphs 52 -65
- LDP Policy Supporting Our Town Centres and Retailing
- LDP Key Objective B
-

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

There is a presumption in favour of new or improved tourist facilities and accommodation provided:

- (A) The development is of a form, location and scale, consistent with Policy LDP DM 1;
- (B) They respect the landscape/ townscape character and amenity of the surrounding area;
- (C) They are reasonably accessible by public transport where available, cycling and on foot, or would deliver major improvements to public transport services;
- (D) They are well related to the existing built form of settlements or the existing development pattern outwith the settlements and avoid dispersed patterns of development, unless the developer has demonstrated a locational requirement based on the need to be near to the specific tourist interest being exploited, and that the facility will not damage those interests; AND,
- (E) The proposal is consistent with other policies and SG contained in the Local Development Plan;
- (F) In the green belt tourism development should only relate to farm diversification schemes such as the conversion and restoration of existing traditional buildings, woodland related activities, or recreational uses that are compatible with an agricultural or natural setting.

Tourist Scales of Development

Large Scale	<p>exceeding 60 letting units; or other tourist facility buildings over 600m²** gross; or</p> <p>exceeding 50 caravan or stances; or exceeding 100 tent pitches or exceeding 11-60 letting units; or any similar scale combination of the above e.g. 26 caravans and 51 tent pitches are at the bottom end of large scale.</p>
Medium Scale	<p>other tourist facility buildings between 200 and 600m² gross**; or</p> <p>11-50 caravans or stances; or 50-100 tent pitches, or any similar scale combination of the above e.g. 25 caravans plus 50 tent pitches would be the top end of medium scale.</p>
Small Scale	<p>up to 10 letting units; or other tourist facility buildings up to 200m²** gross; or</p> <p>up to 10 caravans or stances; or up to 50 tent pitches; or any similar scale combination of the above e.g. 5 caravans and 25 tent pitches would be the top end of small scale</p> <p>** to include no more than 100 sq m gross retail floor space(Class 1).</p>

Justification

Every area of Argyll and Bute has potential for tourism. In a fragile rural economy, the tourism industry offers the prospect for real growth. It is something that everyone can benefit from and participate in. The aim of this Policy and the Local Development Plan is to encourage development but at the same time protect residential amenity and Argyll and Bute's outstanding environment.

As long as it is not overdeveloped, tourism is essentially a sustainable industry. It is of considerable potential value to the economy Argyll and Bute as recognised in the Economic Development Action Plan. It is also a key industry in the Scottish Government Economic Strategy and this sector is supported by both Highlands and Islands Enterprise and Scottish Enterprise. As such tourism should be promoted and for this reason facilities for participation sports and other

recreational activities requiring unimpeded access to remote open country will normally be accepted on appropriate sites in the Countryside Development Management Zones (see **SG LDP REC/COM 1**). However, tourism must not destroy those very qualities that bring tourists to the area in the first place. Tourist related development must therefore be carefully located, sited and designed to provide high quality facilities that fit successfully into the environment. Retail outlets in particular will only be accepted where they are clearly ancillary to a tourism activity.

Tourism development and facilities can generate large amounts of traffic, mainly in the form of cars. It is therefore important that they are located in areas and locations which are accessible by public transport and, where available, other modes such as cycling and walking.

This SG conforms to:

- SPP paragraphs 47-48. 93, 98, 110, 125, 164
- Scottish Government’s Economic Strategy
- LDP Key Objectives A,B,C, D, E, H, I

SG LDP TOUR 2 – Safeguarding Valued Tourist Areas Vulnerable to Change of Use

Within a Valued Tourist Area Vulnerable to Change of Use (VTA), non-tourist related development shall be resisted unless it comprises:

- (A) An alteration, extension or expansion of an existing non-tourist related development on its current site within the VTA; OR,
- (B) The provision of managerial and other staff accommodation directly associated with the tourist related development within the VTA; OR,
- (C) Other development which will not directly or cumulatively prejudice the effective functioning of the VTA (both in its own right and in respect of its network function) and there being little likelihood of objection arising from the proposed use in relation to neighbouring tourist related development ; AND,
- (D) The proposal is consistent with all other policies and SG of the Local Development Plan.

Justification

The tourist industry plays a significant role in the future economic prosperity of Argyll and Bute. The aim of **SG LDP TOUR 2** is to safeguard the role of key tourism sites and areas – referred to in this plan as Valued Tourism Areas (VTAs). These areas are viewed as key sites within the overall tourism infrastructure of the planning area e.g. the main tourist caravan sites or bed and breakfast areas form part of an integral network of facilities which if broken would be to the detriment of the whole network.

Other proposed development within a VTA will be resisted where it is considered to have a detrimental effect on that VTA, which reduces its ability to function either individually or as part of the tourism network. Valued Tourism Areas have been identified in the Main Proposals maps of the Local Development Plan.

This SG conforms to:

- Scottish Planning Policy Paragraphs 47-48. 93, 98, 110, 125, 164
- LDP Key Objectives A,B,C, D, E, H, I

SG LDP TOUR 3 – Promoting Tourism Development Areas

The Tourism Development Areas shown on the Economic Diagram in the LDP contain significant opportunities for the sustainable growth of the Argyll and Bute tourism industry.

These areas will be promoted by a range of partners (HIE, SE, FCS, Local tourist organisations and VisitScotland) to encourage the further development of new high quality tourism developments that are intended to add to the appeal of Argyll and Bute as a compelling destination for tourists and also as a better place to live for local residents.

Wherever practicable existing infrastructure will be utilised and best use will be made of all modes of transport to access new sites

Applications for new tourism developments will also be subject to all other policies and SG of the LDP.

Justification

Tourism is a strategically important sector for Argyll and Bute that will continue to play a significant role in the economy of Argyll and Bute as recognised by the LDP and the Council's Economic Development Action Plan (EDAP).

The identification of Tourism Development Areas throughout Argyll and Bute highlights the potential for this industry to expand in a sustainable way close to major tourist routes.

During the life of this LDP additional Supplementary Guidance will be developed to help inform future tourism development within these areas in conjunction with HIE, SE, FCS and VisitScotland. The LDP has also helped identify a number of key tourism sites throughout Argyll and Bute in the form of allocations and potential development areas.

Finally, it should be noted that the identification of Tourism Development Areas within the LDP does not preclude tourism investment in other areas of Argyll and Bute.

This SG conforms to:

- **Scottish Planning Policy Paragraphs 47-48, 93, 98, 110, 125, 164**
- **LDP Key Objectives A, B, C, D, E, H, I**

Supplementary Guidance

Aquaculture Development

1. Introduction

The purpose of this Supplementary Guidance (SG) is to provide a detailed policy framework to plan, direct and assess aquaculture development in Argyll and Bute. The SG will form part of the statutory Local Development Plan once adopted and delivers the detail of **Policy LDP – Supporting the Sustainable Growth of Our Economy** which identifies Aquaculture as a key economic sector in Argyll and Bute.

Proposals for new aquaculture developments or amendments to existing marine fish farming sites will be assessed against this SG, which provides detailed guidance for developers and regulators to help guide development to the most appropriate areas by taking account of other activities and environmental sensitivities and assist in decision making for individual proposals.

Aquaculture development which is relevant to this SG includes Marine fish farming, covering the farming of finfish species, shellfish species and sea urchins; Freshwater farming of mainly trout and salmon; and onshore development such as hatcheries, depuration facilities and land based salmon farms. Seaweed farming is not currently under planning control but may be in the future.

2. Context

National

In 2009 the Scottish Government in conjunction with the aquaculture industry launched '[A Fresh Start – The Renewed Framework for Scottish Aquaculture](#)'. The Framework set out the shared vision of the Scottish Government and the industry for the future development of the sector: *"Scotland should have sustainable, growing, diverse, market-led and profitable farmed fish and shellfish industries, which promote best practice and provide significant economic and social benefits for their people, while respecting the marine and freshwater environment. The industries will contribute to the overall vision for Scotland's marine environment of "clean, healthy, safe, productive and biologically diverse seas managed to meet the long-term needs of nature and people".*

National targets for sustainable growth of marine aquaculture have been agreed and will be set out in the forthcoming National Marine Plan for Scotland. These targets are to increase production of finfish farming by 50% and shellfish farming by 100% by 2020.

[Scottish Planning Policy \(SPP\)](#) is a statement of Scottish Government policy on land use planning and states that *"Aquaculture is a nationally important industry, particularly for coastal and island communities, making an important contribution to the rural economy and providing a significant number of jobs, many in remote locations where alternative employment opportunities are limited."*

[SPP](#) paragraphs 104 – 109 set the national policy context on Fish Farming stating: *"Development plans should identify areas which are potentially suitable for new or modified fish farm development and sensitive areas which are unlikely to be appropriate for such development. In potential development areas fish farm development may be appropriate, subject to locational and environmental considerations. Sensitive areas are unlikely to be suitable for fish farm development unless adverse impacts can be adequately mitigated. When designating potential development areas and sensitive areas, planning authorities should take into account carrying capacity, landscape, natural heritage and historic environment interests, potential conflict with other*

users and other regulatory controlled areas.....Supplementary guidance can also be used to provide advice on how the design of fish farms and associated development can minimise landscape and visual impact..... Fish farms are likely to require land based facilities and where possible these facilities should be considered as part of or simultaneously with the application for the fish farm. Opportunities for shared use of onshore facilities including jetties, piers and ancillary facilities should be promoted and, wherever possible, access to the foreshore for recreational purposes should not be impeded. Established anchorages and harbours should be safeguarded."

Local

Aquaculture makes a significant contribution to the economy of Argyll and Bute and in particular to more remote and fragile areas. Aquaculture provides year round jobs which are important for coastal communities and downstream jobs are also supported in transport, processing and support services. The salmon farming industry in Argyll and Bute is estimated to support 489 employees, contributing £10.3 million gross pay and £47.2 million multiplied financial impact in 2011 and £35 million capital investment over the last five years.

Shellfish companies operating in Argyll and Bute produce roughly 80% of Scotland's pacific oysters and 11% of Scotland's blue mussels, valued at approximately £2.1 million value of first sale, over 20% of the Scottish total. Further information on direct and indirect economic benefits of aquaculture is provided in Section 4 of the **Coastal Development Strategy**.

In line with National aspirations the local finfish and shellfish farming industry have expressed a desire for sustainable growth over the life of the LDP which may lead to the consolidation of some, the enlargement of existing sites and/or new sites being established.

The current Development Plan largely takes a criteria based approach to the assessment of individual proposals with spatial information also available in the published ICZM plans. This approach has largely been successful in guiding the industry to the most appropriate locations. That said, national Planning policy expressed through the SPP, promotes the development of a spatial strategy, linked to relevant policy criteria. During the development of this SG the Council has carefully explored different options for producing a spatial policy framework and has concluded that it is not possible to produce a robust indicative spatial strategy for Argyll and Bute, given that only a small proportion of the key criteria can be fully incorporated at this present time.

Argyll and Bute Council is however, committed to expanding this SG policy framework by developing an indicative spatial strategy for marine aquaculture development within the lifespan of the LDP. This additional spatial element will be used alongside the SG Policy detailed below and will identify areas with potential for development and areas sensitive to aquaculture development.

3. Further development of SG

This Aquaculture SG is the first iteration of a policy framework which will be further developed and updated as new information becomes available to allow a greater spatial element to an Argyll and Bute wide framework. It is proposed to consider and integrate where possible, the following elements where further work by government agencies, the Council, and other stakeholders is planned or underway:

Description	Planning criteria	Leading organisations
Distribution of Priority Marine Features	Habitats & species of conservation interest	SNH/Marine Scotland
Marine Protected Areas	Designated sites	SNH/Marine Scotland
Sensitivity mapping of coastal waters – interaction between finfish farming and wild salmonids	Wild migratory salmonids	RAFTS
Project looking to identify spatial opportunities & constraints for aquaculture development, in relation to National growth targets	Carrying capacity (finfish and shellfish) Wild migratory salmonids	Marine Scotland
Mapping of commercial sea fishing grounds (ScotMap project)	Other activities (commercial fishing)	Marine Scotland
Landscape/seascape sensitivity assessment for the Firth of Clyde	Guidance on sensitivity of landscape/seascape to marine & coastal development	SNH/Firth of Clyde Forum
Landscape capacity assessments for National Scenic Areas, under development pressure	Landscape designations	Argyll and Bute Council/SNH
Revised Scottish Planning Policy (SPP)	All	Scottish Government

4. How to use the Aquaculture SG

Planning permission is required for all new aquaculture developments, change of use of and alterations to existing approved sites. Applicants should refer to this guidance at an early stage in the design and development process of any aquaculture proposals to help inform the location, scale and form of the development.

It should be noted that this guidance has not attempted to identify areas of technical feasibility or areas where the industry would like to develop for different types of aquaculture as this is not the role of the planning authority and industry has not been able to provide information on where it would like to develop. Given the constant changes in technology and equipment it is considered necessary to not restrict opportunities for development to areas of resource or interest based on current technology.

Applicants are strongly advised to undertake pre-application discussion with Argyll and Bute Council at the earliest opportunity where planning officers can advise on likely constraints and opportunities and requirements relating to the Environmental Impact Assessment (Scotland) Regulations 1999. Information on the different stages of the planning process for aquaculture is detailed in **Annex A**.

Section 5 of this guidance details the criteria based policy, against which all planning applications for aquaculture development will be assessed. Section 6 then provides additional guidance on the individual Development Criteria outlined in this policy, describing or mapping opportunities and constraints relevant to these criteria.



SG LDP AQUA 1 – Aquaculture Development is supported by existing Integrated Coastal Zone Management Plans for specific coastal areas. These plans provide spatial guidance for aquaculture development, identifying where development would and would not be considered appropriate. Further information on these plans is provided in Annex B.

In addition to this guidance, any aquaculture proposal will also need to be consistent with other relevant Local Development Plan policies. Which policies apply depends on the location and its sensitivity and could include, economic, environmental and access policies.

In terms of good practice in preparing development proposals, applicants are encouraged to consider the following:

- Adherence to the Code of Good Practice for Scottish Fin Fish Aquaculture or the Association of Scottish Shellfish Growers Code of Good Practice;
- Use of approved templates for development applications and EIA screening/scoping; and
- Community engagement and pre application (non statutory) activity - in particular for new, larger scale or potentially sensitive developments.

Planning permission is not the only consent required for an aquaculture development, with licensing and agreements required from Marine Scotland and Scottish Environment Protection Agency (SEPA) for finfish development. Further information on the responsibilities of other aquaculture regulators is identified in Annex C.

5. Criteria Based SG

SG LDP AQUA 1 – Aquaculture Development

MARINE & FRESHWATER AQUACULTURE

(A) Development Criteria

Proposals for marine and freshwater aquaculture development will be supported, subject to there being no significant adverse effect, directly, indirectly or cumulatively on the following development criteria:

1. Landscape/seascape and visual amenity;
2. Isolated coast and wild land;
3. Historic or archaeological sites & their settings;
4. Priority habitats/species and designated sites for nature conservation;
5. Ecological status of water bodies and biological carrying capacity;
6. Navigation and other activities;
7. Economic impact;
8. Farm Management Areas;
9. Operational impact (waste, noise, light and odour)

This support is further conditional on proposals being consistent with other Local Development Plan Policies and Supplementary Guidance, current Government guidance, the National

Marine Plan and relevant Regional Marine Plans, where proposals extend onto the intertidal zone or beyond, or interact with adjacent coastal waters.

(B) Consolidation and rationalisation

Future proposals to consolidate or rationalise existing development sites will be supported where proposals are consistent with PART A of this policy and have demonstrated that they have considered the following:

- any available spatial guidance on areas that are most/least suitable for development;
- potential environmental benefits, including landscape, habitats and species and wild migratory salmonids;
- potential benefits in terms of site management, including disease control and escapes;
- potential benefits to communities and commercial and recreational activities; and
- increased economic viability and socio-economic benefits.

Where new fish farm provision will result in existing fish farm infrastructure becoming redundant, the Council will seek the removal of the redundant infrastructure as a requirement of the development.

LAND BASED AQUACULTURE

Onshore freshwater and marine fish farms and hatcheries will be supported where proposals are consistent with relevant LDP policies and Supplementary Guidance, in particular SG LDP COAST 1.

Justification

For the purposes of this policy, marine aquaculture corresponds to shellfish and fin-fish farming located in coastal waters and the foreshore below Mean High Water Springs*. Fresh water aquaculture relates to fish farming (mainly fin-fish farming) in freshwater lochs and rivers, whilst onshore aquaculture relates to development on land above mean High Water Springs.

Aquaculture is seen by the Scottish Government, as well as at a European level, as a significant growth sector in the Scottish economy and the presumption is that it should be allowed to operate unless there are considerations which would render a particular site unsuitable for environmental reasons.

Proposals will be assessed in the light of the presumption established in favour of aquaculture in coastal waters established by Scottish Planning Policy, whilst also having regard to the criteria based analysis of environmental and other considerations set out in this SG Policy.

Further information on the Development Criteria for marine and freshwater aquaculture development and a description of opportunities and constraints is provided in Section 6 of this document.

Supplementary Guidance and Marine Plans

Integrated Coastal Zone Management (ICZM) or Marine Spatial Plans adopted by the Council as SG will be a significant material consideration in assessing any development proposal which fall within the boundary of any such plan.

In reaching planning decisions, Argyll and Bute Council will also have regard to the National Marine Plan and subsequent Regional Marine Spatial Plans

in so far as they impact within the inter-tidal zone and on the wider coastal zone.

Marine aquaculture

Proposals for integrated multi-trophic aquaculture (IMTA) will be supported where environmental and economic benefits can be demonstrated and species proposed for cultivation are considered suitable for the farmed location.

Onshore aquaculture

The general capacity of settlements and countryside locations to successfully accommodate non-marine fish farming depends largely on the scale of the development, the size of settlements, the nature of adjoining land use and on the relative sensitivities of the countryside.

With these factors in mind, the Development Management Zones as defined in **Policy LDP DM 1** and **SG LDP COAST 1** provide the spatial framework for assessing onshore aquaculture proposals. In addition, a direct operational need tied to a specific location will need to be demonstrated where proposals are outwith established settlements. Development within isolated coast (coastal area of 'Very Sensitive Countryside') will not normally be permitted, unless the development is minor in nature or necessary in the National interest and is dependent on the characteristics of the isolated coast.

Where abstraction of sea or fresh water and discharge of effluent/waste water is required to support the onshore development, proposals which have a detrimental impact on the ecological status of water bodies will be resisted.

** The marine area under planning control of Argyll and Bute Council for aquaculture is shown in **Annex D**.*

6. Information on Development Criteria

This section provides detailed information on the Development Criteria listed in **Policy SG LDP AQUA 1**, against which all proposals for marine aquaculture will be assessed. This information describes the constraints and opportunities related to each criterion and provides supporting maps where possible, indicating the location of features and interests.

If spatial information on particular criteria is not available Argyll and Bute wide it has not been included in the supporting background maps and is instead described in the text. Where the Council has more detailed spatial information for a specific area not mapped in this guidance, this will be highlighted to the applicant at the pre-application discussion stage.

Planning applications for new aquaculture development should consider all potential direct, indirect and cumulative impacts on these criteria and where appropriate, mitigation measures should be identified which would avoid, reduce or minimise the identified adverse effects.

DC1 Landscape/seascape and visual amenity

Argyll and Bute has a diverse range of landscapes each with a different capacity to accommodate new development. The siting and design of new development should be informed by national considerations and local landscape character.

National Landscape Designations

There are seven National Scenic Areas within Argyll and Bute, all of which extend into the marine environment:

- Knapdale
- Scarba, Lunga and The Garvellachs
- Jura
- Lynn of Lorn
- Loch Na Keal
- Ben Nevis and Glencoe (Part of)
- Kyles of Bute

These NSAs encompass some of the most varied and valuable landscapes and coastscapes in Scotland and are important not only for their physical landforms and for the flora and fauna which they support, but also for the environmental assets that they represent.

Aquaculture development may compromise the landscape objectives for which the area has been designated. A poorly sited and designed proposal may adversely impact on the scenic qualities or on the integrity of the specific landscape character which is valued and led to the landscape being designated. However, this does not mean that NSA designation precludes aquaculture development, with many existing sites located within NSAs.

Development proposals will need to be consistent with **SG LDP ENV 10 - Development Impact on National Scenic Areas (NSAs)**. This policy resists any development in, or adjacent to, National Scenic Areas that would have a significant adverse effect on the landscape character, or undermine the Special Qualities¹¹ of the NSA unless it is demonstrated that the objectives of the designation and overall integrity of the landscape character of the NSA will not be compromised; and any significant adverse effects on the landscape quality for which the area has been designated are clearly outweighed by social and economic benefits of national importance.

¹¹ As detailed in - The Special Qualities of the National Scenic Areas; SNH (2010)

In all cases the highest standards, in terms of location, siting, and design will be required within a National Scenic Area and developments will be expected to be consistent with **Policy LDP – Development Setting, Layout and Design**.

Local landscape designations

Argyll and Bute Council has identified Areas of Panoramic Quality which are areas of regional importance in terms of their landscape quality. Within these areas the impact on the landscape is a major consideration when new development is proposed and will need to be consistent with **Policy SG LDP ENV 11 - Development Impact on Areas of Panoramic Quality**.

Landscape character

Physical character, human activity, visual qualities and experience of place combine to create a landscape character which is distinct across a geographic area. One of the aims of locating and designing a development with care, is to ensure that the proposal does not undermine characteristics which most significantly contribute to the landscape character of an area. Where possible, new developments should relate to the key characteristics of an area.

Opportunities for siting aquaculture development in the landscape

Coastal landscape character is made up of many elements and the table¹² below identifies the likely opportunities for siting aquaculture in the landscape in relation to the generic coastal landscape characteristics.

Coastal landscape characteristics	Likely opportunities
Shape and scale of coastal edge	Long, regular, straight coastlines set against the backdrop of an open sea may offer more opportunities for siting larger sized developments of simple, regularly spaced structures.
Openness and expansiveness of the coast and sea	Expansive stretches of sea along the horizon, creating a sense of big space and openness will often 'diminish' the relative size of a structure. Smaller and lower structures, including shellfish lines, are likely to fit in more easily to smaller spaces, but even then, the size and extent of the structure as a whole should aim to avoid dominating the size of the space.
Character of the hinterland	Dark vegetation, or steep landform which casts shadows across the water for a large part of the day, can create a backdrop against which a structure can be relatively difficult to see. In addition, such a backdrop is relatively 'stable', and not as subject to the variations in light which are characteristic of more open coasts. Managed conifer woodland and farmed land with well defined field patterns, both offer a 'worked' landscape context which may more readily accommodate development.
Landmarks and features	Sites which do not compete with iconic or important features either visually or in terms of setting or context.
Isolation or 'wildness'	Less remote and relatively accessible stretches of coast, or areas set within a context of inhabited or more developed stretches of coastline, loch, voe or sea. Areas characterised by activity, and where the presence of the bustle of frequent maritime traffic is a key characteristic. Landscapes where the hinterland is clearly managed, with a back drop of forestry or fields.

¹² Modified from SNH guidance - The siting and design of aquaculture in the landscape: visual and landscape considerations (2011).

Siting and design

Choosing an appropriate location is the first step in seeking new sites or to expand existing sites that fit well in the landscape. Amendments to layout and detail design can create a more attractive and appropriate structure, but are unlikely to mitigate the negative effects of a poorly sited development in the first place. Development proposals should relate to the specific landscape and visual characteristics of the local area and the scale, placement, layout, and orientation of installations should reflect the scale and subtleties of the surrounding landform, coastline and coastal character.

Developers should demonstrate how they have reduced potential adverse impacts on local landscape character and visual amenity when deciding on orientation, micro-siting and the size and layout of aquaculture installations. To assist consideration of siting and design developers should refer to background **Map DC1a** which shows the location of national and local landscape designations, and follow the SNH Guidance:

[The siting and design of aquaculture in the landscape: visual and landscape considerations.](#)

Landscape and visual assessment

The developer will be required to submit information which demonstrates that the proposal can be satisfactory integrated with the landscape through appropriate siting and design. For larger scale developments or development in sensitive landscape areas, planning applications should be supported, as appropriate, by a Landscape and Visual Impact Assessment (LVIA) in line with current best practice and guidance from Scottish Natural Heritage and Argyll and Bute Council. The Council will be able to advise on landscape sensitivities to be considered in any such assessment during pre-application discussion.

LVIA's should be undertaken in accordance with a methodology acceptable to Scottish Natural Heritage which may require the preparation of a Zone of Theoretical Visibility (ZTV) to inform the selection of representative viewpoints which will be the subject of photomontages. Information should also be provided on details of alternative locations considered by the applicant and scaled diagrams of all surface equipment including, top nets cages, feed barges and other ancillary equipment.

Cumulative impacts

Where development proposals are in an area where other aquaculture sites are present cumulative landscape and visual effects of the proposed development in combination with existing development must be considered. This should focus on the number of developments seen together from key viewpoints and the sequential experience of development as viewed from coastal roads, paths or by boat.

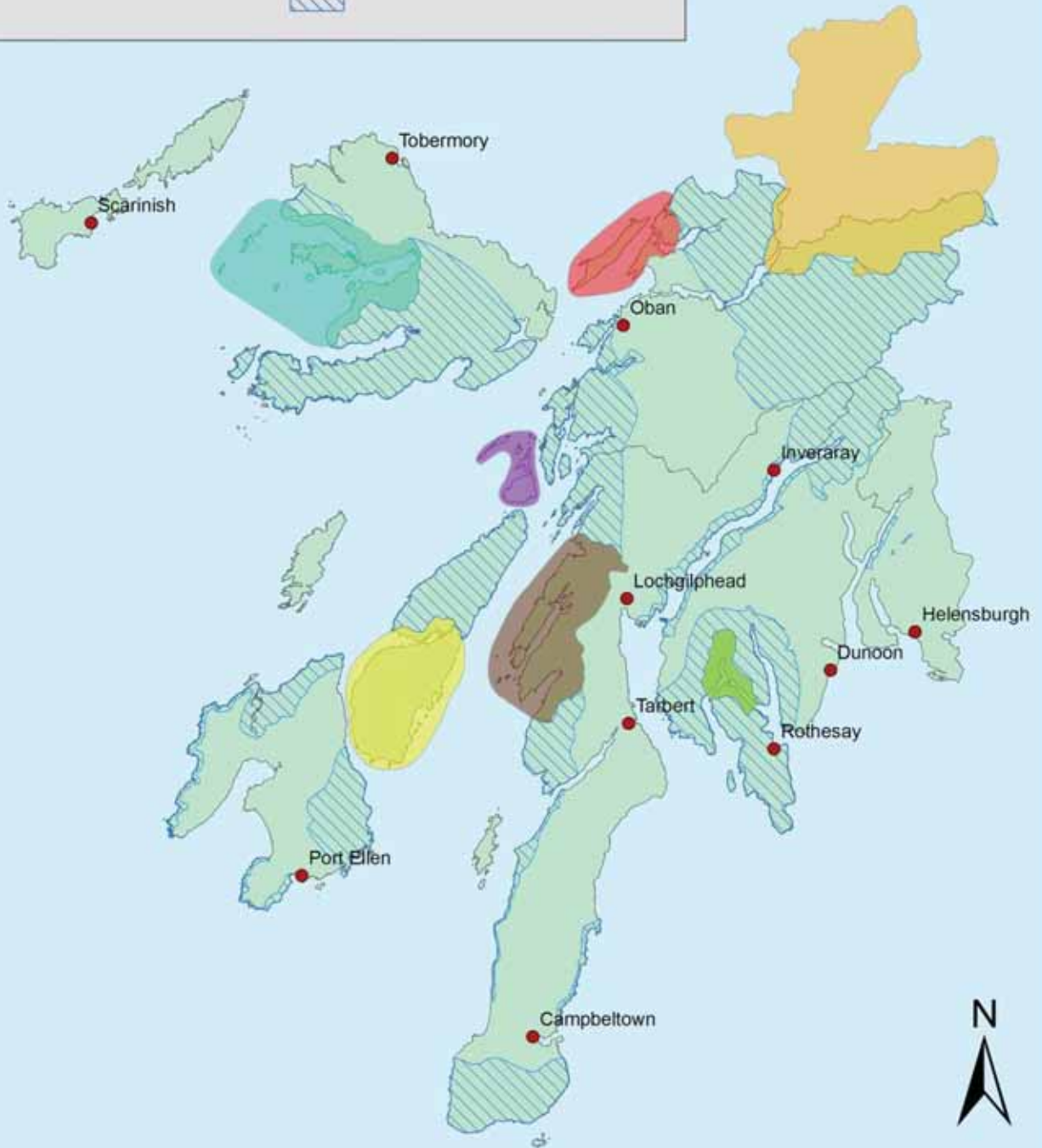
Supporting maps

- **Map DC1a** – National Scenic Areas & Areas of Panoramic Quality

Background Mapping

Map DC1a - Landscape Designations

- | | | |
|--|---|---|
| National Scenic Areas | |  Kyles of Bute |
|  Ben Nevis and Glen Coe |  Loch na Keal, Isle of Mull |  Lynn of Lorn |
|  Jura |  Scarba, Lunga and the Garvellachs | |
|  Knapdale | Areas of Panoramic Quality | |
| |  | |



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DC2 Isolated coast and wild land

The Isolated Coast is distant from centres of population and lacks obvious signs of development or other human activity. Such areas are valued because of their qualities of relative perceived wildness which are limited in number and extent, are also likely to be relatively inaccessible. Some parts of the isolated coast may be protected by national and international natural heritage designations and may contain important cultural heritage resources.

Argyll and Bute Council has identified areas of Isolated Coast across Argyll and Bute which are displayed in **Map DC2a**. Onshore development within isolated coast will not normally be permitted, unless the development is minor in nature or necessary in the National interest and is dependent on the characteristics of the isolated coast. Aquaculture development in marine waters adjacent to areas of isolated coast is also likely to impact upon a sense of wildness, however it may be that in some cases, the water-based element of a proposal can be accommodated, whilst road access or a shore base cannot without unacceptable adverse impacts. Should development be permitted, the highest possible standards of design will apply to minimise the impact of the development on the character of the coast.

Wild land

The wild character of parts of Argyll and Bute provide valued elements to local and national identity. They are enjoyed for recreational purposes and aesthetic reasons and can be important tourism assets. Aquaculture proposals adjacent to areas of wild land will be assessed against **SG LDP ENV 9 – Development Impact on Areas of Wild Land**, and applicants will be expected to submit supporting evidence that addresses the impact on the wild character of this designation. Argyll and Bute Council will resist development proposals where it is determined that the wild character of an Area of Wild Land would be significantly harmed.

Supporting maps

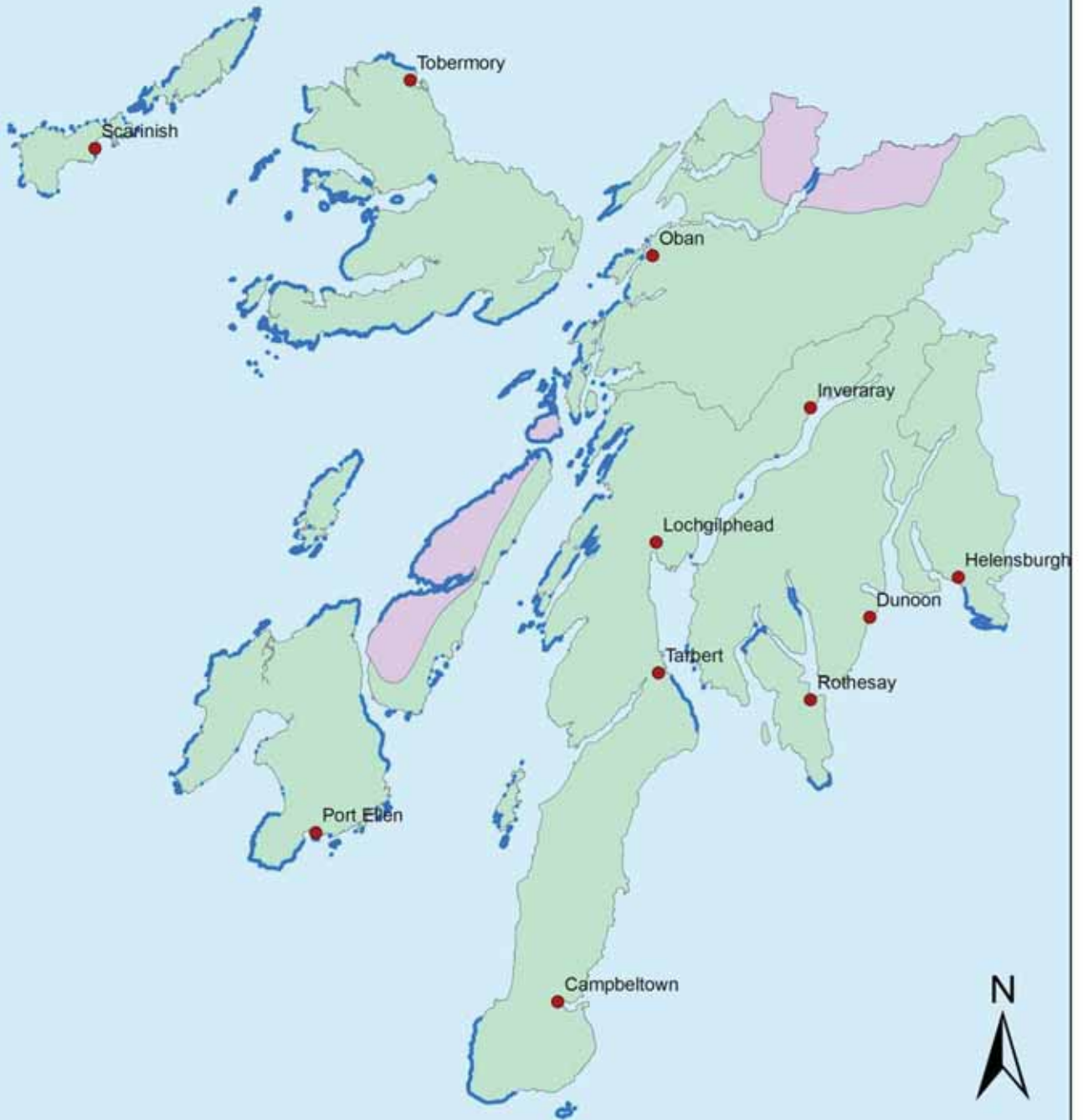
- **MapDC2a** – Isolated coast and areas of search for wild land

Background Mapping

Map DC2a - Isolated Coast & Wild Land

Legend

- Isolated Coast
- Search Areas for Wild Land



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DC3 Historic or archaeological sites & their settings

Heritage assets are a finite and often irreplaceable resource and can be vulnerable to a wide range of human activities. Listed buildings, scheduled ancient monuments and their surroundings, historic gardens and designed landscapes and conservation areas are all subject to special protection measures to ensure that inappropriate or unsympathetic development does not damage the property or its setting.

Development proposals which could affect historic interests will need to be consistent with **Policy LDP – Supporting the Protection, Conservation and Enhancement of our Environment and supporting SG**, which will not permit development in locations where they would have an unacceptable adverse impact on the historic environment.

Marine aquaculture development has the potential to impact on the setting of onshore historic interests and affect wrecks of historic importance. Planning authorities have a responsibility to protect and support the retention of features or sites of archaeological and historical importance and will expect developers to take account of these interests when submitting planning applications for aquaculture.

Map DC3a identifies the following coastal historic interests where adjacent aquaculture development may have the potential to affect their coastal setting:

Interest	Description
Scheduled Ancient Monuments	Scheduled Ancient Monuments are protected under the Ancient Monuments and Archaeological Areas Act 1979 and are scheduled by the Scottish Ministers
Listed Buildings	Listed Buildings make a significant contribution to the character and amenity of Argyll and Bute. They are a valuable resource that can stimulate enjoyment of the wider environment and act as an important medium for education, economic development, recreation and tourism Grade A Listed Buildings are of national importance. Grade B Listed Buildings are of regional importance while Grade C Listed Buildings are of local importance and more numerous.
Conservation Areas	Conservation Areas form an important physical record of the architectural development and historical growth of an area. They are an irreplaceable cultural and economic resource that contributes to the distinctive character and unique quality of Argyll and Bute and therefore must be protected.
Historic Gardens & Designed Landscapes	Argyll and Bute enjoys a wealth of historic gardens and designed landscapes. They are an important part of the area's history, character and scenery and add greatly to the enjoyment of the countryside and settlements. In many cases they provide a landscape setting for an important building, have rare plant collections or contain interesting woodland or wildlife habitats. It is for these reasons that it is important for these sites to be protected and if possible enhanced to allow future generations to enjoy them in the years ahead. An Inventory of Historic Gardens and Designed Landscapes in Scotland is compiled and maintained jointly by Historic Scotland and Scottish Natural Heritage. Planning authorities must consult with the Scottish Executive and Scottish Natural Heritage on any proposed development that may affect site contained in the Inventory.

Marine interests

Duart Point wreck is the only protected wreck in Argyll and Bute coastal waters. It was designated under the Protection of Wrecks

Act 1973 because it's very significant historical and archaeological importance. When considered in the context of Duart Castle, this associated wreck site adds to the understanding of the coastal landscape of the Sound of Mull, and the growing vulnerability of its castles to attack by seaborne artillery.

Opportunities exist for siting aquaculture development in areas which do not compete with iconic or important coastal features either visually or in terms of setting or context, or directly impact on protected wreck sites.




Supporting maps

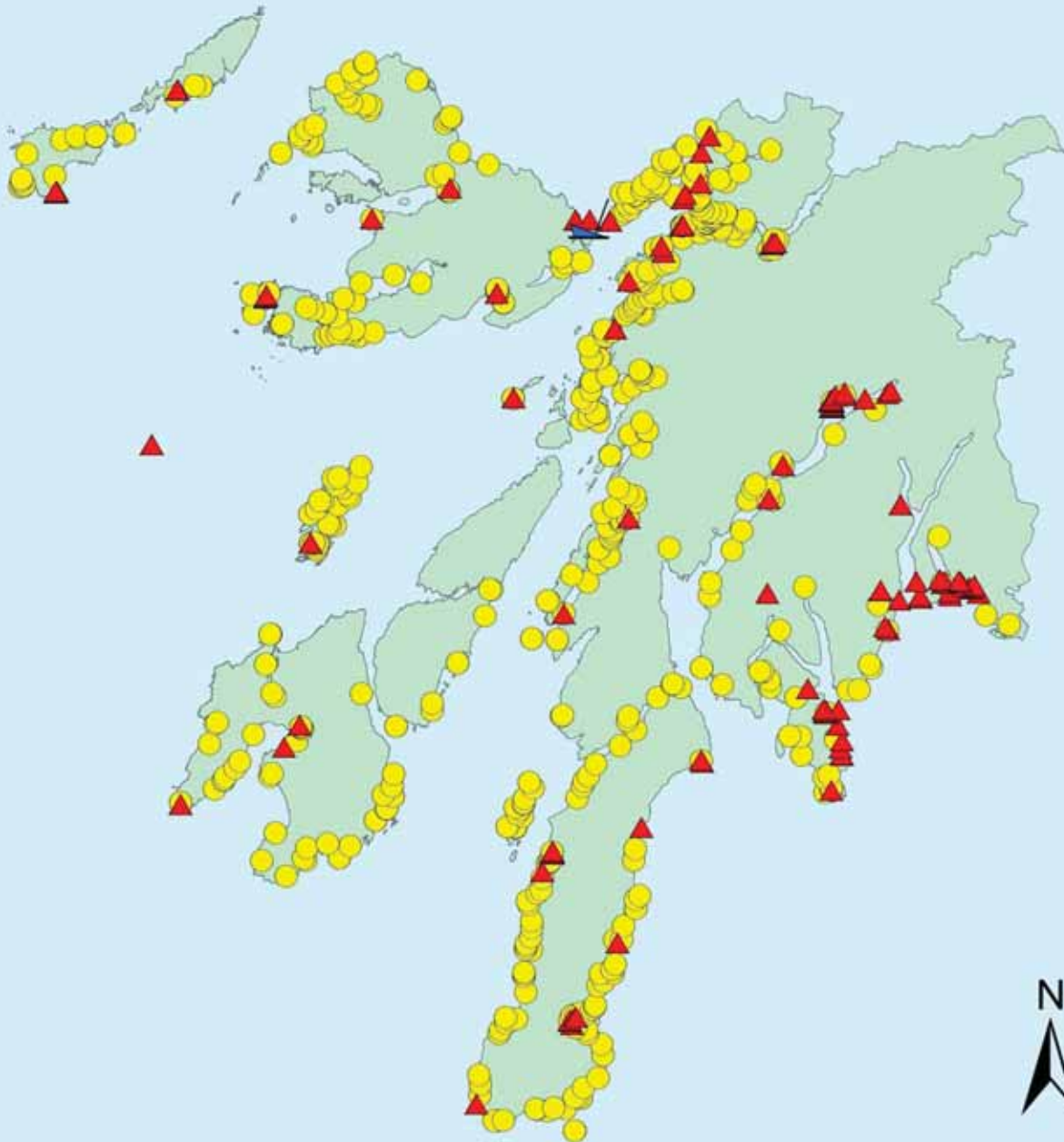
- **Map DC3a** – Coastal Scheduled Ancient Monuments, Category A Listed Buildings & designated wrecks
- **Map DC3b** – Coastal Historic interests & designated wrecks
- **Map DC3c** – Coastal Category B & C Listed Buildings

Background Mapping

Map DC3a - Coastal Historic Interests

Legend

-  Listed Buildings (A)
-  Scheduled Ancient Monuments
-  Duart Point Designated Wreck



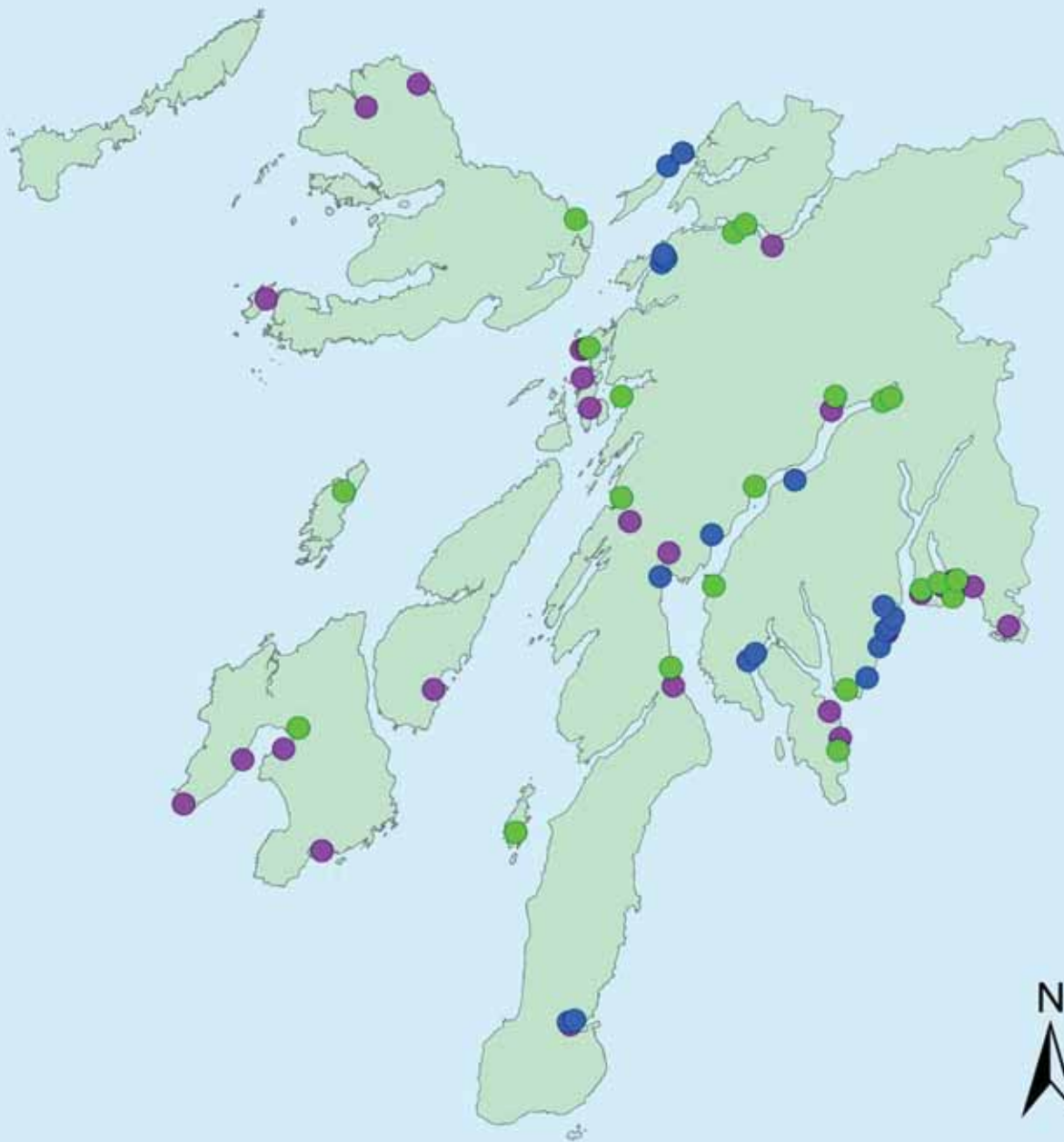
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Background Mapping

Map DC3b - Coastal Historic Interests

Legend

- Special Built Environment
- Gardens & Designed Landscapes
- Conservation Area



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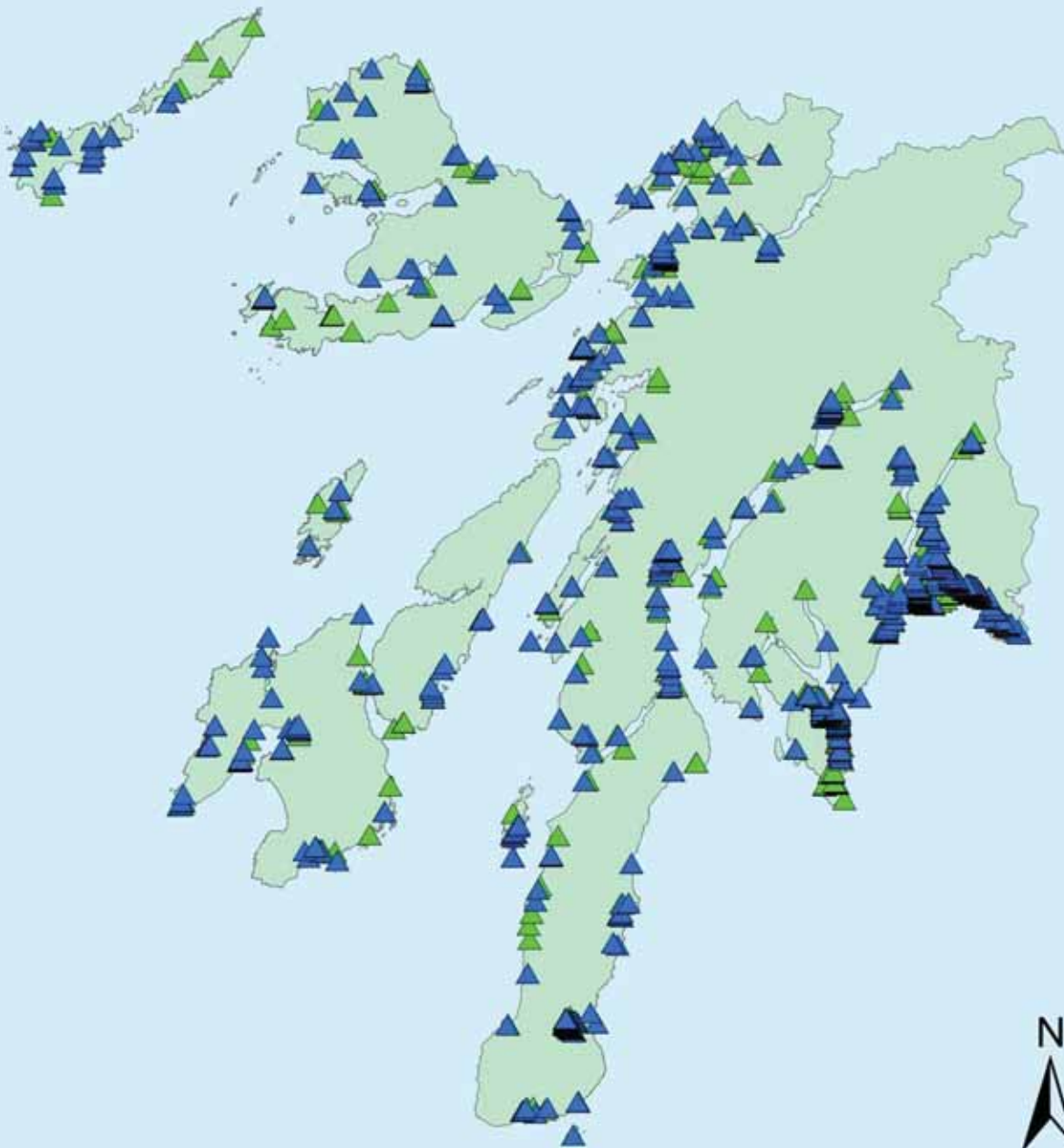
Background Mapping

Map DC3c - Coastal Historic Interests

Legend

Listed Buildings

- ▲ B
- ▲ C



DC4 Priority habitats/species and designated sites for nature conservation

Argyll and Bute has a wealth of natural heritage and biodiversity resources and its coastal waters are both physically and ecologically diverse, ranging from very exposed waters bounded by rocky coastline to extremely sheltered sealochs. Within and between these extremes, this area supports a diversity of seabed habitats and associated flora and fauna. Those of particular ecological and conservation interest include rocky reefs, biogenic habitats (e.g. maerl, mussel and seagrass beds), burrowed mud and intertidal sediment flats. Much important flora and fauna is contained within these areas, but they also provide foraging areas for various fish and birds, as well as supporting broader ecological functioning of the marine environment. Marine mammals are also an important feature of the natural heritage of this area.

Argyll and Bute's marine and coastal environment is recognised as being truly outstanding with many areas protected by International, European and UK designations and legislation. It is also increasingly recognised as a significant economic and social asset for local communities. The following natural heritage interests are considered of relevance to marine aquaculture development.

Potential impacts of aquaculture development

Scottish Planning Policy states that when determining planning applications, authorities should take into account the effects of the proposed development on the environment, including effects on the seabed. Protected or important marine habitats and species both within and out with designated sites can be affected by aquaculture development through the deposition and accumulation of waste on the seabed, interactions with wildlife from the operation of the site and the control of predators.

International designations

There are 8 Ramsar sites in Argyll and Bute. Meeting UK commitments under the Ramsar Convention, these sites are recognised as wetlands of international importance. Four of these sites are considered to either extend into the marine environment or support features which may interact with marine aquaculture development.

Ramsar Site	Designated features
Bridgend Flats, Islay	Greenland Barnacle goose
Gruinart Flats, Islay	Greenland Barnacle, Greenland white-fronted and Light-bellied Brent geese
Sleibhtean agus Cladach Thiriodh	Breeding dunlin, oystercatcher, redshank, ringed plover. Non-breeding ringed plover and turnstone.
Inner Clyde	Non-breeding birds (redshanks)

European designations

Special Areas of Conservation (SACs)

Designated by Scottish Ministers under the EC Habitats Directive, these areas represent the range and variety of habitats and (non-bird) species within the EU, as listed in Annexes I & II of the directive. Thirteen of these sites are considered to either extend into the marine environment or support features which may interact with marine aquaculture development.

Special Area of Conservation (SAC)	Relevant Qualifying features
Loch Creran	Reefs
Firth of Lorn	Reefs
Treshnish Isles	Grey seal, reefs
Moine Mhor	Intertidal mudflats and sandflats, Otter (<i>Lutra lutra</i>)
Eileanan agus Sgeiran Lios mor	Common seal
South-east Islay Skerries	Common seal
Coll Machair	Machair
Oronsay	Machair
Tiree Machair	Machair
Loch Etive Woods	Otter
Glen Creran Woods	Otter
Taynish and Knapdale Woods	Otter
Tayvallich Juniper and Coast	Otter

Special Protection Areas (SPAs)

Classified by Scottish Ministers under the EC Birds Directive, these are areas identified as the most important for rare and regularly occurring migratory birds in the EU. Ten of these sites are considered to either extend into the marine environment or support features which may interact with marine aquaculture development.

Special Protection Area (SPA)	Relevant Qualifying features
Bridgend Flats, Islay	Greenland Barnacle goose
Gruinart Flats, Islay	Greenland Barnacle, Greenland white-fronted and Light-bellied Brent geese
Coll	Greenland Barnacle, Greenland white-fronted geese
Inner Clyde	Non-breeding birds (redshanks)
Laggan, Islay	Greenland Barnacle, Greenland white-fronted geese
Treshnish Isles	Breeding storm petrel
Tiree wetlands and coast	Breeding dunlin, oystercatcher, redshank, ringed plover. Non-breeding ringed plover and turnstone.
Oronsay and South Colonsay	Corncrake and Chough
North Colonsay and Western Cliffs	Breeding seabird assemblage. Breeding guillemot and kittiwake.
Glas Eileanan (Sound of Mull)	Common tern

Collectively, SPAs and SACs sites are termed Natura sites. Ramsar sites are also designated as SPA and/or SAC and will therefore be assessed on the same terms. Any development proposal which is likely to have a significant effect on a Natura site and is not directly connected with or necessary to the conservation management of that site will be subject to an Appropriate Assessment by Argyll and Bute Council.

Development which could have a significant effect on a Natura site will only be permitted where:

- *an Appropriate Assessment has demonstrated that the proposal will not adversely affect the integrity of the site; or*
- *there are no alternative solutions; and*

- *there are imperative reasons of overriding public interest, including those of a social or economic nature.*

National designations

Parts of the Outer Hebrides marine and coastal environments are also subject to national natural heritage designation, primarily Sites of Special Scientific Interest (SSSI) and National Nature Reserves (NNR). Marine aquaculture development has the potential to interact with the following national natural heritage designations.

Sites of Special Scientific Interest (SSSIs)

These areas provide protection for the best examples of the UK's biological, geological or physiographical features, down to mean low water of spring tides (MLWS). Many SSSIs overlap with SACs and SPAs. Twenty one of these sites are considered to either extend into the marine environment or support features which may interact with marine aquaculture development.

Sites of Special Scientific Interest (SSSIs)	Relevant Designated features
Berneria Island	Maritime Cliff
Garvellachs	Maritime Cliff
Gribun Shore and Crag	Maritime Cliff
South Mull Coast	Maritime Cliff
Oronsay and South Colonsay	Grey seal
Moine Mhor	Saltmarsh
Taynish Wood	Rocky shore
Ulva, Danna and the McCormaig Isles	Maritime cliff, mudflats
Kilberry Coast	Maritime cliff
Gruinart flats	Mudflats
Bridgend flats	Saltmarsh, sandflats
West Colonsay seabird cliffs	Breeding guillemot, kittiwake, razor bill & seabird colony. Maritime cliff
Sanda Island	Breeding black guillemot, cormorant, fulmar, great black-backed gull, kittiwake, manx shearwater, puffin & razorbill. Maritime cliff
Ruel estuary	Saltmarsh
Linne Mhuirich	Saltmarsh
Sleibhtean agus Cladach Thiriodh	Breeding bird assemblage. Breeding dunlin, oystercatcher, redshank, ringed plover. Non-breeding purple sandpiper, sanderling, ringed plover and turnstone.
Treshnish	Breeding seabird colony, grey seal
Staffa	Breeding fulmar, puffin and shag.
Inner Clyde- Ardmore Point	Saltmarsh; non-breeding birds (cormorant, eider, goldeneye, oystercatcher, red-breasted merganser, red-throated diver, redshank, scaup)

National Nature Reserve

There are two coastal National Nature Reserves in Argyll and Bute – Staffa and Tainish.

Development proposals that may affect a SSSI or NNR will only be permitted where:

- *they will not adversely affect the integrity of the area or the qualities for which it has been designated;*
or
- *any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.*

Habitats and species of conservation interest

European Protected Species (EPS)

Listed on Annex IV of the EC Habitats Directive as species in need of strict protection, marine EPS in Scotland are otters, cetaceans and marine turtles. It is an offence to deliberately or recklessly injure, capture, kill, harass or disturb an EPS (for legal detail see the [Conservation Regulations 1994](#)).

Although otters are distributed widely throughout Argyll and Bute, marine aquaculture development is not considered likely to impact on otters. Cetaceans should be considered in terms of possible exclusion effects from the use of Acoustic Deterrent Devices to deter seal predation, particularly where ADDs use is proposed in narrow restricted areas of sea that are well used by cetaceans.

Cetaceans seen regularly in Argyll waters (Mull of Kintyre to Isle of Mull) include:

- Porpoise
- Risso's dolphin (*Grampus griseus*)
- bottlenose dolphin (*Tursiops truncatus*)
- white beaked dolphin (*Lagenorhynchus albirostris*)
- common dolphin (*Delphinus delphis*)
- minke whale (*Balaenoptera acutorostrata*)
- killer whale (*Orcinus orca*)

Sightings of cetaceans in the Clyde include minke whales, bottlenose dolphins and porpoises. Other species do occur but are only occasional visitors to the inshore waters.

Wildlife & Countryside Act, 1981

Marine species with special protection under schedules 5 and 8 of this act include basking shark, otters and all cetaceans and marine turtles. The waters surrounding the island of Coll are known to be a hotspot for basking sharks. Marine turtles are rare in Scotland but it is likely that they are annual visitors to the west coast of Scotland. Most Scottish records have been of leatherback turtles, the largest and most cold-tolerant species.

Seals

Two species of seal live and breed in Argyll and Bute waters; the grey seal (*Halichoerus grypus*) and the harbour seal (*Phoca vitulina*), which is also known as the common seal. The Inner Hebrides supported approximately 8% of the Scottish grey seal pup production in 2010, with about 3,400 pups being born in the region each year (SCOS 2011). The 2007-2010 population estimate for harbour seals in the Strathclyde and Clyde regions combined is 6645, which is approximately 32% of the Scottish population (SCOS 2011).

Good practice in managing interactions with seals involves initial farm site selection, appropriate husbandry practices, choice of the most appropriate net designs and tensions, creation of seal-exclusion barriers, reduction of attractants to seals and use of Acoustic Deterrent Devices (ADD). The shooting of rogue seals as a last resort, is managed through a separate licensing process under the Marine (Scotland) Act, including requirements for reporting and monitoring to Marine Scotland.

Other species and habitats of conservation interest

There are some marine species and habitats present in Argyll and Bute which do not receive explicit protection (except where designated as features of protected areas), but are particularly important in the context of biodiversity conservation and/or ecosystem function – many are listed under the [Scottish Biodiversity List](#), [UK Biodiversity Action Plan](#) and [OSPAR lists](#) and can be sensitive to aquaculture development.

Under the Nature Conservation (Scotland) Act 2004, all public bodies have a duty to further the conservation of biodiversity and the Scottish Biodiversity Strategy. When considering aquaculture development proposals the Council will seek to contribute to the delivery of the objectives and targets set by the Local Biodiversity Action Plan (LBAP) and the Scottish Biodiversity Strategy.

The [Argyll and Bute Local Biodiversity Action Plan](#) (LBAP) was renewed in 2010 and identifies habitats and species important in the local context and includes Action Plans for their conservation and enhancement.

Priority Marine Features

Scottish Natural Heritage (SNH) and the Joint Nature Conservation Committee (JNCC) have developed a prioritised list of marine features in Scotland to underpin conservation action across Scottish Government's 'three-pillar approach' as presented in their Marine Nature Conservation Strategy. The recommended list contains 80 habitats and species, termed Priority Marine Features (PMFs) which are considered to be of particular importance in Scotland's seas. The recommended list has been presented to Marine Scotland and once adopted by Scottish Ministers will be used to help focus action, direct research and education and promote a consistent approach to marine nature conservation advice. A subset of these features are currently being used to support the selection of a network of Nature Conservation Marine Protected Areas which will be considered by the guidance once these sites have been designated.

Approximately 50 of the 80 Priority Marine Features are represented in Argyll and Bute inshore waters and these features will be the main focus for protection of marine biodiversity outside designated sites and protected species.

Wild migratory salmonids

Wild fish, particularly Atlantic salmon and sea trout, are an important economic resource and component of biodiversity in Argyll and Bute. Atlantic Salmon are widely distributed, usually spending two years in rivers as fry and parr before migrating to sea as smolts. Most salmon (grilse) spend one winter at sea before returning, although some remain at sea for two or more years before returning to spawn; these are known as multi-sea winter salmon. Sea trout have a similar freshwater life history to salmon but differ in that they are understood to remain in local inshore marine waters for the growth phase of their life-cycle and therefore may be more susceptible to local development and use of marine resources compared to salmon (Argyll Fisheries Trust 2009).

While there are many marine and freshwater based factors affecting migratory fish populations, it is the reduction of the number of smolts returning as adults from the sea that is understood to be the most significant factor influencing fishery catches. It is understood that the condition of local marine habitats are crucial to important phases of their life-cycle, particularly as post-smolts when the young fish leave the freshwater environment. At this stage when they enter the marine environment they are vulnerable to predation and potential infection by sea lice.

In determining planning applications for finfish development, Argyll and Bute Council will consider advice from Marine Scotland, SNH and the local District Salmon Fisheries Board (DSFB) as statutory consultees.

Statutory consultee	Role
Marine Scotland	Marine Scotland (MS) has statutory responsibilities for the health of both farmed and wild fish. Health of farmed fish is dealt with under The Aquatic Animal Health (Scotland) Regulations 2009. Containment and parasite (sea lice) control is covered under The Aquaculture and Fisheries (Scotland) Act 2007. MSS conducts a surveillance program of inspections under The Aquatic Animal Health (Scotland) Regulations 2009 and The Aquaculture and Fisheries (Scotland) Act 2007.
Scottish Natural Heritage	SNH provides scientific advice on SAC sites for wild fish and freshwater pearl mussel, such that they comply with the Habitats Regulations. SNH also advises on impact on wild fish populations for species listed on Schedules of the Wildlife and Countryside Act 1981 (as amended) and the UKBAP/Scottish Biodiversity Strategy.
District Salmon Fisheries Board	DSFBs provide specific local advice in relation to the conservation and improvement of fisheries and fisheries management within their district.

The major areas for consideration are the potential for:

- impacts of escaped farmed fish through inter-breeding and competition with wild fish;
- impacts of disease and parasites on wild fish resulting from the presence of fish farms; and
- introduction of non-native farmed species.

These issues are recognised as hazards to wild salmonid populations at an international level by the Scottish and UK Governments as signatories (through the EU) to the North Atlantic Salmon Conservation Organisation (NASCO).

Containment of farmed fish is important for the economic benefit of developers. It is also a key consideration because escaped fish provide a route for dispersal of disease and parasites, have potential to inter-breeding with wild stocks, and may also compete with and consume wild fish. Developers are expected to adhere to the industry CoGP to minimise such risks from escaped fish. Once in the wild, most escapees are unlikely to be recovered. However, some fish may enter local rivers and developers are expected to produce a realistic plan for preventing damage caused by escaped salmon on wild spawning fish. Although this expectation is relevant in all areas where marine aquaculture is practised, particular consideration should be given to areas near to sites designated for nature conservation, and in particular those identified as Atlantic salmon SACs.

Rivers and Fisheries Trusts of Scotland (RAFTS) and its member fishery trusts, including Argyll Fisheries Trust, have set out clear objectives highlighting the need for protection of 'Sensitive and High Value' fresh water fish sites, maintenance of aquaculture free areas and on a planned approach, seek to relocate farms from sites and locations where the site is so sensitive and the impact so great that available mitigation, management and best practice cannot reduce risks and impacts to acceptable levels in terms of wild fish and fisheries. A proposal has been submitted to Marine Scotland for a project which would result in the creation of locational guidance and zones of sensitivity to wild fish. Agreed outputs, if considered appropriate, will be used to further inform this policy guidance and develop an indicative spatial strategy.

Information requirements

Benthic impacts

Aquaculture can impact on the seabed (benthic impact) in a variety of ways by means of smothering with carbon (from waste feed and faecal material) and from chemical toxicity. Shellfish farming in the water column can have the potential to affect the seabed through accumulation of pseudofaeces and shells of the farmed species.

For most finfish applications and some shellfish applications, applicants should undertake a baseline visual survey, in accordance with [SEPA's Fish Farm Manual \(Annex F\)](#) in order to assess the presence of vulnerable

habitats/sensitive species below and around the cages, in particular these on the UKBAP list, or the OSPAR list of threatened and declining species/habitats. The guidance in this manual sets the thresholds for when visual surveys are required in terms of the scale of development and sensitivity of the location.

Predator control

Applicants should provide information on predator control measures, normally submitted as a Predator Control Plan and an assessment of the likely interaction with known predators considering the distribution of these species and experience at other local sites (if applicable). If the use of ADDs is proposed, information on the type and proposed use of the device and likely interaction with cetaceans should be provided.

Wild migratory salmonids

The key information requirements in relation to interaction with wild migratory salmonids include:

- Details of measures to minimise the risk of escapes (equipment specification or attestation, predator control measures, escape contingency plan);
- Details of husbandry procedures to minimise the risk of disease spread;
- Details of relevant Farm Management Agreement;
- Sea lice treatment regime and efficacy statement relating to amount of available treatment;
- Assessment of the potential impact of the proposed development on fisheries, and on species protected under the UKBAP/ Scottish Biodiversity Strategy.

Early pre-application consultation when considering site location is encouraged with the local DSFB and Fisheries Trust. An early view can be given on the sensitivity of wild fish interests and available data that can aid assessment.

This is a complex area involving a number of different agencies and more detailed information on requirements for planning applications by SNH, SEPA and Marine Scotland as statutory consultees, in relation to impacts on wild migratory salmonids and benthic impact are outlined in an [Aquaculture Working Arrangements](#) document which sets out the responsibilities of organisations with a formal role in aquaculture development, including how they will consult each other and how information will be shared.

Opportunities

Opportunities for siting aquaculture where effects on designated sites and habitats and species of conservation interest will be limited include:

- Locations within SACs, where the depositional footprint of the farm site does not overlap with qualifying seabed habitats;
- Locations where the operation of the aquaculture site are unlikely to disturb qualifying species of designated sites;
- Locations where large accumulations of aquaculture predators are not present (development within 500m of a major seal haul out sites will be resisted);
- Locations where the use of Acoustic Deterrent Devices is not likely to significantly disturb cetaceans;
- Locations which avoid benthic habitats vulnerable to sedimentation and nutrient enrichment, such as maerl beds, horse mussel beds and seagrass meadows;
- High energy sites which promote good dispersal, minimising organic loading on the seabed.

Supporting maps

- **Map DC4a** – Coastal and marine designated sites
- **Map DC4b** – Wild migratory salmonids & seal haul-out sites

Future maps

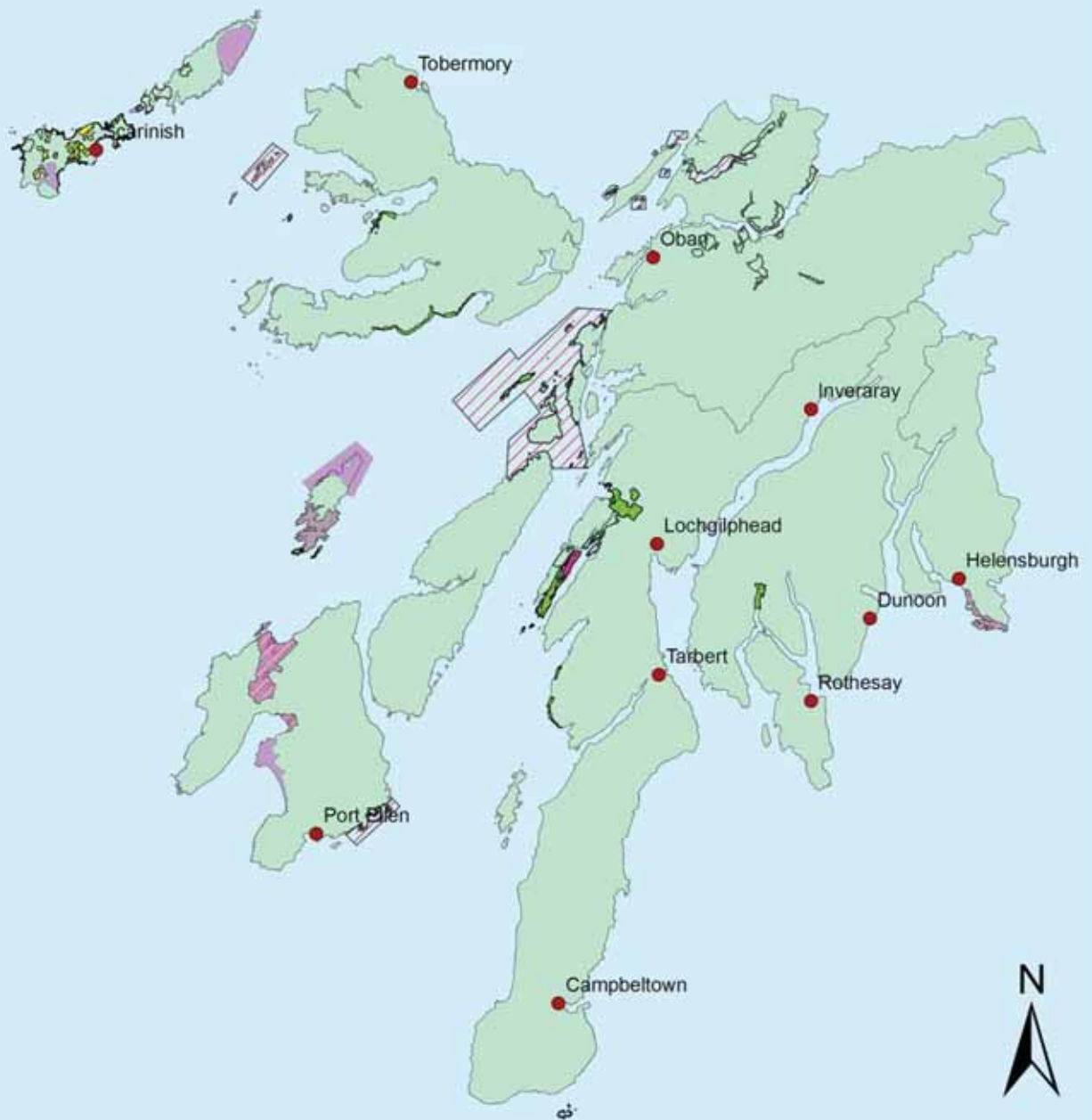
When data becomes available the following maps will be added to this guidance:

- Distribution of Priority Marine Features;
- Marine Protected Areas;
- Designated seal haul-out sites; and
- Wild migratory salmonids – sensitivity of coastal waters to finfish development.

Background Mapping Map DC4a - Coastal & Marine Designated Sites

Legend

 SAC	National Nature Reserves
 SPA	 Staffa
 Ramsar Sites	 Tainish
 SSSI	



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DC5 Ecological status of water bodies and biological carrying capacity

All aquaculture developments rely on high water quality and a degree of tidal flushing. In inshore marine locations it is important to select sites with good water exchange characteristics where tidal currents can disperse waste materials, maintaining well-oxygenated water conditions and, in the case of shellfish cultivation, providing adequate supplies of planktonic food organisms.

SPP states that when determining planning applications, authorities should take into account the effects of the proposed development on the environment, including carrying capacity. Aquaculture proposals will be assessed to ensure that impacts on water column from nutrient enrichment and discharge of chemical treatments and should be consistent with **SG LDP ENV 7 - Water Quality and Environment**. Developments that may have a significant detrimental impact on the water environment will not normally be permitted unless it can be demonstrated that the impacts can be fully mitigated so as to ensure non-deterioration of waterbody status as required by the EU Water Framework Directive and the River Basin Management Plans covering Argyll and Bute.

River basin planning

Under River Basin Management Planning coastal surface waters include all transitional (estuarine) and coastal water bodies out to three nautical miles seaward from the Scottish territorial baseline. SEPA monitor and classify the overall ecological status of these water bodies, assessing parameters such as biology, chemistry, hydromorphology and marine non-native species. Many water bodies are also part of protected areas identified as requiring special protection because of their sensitivity to pollution or their particular economic, social or environmental importance. In Argyll and Bute, protected areas within the coastal zone include Bathing Waters, Shellfish Waters and water dependent Special Areas of Conservation (SAC) and Special Protection Areas (SPA). The classification of coastal water bodies in Argyll and Bute is shown in Map DC5a.

Shellfish growing waters

Shellfish growing waters are regulated by European legislation through the Shellfish Waters Directive (SWD) in order to support shellfish life and growth, contributing to the high quality of edible shellfish products and also to protect shellfish growing waters against pollution and, where necessary, establish programmes to reduce pollution. These protected waters are therefore the preferred areas for new shellfish farming development, in relation to water quality.

Role of SEPA

The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) provide the SEPA with powers to ensure that activities which may pose a risk to the water environment are controlled. With regard to fish farming, SEPA sets limits on the amount of fish that can be held in the cages, the amount of food used and the amount of certain medicines that can be administered and discharged. The CAR licensing process takes account of the likely effects of discharges from the proposed development on both the water column and benthic environments.

Planning Authorities are cautioned not to duplicate controls exercised by SEPA and Marine Scotland in their assessment of proposals. Where planning permission is being sought for new sites or modifications involving an increase in biomass, evidence will be required to satisfy SEPA that these impacts will be within acceptable limits before it can be recommended to the planning authority that a proposed development can proceed.

Locational Guidelines

The Scottish Government's "[Locational Guidelines for the Authorisation of Marine Fish Farms in Scottish Waters](#)" categorise sea lochs, voes and embayments into 3 Categories based on predictions of the impacts from the existing scale of development. Models predicting the nutrient enhancement of the water column and the proportion of sea bed likely to be degraded are used to identify areas more likely to be able to support additional farmed fish biomass. Currently, no further increases in maximum biomass are permitted in Category 1 areas. Increases are more likely to be permitted in Category 2 and 3 areas (subject to site specific assessment through EIA and CAR).

Within Argyll and Bute, fifteen sealochs have been identified as Category 3 areas which have additional carrying capacity and on the grounds of carrying capacity assessment alone, have further development potential (see Map DC5c). The Guidelines do not categorise bodies of open water outwith sea-lochs since these cannot be accurately assessed by the predictive models available. Site selection outwith sea-lochs will require site specific survey including assessment of exposure, depth and current speed and direction.

Marine Scotland Science will consider the suitability of finfish farming applications against the Locational Guidelines Categorisation and will respond with this information at pre-application consultation and screening and scoping.

Nutrient enhancement

Applicants will be required to submit nutrient loading and enrichment information from biomass production, including cumulative impacts from other fish farms. This should be compared to the hydrographical details of the area and used to calculate the overall nutrient enhancement. Nutrient enhancement calculations according to Equivalent Concentration Enhancement (ECE) model are described in the [Marine Science Scotland website](#).

The Council is supportive of the development of Integrated Multi Trophic Aquaculture (IMTA) where fish are farmed together with other species including shellfish and seaweed, creating a more efficient, cleaner and less wasteful production system. IMTA allows nutrients from fish farms that are otherwise lost to the environment to be turned into useful products as they are utilised by these additionally grown species.

Information requirements

A requirement of the EIA Directive (85/337/EEC) is that all significant environmental effects from developments exceeding EIA thresholds should be assessed. Therefore where water quality impacts of proposed developments have not already been assessed by SEPA under CAR regulation, benthic enrichment impacts should be assessed through the EIA process. In such cases, proposals will require to be accompanied with modelling and calculations which demonstrate that the benthic and water column impacts of the proposed farm are localised and within environmental limits.

Opportunities

In relation to nutrient enhancement and biological carrying capacity, opportunities for new finfish development are likely to be within Category 3 Locational Guidelines Areas, more open coastal waters where the potential for nutrient enhancement is limited and outwith coastal water bodies sensitive to aquaculture as a pressure. Opportunities for shellfish development are likely to be within existing Shellfish Growing Areas.

Supporting maps

- **Map DC5a** – Classification of coastal water bodies
- **Map DC5b** – Shellfish Growing Waters
- **Map DC5c** – Locational Guidelines

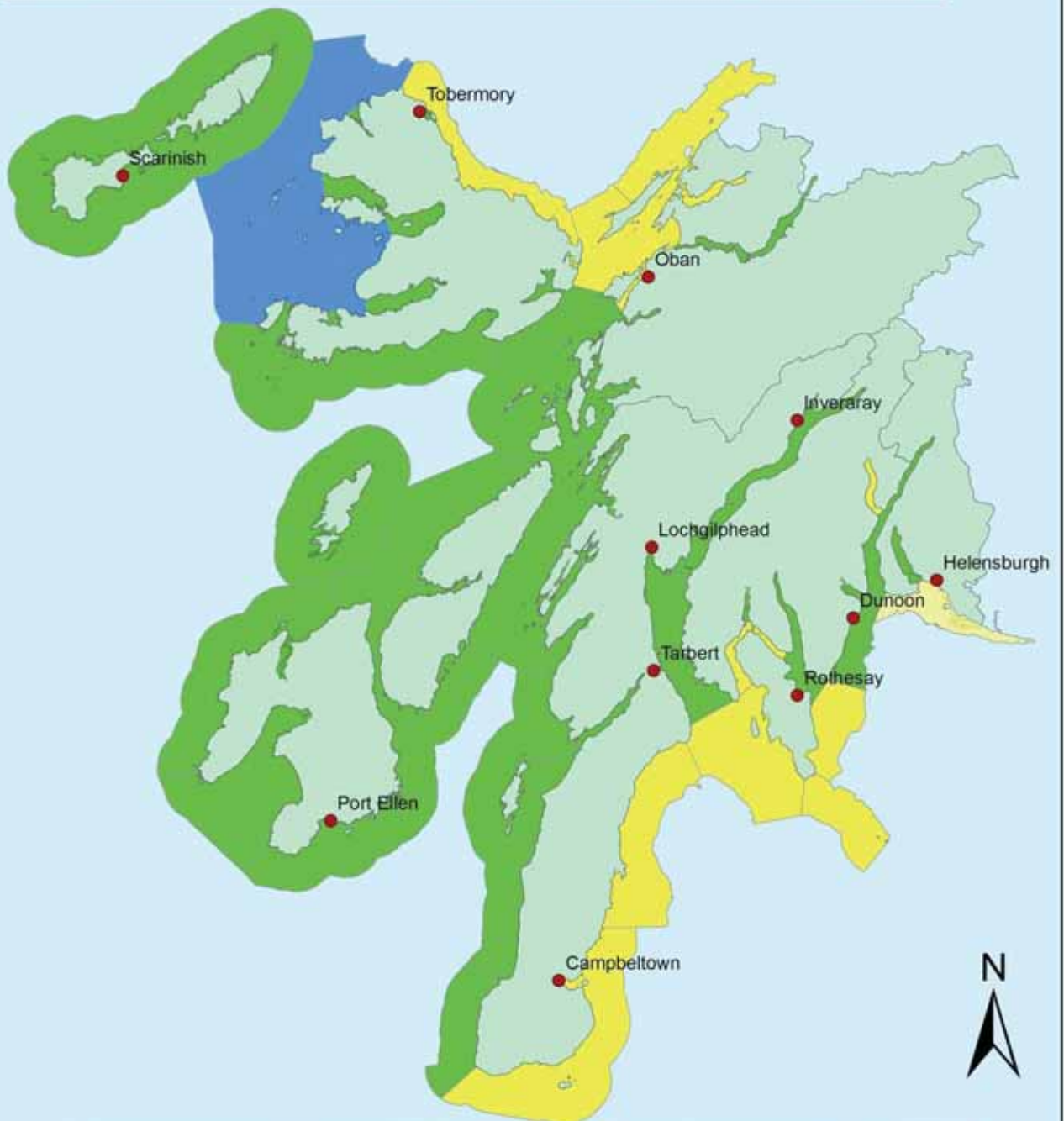
Background Mapping

Map DC5a - Classification of Coastal Water Bodies

Legend

SEPA Transitional + Coastal Water Bodies



- Overall status - Good
- Overall status - Good ecological potential
- Overall status - High
- Overall status - Moderate

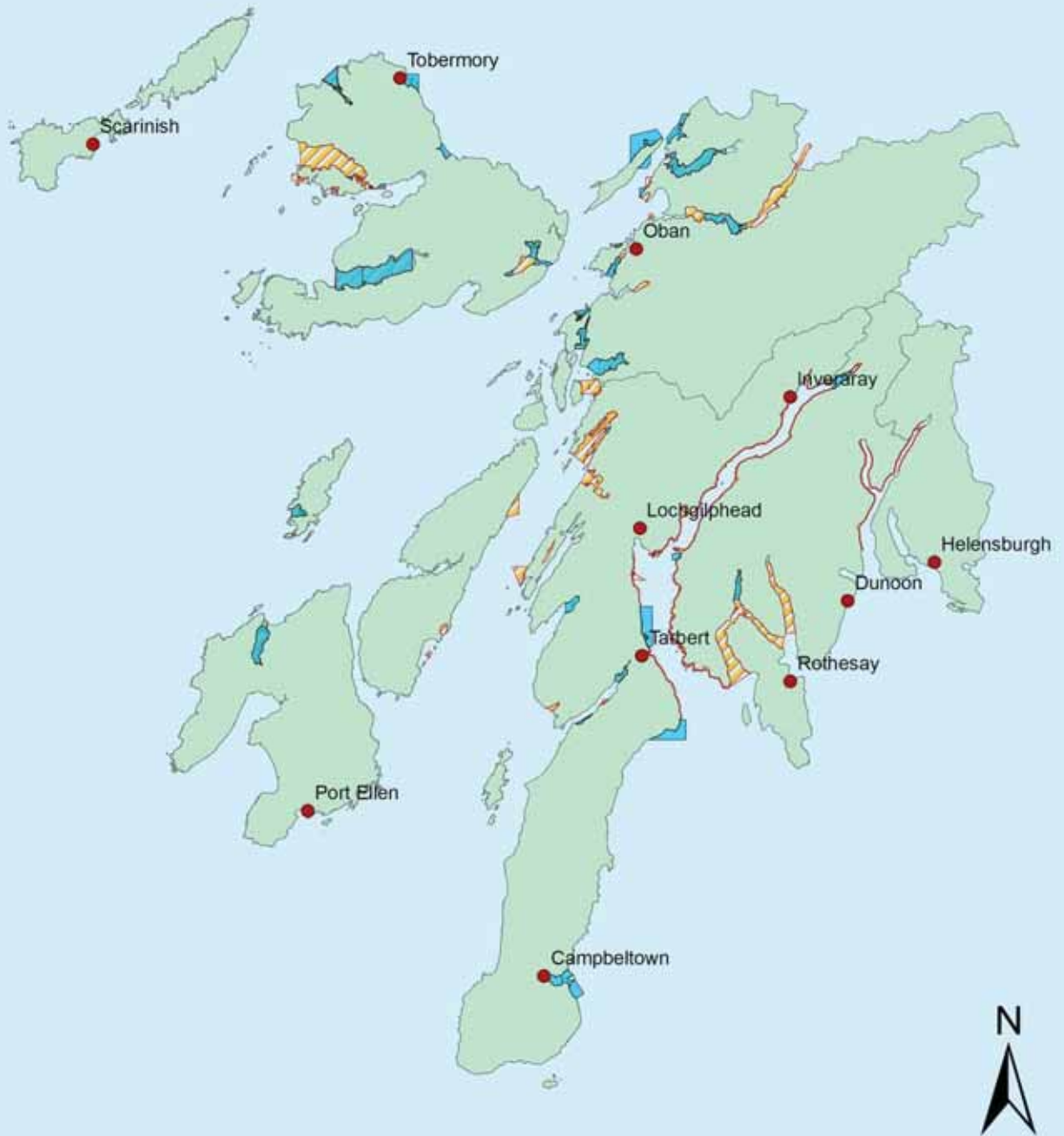


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Background Mapping Map DC5b - Shellfish Growing Waters

Legend


-  Shellfish Production Areas
-  Shellfish Growing Waters

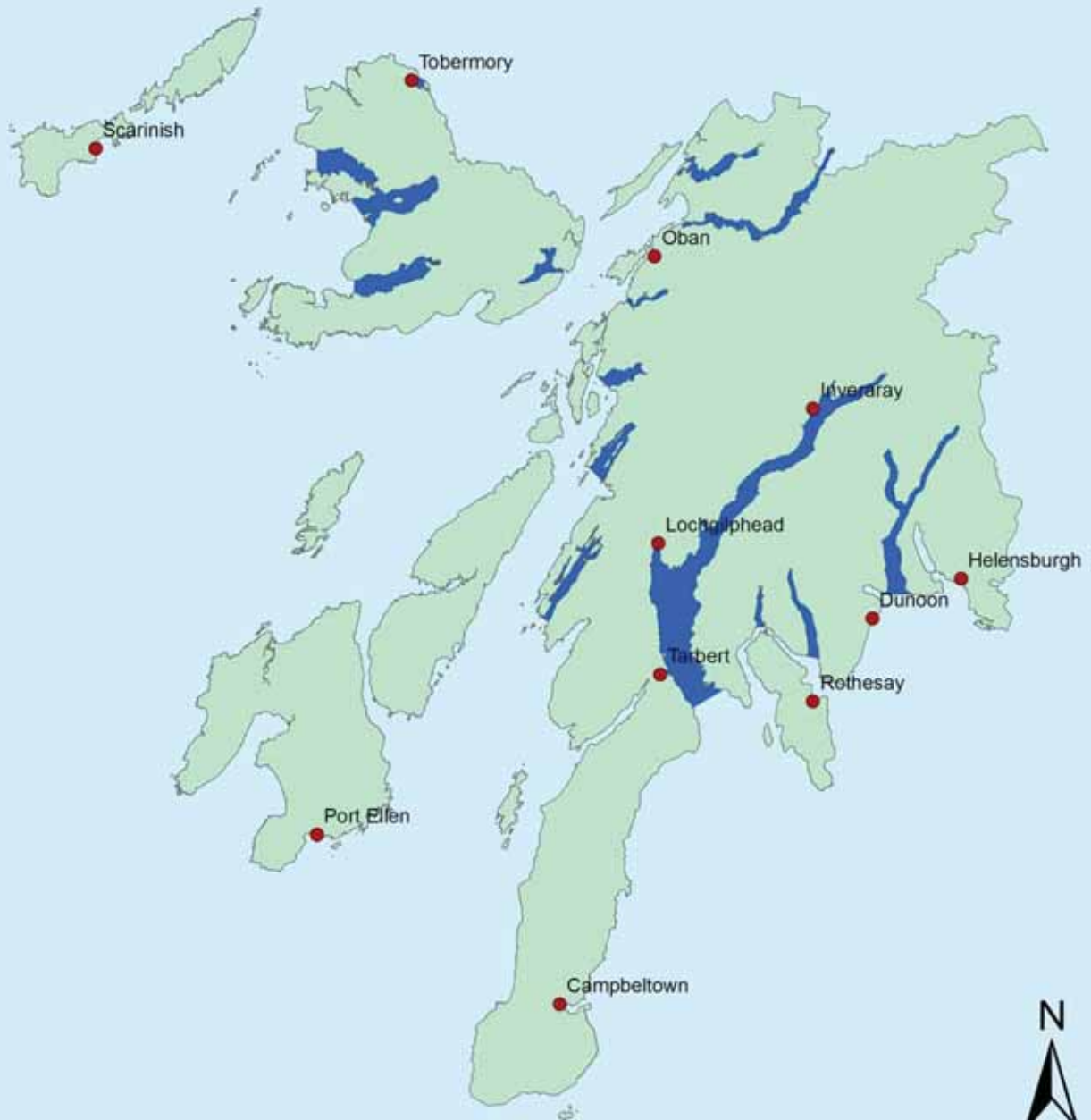


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Background Mapping Map DC5c - Locational Guidelines

Legend

 Locational Guidelines (Category 3)



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DC6 Navigation and other activities

The marine environment is increasingly used for commercial and recreational purposes and represents an important social and economic resource in Argyll and Bute. The activities discussed below are all of significant economic and social importance to Argyll and Bute and further information on each activity can be found in the relevant sectoral chapter in Section 4 of the Coastal Development Strategy.

National policy requires that a range of other marine interests are taken into account in determining the appropriateness of new fish farming development in the marine area. These include recreation; tourism; navigation and commercial fisheries as well as MOD activities. This does not however mean that aquaculture should be excluded wherever another activity occurs. The Council will promote multiple use of space where activities are considered compatible following appropriate mitigation.

Developers should demonstrate that any potential impacts of proposals on other users of the marine environment have been identified and where conflicts of interest are likely, should provide details of impacts and the proposed mitigation measures. Attention must be paid to public safety considerations as well as ensuring that access to the foreshore for recreational activities is not impeded.

Commercial fishing

There is potential for conflict between aquaculture developments and local fishing interests including commercial inshore fishing and recreational fishing. New aquaculture developments, and other forms of marine development, have the potential to restrict access to existing fishing grounds. Although some developments may involve relatively small areas of seabed the restriction of mobile gear fishing in particular, can be well beyond its location and the cumulative effect of many developments can be considerable. Restricting access to fishing grounds can have an economic impact on local fishermen which will depend on the importance of the fishing grounds, their productivity, intensity of fishing and the number of vessels it supports.

It has not been possible to map important inshore fishing grounds in Argyll and Bute coastal waters, but work is currently underway through the Scottish Government 'ScotMap' project to map these grounds and assess their economic value. Once this information is available it will be used to inform this guidance and a future indicative spatial strategy.

The effects of aquaculture development on traditional fishing grounds and angling interests should be considered in selection the location for development. Developers are advised to make contact with the relevant fishermen's associations and individual local fishermen at pre-planning stage to ascertain whether or not the proposal is likely to conflict with this activity.

Tourism & recreation

Tourism and recreation in Argyll and Bute is heavily focussed on the marine and coastal environment. This significant recreational resource is important to the visitor experience and has seen an increase in recreational activities with many people enjoying sailing, sea kayaking, diving and whale and dolphin watching.

Tourism

In addition to consideration under this criteria, the effects of aquaculture development on tourism are also considered through Development Criteria (DC1-4&7)) considering the natural and cultural heritage that supports tourism activity and economic impact. Independent research commissioned by the Scottish Aquaculture Research Forum found no evidence of a negative link between aquaculture and tourism. In many instances fish farms can be a point of interest for tourists rather than a deterrent. Aquaculture is not considered by the Council to be incompatible with tourism. Both industries are important to Argyll and

Bute and a balance must be met which allows sustainable economic development whilst protecting our outstanding environment which underpins both tourism and aquaculture.

Water-based recreational and tourism activities

There are a wide range of recreational activities occurring within Argyll and Bute. Along its shores activities such as sea angling, kayaking, scuba diving, sailing, windsurfing and walking are popular. A number of local businesses are orientated around these activities and they are important to the wellbeing of those living by and visiting the area.

Aquaculture development will be resisted where development blocks access to existing moorings, anchorages and established infrastructure such as pontoons and marinas. Consideration should also be given to direct effects on known dive sites and whether development will restrict key sailing routes.

It is currently not possible to map all moorings, anchorages, dive sites and marine areas used for sea angling, however if this information is collated in response to regional marine planning, it will be integrated into this guidance. **Map DC6b** shows the RYA sailing routes in Argyll and Bute.

Developers are encouraged to review the '[Welcome Anchorages](#)' publication to identify the location of established anchorages and consult West Highland Anchorages and Moorings association (WHAM) and the RYA pre-application, where proposals are in the vicinity of recreational boating interests.

Prime beaches

Argyll and Bute hosts some of the most spectacular beaches in Scotland, Europe and possibly the world. Beyond their recreational and scenic value they have an inherent value in the area as a destination. The introduction of fish farming infrastructure into these locations could have a significant direct and indirect impact on the area. The following key beaches have been identified on **Map xxx**:

- Ganavan Sands, Oban (Bathing Water and Seaside Award)
- Machrihanish Bay (Bathing Water, Seaside Award and key surfing location)
- Ettrick Bay, Bute (Bathing water)
- Gott Bay, Tiree (Key windsurfing location)

Marine renewables development

Argyll and Bute has significant renewable resource of offshore wind, wave and tidal energy and is ideally placed to take advantage of this marine energy development potential.

Lease agreements for offshore wind and tidal developments are shown on MapDC6a, in addition to areas of potential resource for wind, wave and tidal development. These areas identified for renewable energy exploitation should be avoided unless the developer can demonstrate that the energy resource will not be sterilised by the proposed development and that the operational requirements of both sectors are respected.

Ports, harbours and key navigational routes

There are many key ports and harbours in Argyll and Bute which are essential for servicing lifeline ferry services and supporting commercial fishing, recreation and aquaculture, with further opportunities to service the emerging marine renewables industry. In addition, there are numerous smaller harbours and marinas supporting commercial and recreational fishing activities, yachting and recreation throughout this region. Key navigational routes within Argyll and Bute inshore coastal waters relate mainly to the many island ferry routes. These interests are displayed in **MapDC6a & b**.

Aquaculture development should avoid recognised navigational routes and the entrance to key ports, harbours and marinas and established anchorage areas used for shipping should also be avoided. In

addition, new development should not present a navigational hazard to recreational boating or commercial fishing.

A marine licence is required for every aquaculture development which will consider navigation. The Northern Lighthouse Board advises developers and regulators of marking and lighting requirements for marine developments for both planning and the marine licence. If a marine licence has been granted prior to planning permission being determined, the Council will normally accept the navigational risk of the development as being acceptable.

Subsea power cables and pipelines

Numerous domestic subsea power cables exist within inshore waters in this region, connecting areas of the mainland on the West coast and connecting the mainland to islands off the West coast. These cables could be damaged by aquaculture moorings or anchors and development which overlaps with active power cables will be resisted. Subsea power cables are identified on **MapDC6a**.

Information requirements

Developers should evidence that potential impacts of proposals for new or extended fish farm sites on commercial fisheries; ports & harbours; navigational routes, anchorages; and recreational and leisure activities have been identified and where there are likely to be conflicts, provide details of impacts and the mitigating measures proposed.

Opportunities

There may be opportunities for aquaculture developments to coexist with marine renewable developments on the same site, where the renewable infrastructure may afford a degree of shelter in more exposed offshore locations.

Supporting maps

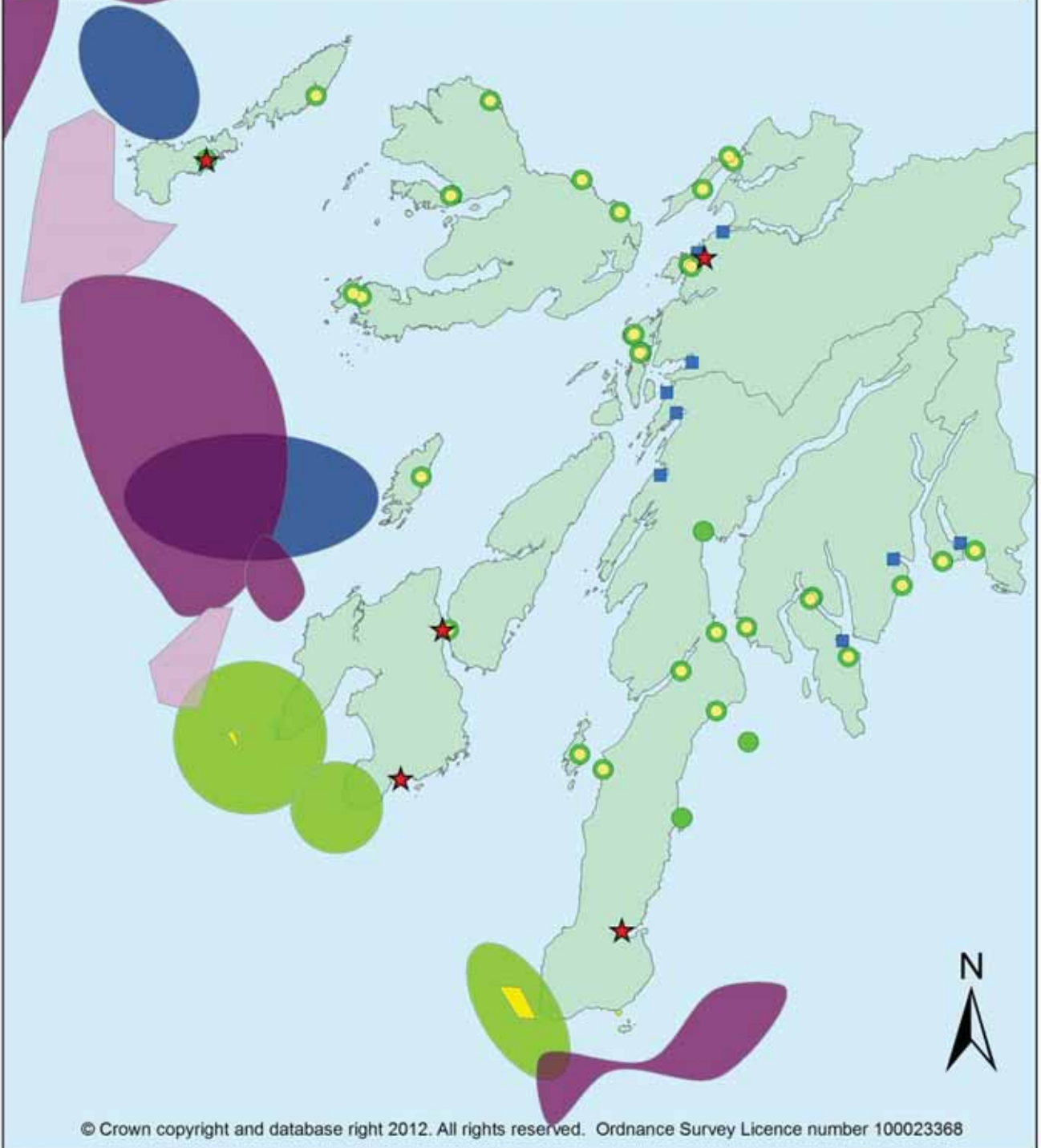
- **Map DC6a** – Other activities
- **Map DC6b** – Key navigational routes

Background Mapping

Map DC6a - Other Activities

Legend

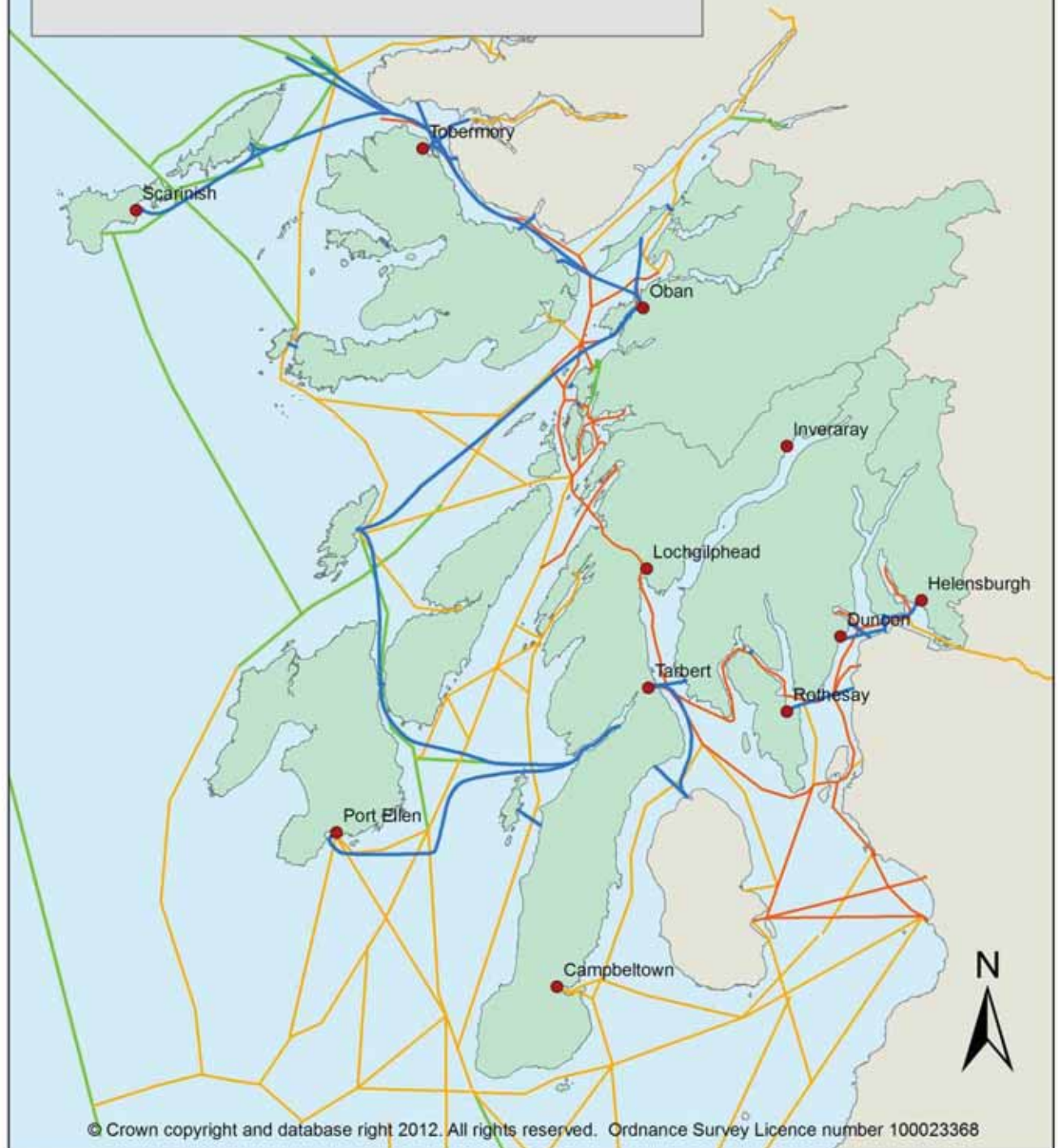
- | | | |
|--------------------|--|---|
| ★ Key Ports | Marine Renewables Development Areas | ■ Potential Tidal Areas |
| ● Ferry Port | ■ Tidal Lease Areas | ■ Potential Wave Areas |
| ● Ports & Harbours | ■ Offshore Wind Lease Areas | |
| ■ Marina | ■ Potential Offshore Wind Areas | Prime beaches & cables still to be added |



Background Mapping Map DC6a - Navigational routes

Legend

- Ferry Routes
- Sailing Cruising Routes (RYA)
 - Heavy
 - Medium
 - Light



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DC7 Economic impact

The Council will consider the economic benefits of development proposals as detailed in **Policy LDP - Supporting the Sustainable Growth of Our Economy**. The economic impact will also consider any potential negative economic impacts on other activities, such as loss of commercial fishing ground resulting from competition for space. Additional weight will be given to the economic benefits of aquaculture proposals adjacent to Economic Priority Areas as identified in **Map DC7a**.

Developers should provide details of the anticipated economic benefits arising from the proposed development including direct and indirect employment.

Supporting maps

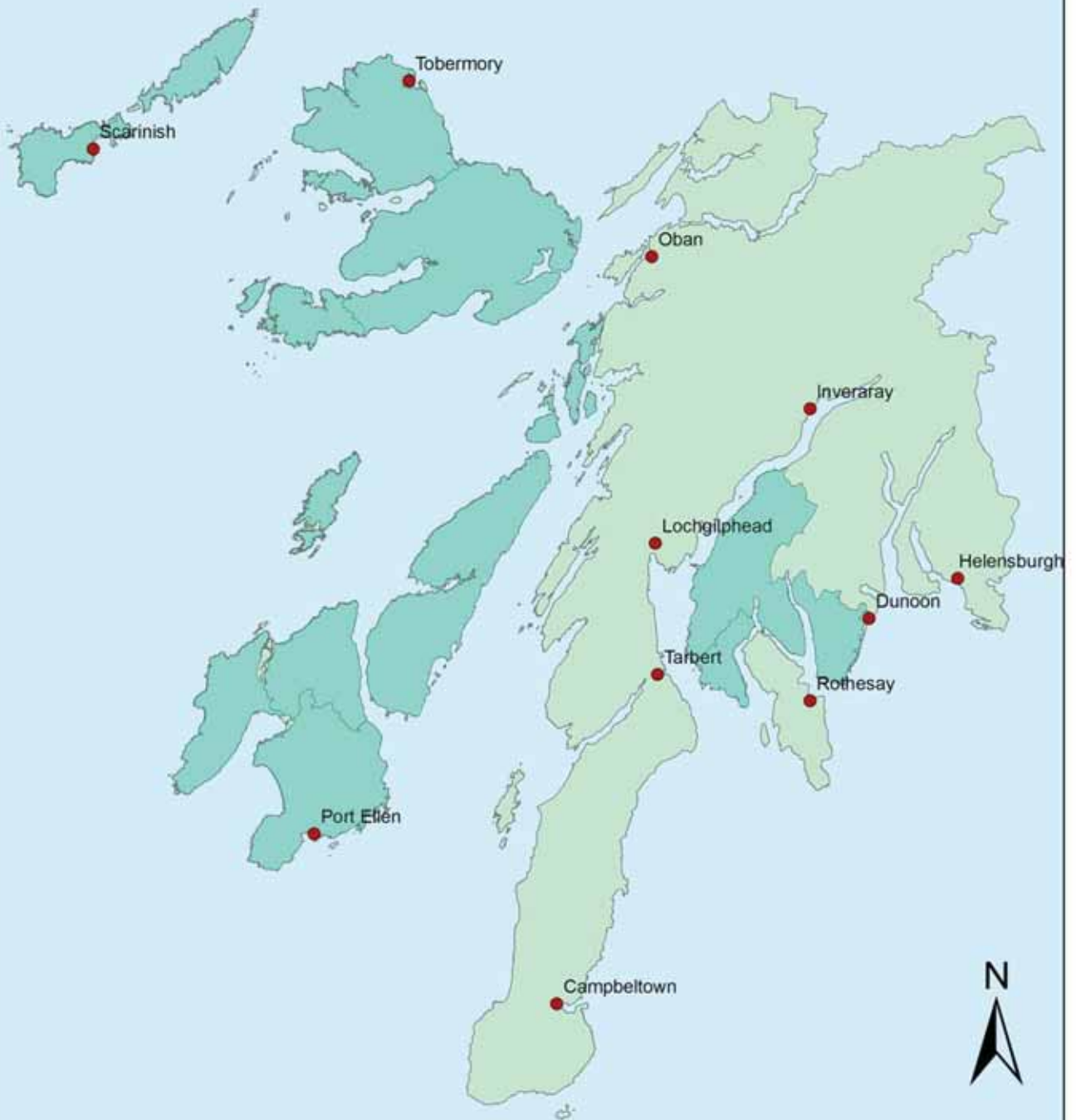
- **Map DC7a** - Economic priority areas

Background Mapping

Map DC7a - Economic Priority Areas

Legend

 Economic Priority Area



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DC8 Management areas (relevant only to finfish development)

Farm Management Areas (FMAs) describe areas where finfish farmers undertake to coordinate many of their activities and synchronise production in order to reduce and manage risks posed by infectious agents and parasites which can be present in the environment, in wild and farmed fish, and in other naturally occurring biota. In some cases, FMAs will focus mainly on sea lice management, while in others, they will relate to other issues which have a potential to affect fish health.

Farming activities within an FMA are covered by a documented Farm Management Agreement which should cover approaches in each area to issues such as: stocking; fallowing; husbandry and biosecurity; management practices, including for the control of sea-lice; and information sharing.

FMAs are based on tidal excursions around active farms. Farms with overlapping tidal excursions will usually be within the same management area. New sites that would have no effect on management areas or are in management areas of their own pose less of a risk to the spread of disease than those which bridge management areas.

New finfish sites within existing FMAs or Area Management Agreements will be expected to be managed in accordance with existing sites. Sites outwith these areas, but within tidal excursion of existing management areas will need to be carefully assessed to determine whether an extension of an existing area or establishment of a new management area is acceptable. Marine Scotland will provide advice to the Council in this regard.

Supporting maps

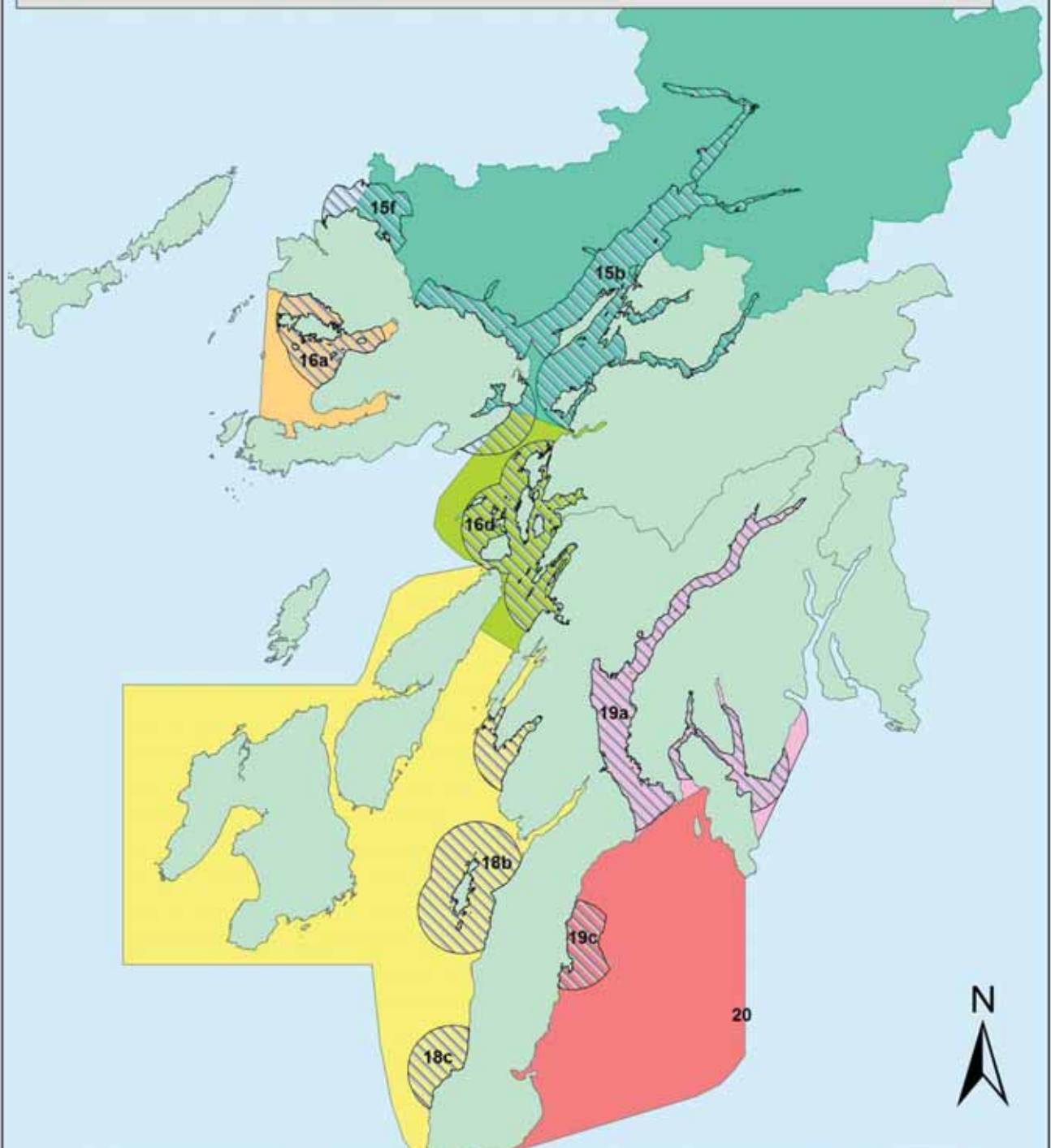
- **Map DC8a** – Farm Management Areas

Background Mapping

Map DC8a - Farm Management Areas

Legend

 Farm Management Areas	Area Management Agreements	 Lower Lorne
	 West Mull	 Linnhe/Lorne/Sound of Mull/Etive/Sunart
	 Firth of Clyde	 Arran
	 Sound of Jura	



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DC9 Operational impact (waste, noise, light and odour)

New aquaculture developments should be designed so as to minimise any negative impacts arising from their operation and will be assessed to ensure adequate waste management measures; no adverse environmental or amenity impacts arising from the servicing and operation of the site; and satisfactory measures for the restoration of the site, including removal of redundant equipment.

Noise and lighting

The potential impacts of noise from fish farming activities both on and off shore can be detrimental to neighbouring uses, while lighting can cause neighbour nuisance and/or be visually intrusive in the landscape. With the exception of navigation lights, surface lighting should be directed downwards by shielding and be extinguished when not required for the purpose for which it is installed on the site. Generators on fish farms close to the shore have potential to cause a noise nuisance, in particular where there are residential properties close to the site.

Waste management

There is potential for aquaculture development to generate waste during construction, operation and decommissioning. Waste can affect both visual amenity and the natural environment. For example residual waste from operations includes redundant parts of fish cages, plastic bags, old ropes, and discarded buoys and floats.

Site condition and restoration

Planning permissions will be conditioned to ensure that 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 will carry out or make necessary arrangements for lighting, buoys, raising, repairing, moving or destroying, as appropriate, the whole or any part of the equipment. On final cessation of operations at a consented site, all surface and sub-surface equipment requires to be removed and the site restored to its pre-developed state.

Information requirements

Developers will be required to provide details on noise and light emissions relating to the proposed development, along with details of any mitigating measure that will minimise the impacts. This should include details of surface and underwater lighting and details of noise generating equipment and hours of operation

Information on the arrangements for waste management at the proposed site should be submitted along with the planning application. Where necessary, this should be supported by Site Waste Management Plan which should demonstrate how the waste generated by the development during the construction, operational and decommissioning phases will be dealt with, including steps that will be taken to reduce, re-use and re-cycle wastes and how any remaining wastes will be disposed of.

Annex A – Planning process for aquaculture development

To be completed

Annex B - Council adopted marine and coastal plans

Argyll and Bute Council has developed Integrated Coastal Zone Management (ICZM) Plans for Loch Etive and Loch Fyne which were adopted in 2011 and 2009 respectively.

A Marine Spatial Plan for the Sound of Mull was developed as part of a Scottish Government pilot project on marine planning. Argyll and Bute Council was a lead partner in this project and adopted the plan in 2011.

These plans were developed in collaboration with local stakeholders and regulators and provide guidance for coastal development and activities, with a particular focus on guiding aquaculture development.

Argyll and Bute Council will give special consideration to these plans in the determination of any planning applications for coastal development in Loch Fyne, Loch Etive and the Sound of Mull.

The plans should be used by developers, regulators and other stakeholders in conjunction with the Local Development Plan and its supporting SG.

The plans are available to view on the Council website and cover the coastal areas shown in Figure 5.1.

SG CST 2 - Loch Etive ICZM Plan – www.argyll-bute.gov.uk/lochetive

SG CST 3 - Loch Fyne ICZM Plan – www.argyll-bute.gov.uk/lochfyne

SG CST 4 - Sound of Mull Marine Spatial Plan – www.argyll-bute.gov.uk/soundofmull

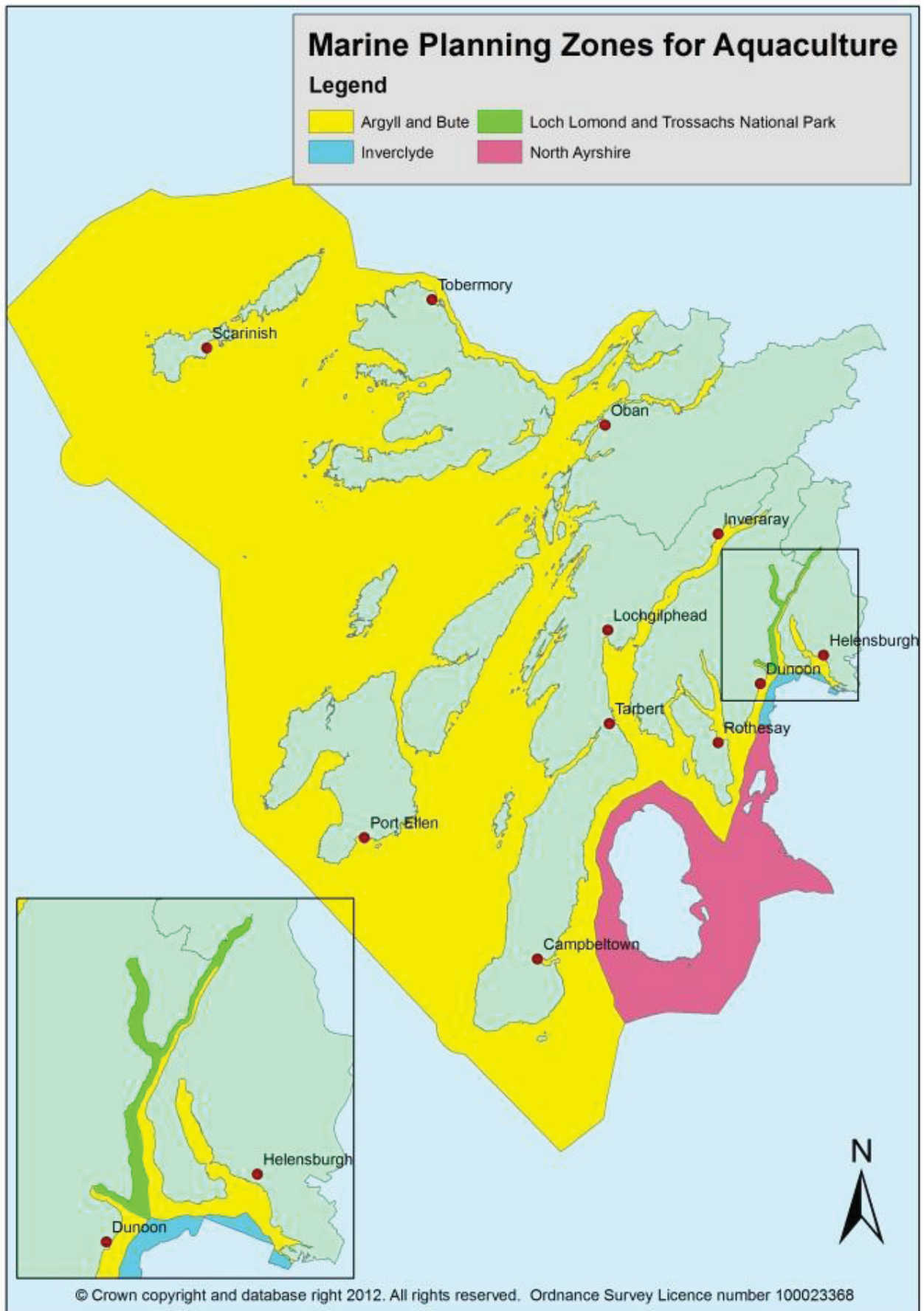
Figure 5.1 – Map of Council adopted ICZM/Marine Plan areas



Annex C - Responsibilities of other aquaculture regulators

To be completed

Annex D – Marine Planning area for Aquaculture Development





Argyll and Bute Council
**Proposed Local
Development Plan**

**Strengthening our
Communities
Together**

Argyll and Bute Council
Development and Infrastructure
Director: Sandy Mactaggart



Chomhairle Earra-Ghàidheal is Bhòid
www.argyll-bute.gov.uk

SG LDP HOU 1 – General Housing Development Including Affordable Housing Provision

(A) There is a general presumption in favour of housing development other than those categories, scales and locations of development listed in (B) below. Housing development, for which there is a presumption in favour, will be supported unless there is an unacceptable environmental, servicing or access impact.

(B) There is a general presumption against housing development when it involves:

In the settlements:

1. large-scale housing development in key rural settlements and Villages and Minor Settlements;
2. medium-scale housing development in the Villages and Minor Settlements.

In the rural development management zones:

3. large and medium scale housing development in all the countryside development management zones;
4. (i) small-scale housing development in the Greenbelt, Very Sensitive Countryside and in open/ undeveloped areas and non-croft land in the Countryside Zone.
(ii) On croft lands or where a specific locational / operational need is accepted where a proposed new house is located in Countryside, an ACE that assesses the site as being acceptable in terms of landscape impact will be required.

(C) Housing Developments of 8 or more units will generally be expected to contribute a proportion (25%) of units as on site affordable housing. Supplementary Guidance on where the affordable housing is required and how it should be delivered accompanies this plan.

(D) Housing development, for which there is a general presumption against, will not be supported unless an exceptional case is successfully demonstrated in accordance with those exceptions listed for each development management zone in the justification for this policy.

(E) Housing Developments are also subject to consistency with all other policies and associated SG of the Local Development Plan.

Scales of Housing Development:

Small-scale	will not exceed 5 dwelling units
Medium-scale	between 6 and 30 dwelling units inclusive
Large-scale	exceeding 30 dwelling units

Justification

The main general housing policy sets out general presumptions in favour or against different scales and circumstances of housing within the following development management zones.

Housing in Settlements

In the case of settlements, the presumptions in favour or against are based largely on whether the housing development is of an appropriate scale (small-, medium- or large-scale) for the size of the settlement (Main Town, Key Settlement, Key Rural Settlement, Village or Minor settlement). The scales of housing development have been defined in **SG LDP HOU 1**.

Where the proposal involves large- scale housing development in a Key Rural Settlement, or medium-scale and above in a Village or Minor Settlement there is a general presumption against. These larger scales of development would only be supported by a deliberate attempt to counter population decline in the area, to help deliver affordable housing, or else meet a particular local housing need. Such proposals should not overwhelm the townscape character, or the capacity, of the settlement and be consistent with all other policies and associated SG of the Local Development Plan.

Housing in Greenbelt

Within the Greenbelt, a strict policy regime applies, based on resisting urban expansion and new housing development. Accordingly, there is a presumption against and resistance to new housing development within this zone of any scale. The only exceptions to this are, firstly, where an operational need has been established and the applicant demonstrates that there is a specific locational need to be on, or in the near vicinity of the proposed site, and secondly, in the very exceptional circumstances of a housing conversion proving to be an acceptable means of securing the future of a valued existing building or community asset, or, in the very exceptional

circumstances of housing enabling development, to secure the retention of a highly significant building at risk.

Housing in Rural Opportunity Areas (ROAs)

The **ROAs** have been mapped specifically with a view to identifying areas within which there is a general capacity to successfully absorb small scale housing development. This includes open countryside locations where appropriate forms of small- scale housing development will be in tune with landscape character and development pattern. Consequently, there is a presumption in favour of small-scale housing development within this zone, subject to on-going capacity evaluation. Conversely, there is a presumption against medium and large-scale housing development that would not be generally appropriate for these rural areas and would undermine the intentions of the settlement strategy.

Housing in Countryside Zone

The **Countryside Zone** does not have the general capacity to successfully absorb any scale of new housing development when it is located away from existing buildings. Consequently, the presumption in favour of new housing development is restricted to change of use of existing buildings or small-scale development in close proximity to existing buildings on infill, rounding-off, and redevelopment sites, where these are not immediately adjacent to defined settlement boundaries.

Notwithstanding the initial presumption against new housing development, on a bareland croft or where an operational need has been established and the applicant demonstrates that there is a specific locational need to be on, or in the near vicinity of the proposed site, small-scale housing may be considered in locations away from existing buildings within this zone. This is provided there is sufficient capacity to successfully integrate the proposed housing development within the landscape. The planning authority will conduct an Area Capacity Evaluation (ACE) in order to assess the direct and cumulative landscape impact of any such development. The ACE process is further explained in a technical advice note which accompanies this guidance.

Housing in Very Sensitive Countryside

The **Very Sensitive Countryside** corresponds to the isolated coast, relatively high ground, mountain areas and to especially vulnerable lowland areas where there is generally extremely limited capacity to successfully absorb any scale of new housing development. Consequently, there is a presumption against new housing development of any scale in this zone. The only exception made is in the very special circumstance of a house being required for operational reasons and/or where it can utilise an existing building.

Housing on Croft Land

A balance needs to be struck between supporting limited amounts of housing on crofts that will benefit both individual crofters and the wider crofting community whilst discouraging the break up of croft land assets and speculative development that would be detrimental to the environment. Accordingly new housing on bareland crofts is generally supported but is dependent on specific proposals being assessed as having no significant adverse landscape impact and further supported by a business case (albeit it is acknowledged that a croft has limited income potential) being provided by the applicant. Advice will also be taken from the Crofters Commission on the suitability or otherwise of the croft being established.

Affordable Housing

There is a general commitment to facilitate greater choice in housing in terms of location, design, tenure and cost. However, it is recognised that the market will not be able to meet some 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. Additional information on the provision of affordable housing is provided in a technical advice note which accompanies this guidance.

This SG conforms to:

- SPP
- LDP Key Objectives A through to F.

SG LDP HOU 2 – Special Needs Access Provision in Housing Developments

(A) Housing development proposals shall make appropriate access, recreational and open space provision for the following special needs groups:

- the disabled including wheelchair operators
- those with sight and hearing impairments
- the frail, the elderly and groups vulnerable to crime
- young children and parents with prams
- pedestrians and cyclists.

(B) Housing development proposals which make inadequate provision in respect of the above will be resisted.

Justification

Planning for special needs in housing developments

Special group access needs to be taken into account by housing development proposals in the interests of ensuring equality for all sectors of our society including the most vulnerable.

This SG conforms to:

- SPP
- LDP Key Objectives F and G.

SG LDP HOU 3 – Housing Green-Space

New residential* development proposals of 20 dwelling units or more are required to provide both:

(A) A minimum of 12 sq m per unit of casual** play space;

(B) A minimum of 6 sq m per unit of equipped children's play space including provision for under 5 year olds; AND,

(C) Provision must be made by developers for the on-going maintenance of such play space by:

(i) The developer maintaining and providing public liability insurance for the play space area/equipment directly, or through a contractual/ factoring arrangement entered into by the new landowners/ property owners. This could include the use of a Section 75 Agreement; or the use of a planning condition; OR, as an alternative to all the above;

(D) The developer will be required to make an appropriate direct financial contribution to the Council for the improvement to an existing children's' play area in close proximity to the new housing development. This will involve the use of a Section 75 Agreement.

* Residential proposals specifically intended for the elderly will be exempt from providing casual and formal play space under this policy.

**Casual play space is defined as space that is functional for informal recreation and shall not include private gardens/driveways or road verges/landscaped areas that provide the settings of new buildings.

Justification

The provision of community space or amenity areas is important in residential developments, both in urban and rural areas, as it provides a formal outdoor space for the residents' enjoyment. Such spaces are particularly important in high-density developments where private gardens are limited.

New developments will therefore be required to provide open space according to the standards set out in SG LDP HOU 3 except where need is diminished due to the development being for "special needs" housing such as sheltered accommodation; or where physical restrictions (i.e. the development lies within a Conservation

Area or high density urban space) are such that public open space cannot be provided. In such cases applicants may be asked to make an appropriate financial contribution (to be determined by the Council) to improve existing facilities in close proximity to the proposed development.

This SG conforms to:

- SPP
- LDP Key Objectives E and F.

SG LDP HOU 4 – Residential Caravans and Sites (for Permanent Homes)

No new residential caravans* or caravan sites (except for a new caravan on the basis of temporary necessity), nor any extension to an existing site, will be permitted for permanent homes.

For the purpose of this guidance “temporary necessity” will normally apply only to emergency situations where re-housing is urgently required as a result of unforeseen circumstances such as fire, flood or storm damage to a principal residence, or for the purpose of temporary occupation when building a principal residence on site.

* This guidance also applies to all other non- permanent structures used for residential purposes.

Justification

Residential caravan use for permanent homes do not normally provide a satisfactory living environment in the Argyll and Bute wet and damp climate and is therefore not encouraged.

In addition static caravans are often visually intrusive in the landscape or townscape and can have a detrimental impact on the amenity of the local area.

This SG conforms to:

- SPP
- LDP Key Objectives E and F.

SG LDP REC/COM 1 – Safeguarding and Promotion of Sport, Leisure, Recreation, Open Space and Key Rural Services

(A) There is a presumption in favour of new or improved sport, recreation and other community facilities provided:

- (i) In the settlements and countryside zones the development is of a form, location and scale consistent with policy LDP DM1;
- (ii) They respect the landscape/townscape character and amenity of the surrounding area;
- (iii) They are readily accessible by public transport where available, cycling and on foot;
- (iv) They are located close to where people live and reduce the need to travel: AND,
- (v) In the case of a location within the Greenbelt, the proposal is shown to be consistent with the purposes and nature of the Greenbelt;
- (vi) The proposal is consistent with the other policies contained in the Local Development Plan;
- (vii) Participation sports and recreational activities requiring unimpeded access to remote open country are exempt from the requirements of clauses (iii) and (iv).

(B) There is a presumption against the development or redevelopment of formally established playing fields or sports pitches (public or private) or those recreational areas, green networks and open space protection areas shown to be safeguarded in the LDP Proposal Maps except where:

- (i) The retention or enhancement of the facilities can best be achieved by the redevelopment of part of the site which will not compromise its sporting potential and its amenity value;
- (ii) There would be no loss of amenity and alternative provision of equal benefit and accessibility would be made available and there is a clear long term excess of pitches, playing fields and public open space in the wider area, taking into account long term strategy and recreational and amenity value.

(C) In remote, rural areas the council will only permit the change of use of key rural services, including hotels with public bars, pubs and petrol stations to other uses provided:

- (i) That a similar facility is available in the same community or in close proximity to;
- (ii) That all reasonable steps over a period of 12 months have been taken to market the property as a going concern.

Justification

Sport, recreational and community facilities are essential to the quality of life, health and well-being of both local communities and visitors to Argyll and Bute. They also play an important and growing role in developing the economy of the area.

The first aim of this policy therefore is to promote the creation of sport, recreation and other community facilities such as schools, health facilities, community halls, heritage centres and art venues in places that are accessible by foot, cycling and public transport where it is available. To help assess development proposals the views of SportScotland may be sought.

The second aim of this policy is to safeguard areas of valued open space, green networks, sports pitches and playing fields from being lost to new development without adequate alternatives being provided by the developer proposing those works.

The third aim of the policy is to safeguard against the loss of key services and facilities such as hotels with a public bar, public houses and petrol stations in our remote rural communities in the interests of sustainable development and keeping these communities strong as once these facilities are lost they are very difficult to replace.

This SG conforms to:

- SSP paragraphs 149 to 158;
- LDP Objectives A, B, C, D, E,G, H and I

SG LDP COM 2 – Community Plans and New/Extended Crofting Townships

Proposals for community plans and new or extended crofting townships (including forest crofts) are generally supported by the council where they can successfully demonstrate that:-

- (A) they can bring significant benefits to the local community concerned and have widespread community support;
- (B) they are compatible with landscape character, including landform and the surrounding settlement pattern;
- (C) they offer a high standard of design and amenity for local residents to enjoy;
- (D) there are no significant adverse impacts on natural, built and cultural features particularly with regard to designated sites;
- (E) adequate access and servicing arrangements can be achieved in accordance with establish policy and supplementary guidance;
- (F) good land management practices will be delivered (the Crofter's Commission will confirm the bona fides for crofting proposals);
- (G) the proposals comply with all other relevant policy and SG of the Local Development Plan. In particular an ACE will be required when the proposed Community Plan or Crofting Township lies within the Countryside development management zone.
- (H) In support of planning applications for new crofting townships, the following information will also be required:
 - (I) a business plan (albeit, there is no expectation of a full time income from a croft);
 - (J) for woodland crofts, a management plan must be submitted which meets the UK Forestry Standard and where deforestation of an area is required, or the proposal involves the large scale restructuring of agricultural land or use of uncultivated /semi-natural areas for intensive purposes, then an Environmental Impact Assessment also may be required.
 - (K) a masterplan for the entire development area, focussing on issues such as the preferred density, siting, design and layout of buildings (with reference to the Council's suite of Sustainable Design Guides) and associated infrastructure and services.

Justification

In many parts of Argyll and Bute populations are either falling or static. In an effort to counter this negative trend the council welcomes the production of Community Plans and the creation of new crofting townships in appropriate locations where it can be demonstrated that there is widespread public support in the local area for them being established. Proposals should also be able to demonstrate significant benefits to the wider communities within which they lie, including both crofters and non-crofters.

With Community Plans, this could be achieved through a variety of measures including the creation of housing, business, recreation, tourism and community facility opportunities which enhance the socioeconomics of the wider community.

With Crofting Townships, this could be achieved through a variety of measures including the significant enhancement of land through habitat creation, the growing of local food, the management of better access or recreation provision, provision of affordable housing and/or the retention of the land in community ownership including tenancy agreements. Whilst the preferred route for the delivery of both Community Plans and new crofting townships is through the review of the Local Development Plan, in some instances, particularly when the LDP are broadly adhered to, there may also be other opportunities for new proposals to be lodged via the planning application process.

This SG conforms to:

- NPF2
- SPP
- PAN 73 – Rural Diversification
- LDP Key Objectives B & C

SG LDP PG 1 - Planning Gain

(A) Where appropriate the council shall seek appropriate elements of planning gain* in association with development proposals emerging from partnership activity, from the LDP process and from planning applications. This shall be in liaison with participating partners and developers and be proportionate to the scale, nature, impact and planning purposes associated with the development.

*e.g. this may cover the provision of affordable housing, in accordance with SG LDP HOU 1 within housing development sites over 8 units in areas demonstrating housing need.

Justification

Planning gain usually refers to circumstances, in association with particular development proposals, when community benefits can be achieved. These may be of a monetary, economic, social, environmental, transport, access or land use nature. Argyll and Bute Council, along with partners, will seek to achieve such planning gain when it is appropriate to do so. However, in so doing, the council takes the view that planning gain should only be imposed as a prerequisite or condition to a development proposal whenever this will proportionately address consequences, which directly flow from the development proposal and involve measures that are for a legitimate planning purpose. A balanced and measured approach to planning gain issues is therefore required and this is the basis of the criteria set out in SG LDP PG 1.

This SG conforms to:

- SPP (The Planning System).
- Circular (Scottish Government)

Policy SG LDP ENF 1 - Enforcement Action

(A) Unauthorised breaches of planning control issues shall be assessed on the basis of a planning application deemed to have been submitted for the development that is the subject of the breach;

(B) Swift enforcement action shall be pursued and may be expected when the unauthorised development:

(i) Has a severe and unacceptable impact on public health or public safety; OR,

(ii) Has a severe and unacceptable bad neighbour impact; OR,

(iii) Without swift remedy, will result in unacceptable damage occurring to the natural and historic environment;

(C) Enforcement action shall be undertaken in line with the Planning Service's Enforcement charter taking into account the nature of the offence or potential breach of planning control and shall be pursued at the discretion of the planning authority in proportion to the offence and resulting risks to human, natural or built environment resources.

(D) This enforcement action shall be consistent with the principle of natural justice; shall be co-ordinated with other enforcement processes; and shall be effectively resourced to meet enforcement priorities.

Justification

The primacy, integrity and purposes of the Local Development Plan will break down unless there is effective enforcement of statutory planning controls. However, enforcement action should also be measured, co-ordinated and in proportion to the gravity and scale of the development impact. Of particular concern are developments which impact adversely on public health and public safety; on neighbouring land use and property; and on those highly valued elements of the natural and historic environment, which this plan seeks to sustain. **SG LDP ENF 1** presents such a measured approach to enforcement.

This SG Conforms to:

- SPP

SG LDP DEP 1 - Departures To The Local Development Plan

(A) The Council shall seek to minimise the occurrence of departures to the Local Development Plan and to grant planning permission as a departure only when material planning considerations so justify.

(B) The incidence of departures shall be monitored as part of the review of this plan, with consideration to be given to modifying or introducing policies that can respond effectively to the issues underlying the departure circumstances.

Justification

For the purposes of this plan, a proposed development will be a departure to the Local Development Plan whenever it is determined by the planning authority that the development is not in accord with one or more development management or supplementary guidance (SG). It is important to ensure that departures to the Local Development Plan are kept to a minimum and only pursued whenever justified by material planning considerations. The occurrence of departures should be monitored and the Local Development Plan itself should be kept up to date to avoid departures becoming an increasing occurrence. This is the basis of **SG LDP DEP 1**.

This SG conforms to:

- SPP

SG LDP BAD 1 – Bad Neighbour Development

Proposals for developments classed as “Bad Neighbour” Developments* will only be permitted where all the following criteria are satisfied.

- (A) There are no unacceptable adverse effects on the amenity of neighbouring residents;
- (B) The proposal includes appropriate measures to reduce the impact on amenity as defined by the use classes order (i.e. noise, light, smells);
- (C) There are no significant transport, amenity or public service provision objections;
- (D) Technical standards in terms of parking, traffic circulation, vehicular access and servicing, and pedestrian access are met in full. (see SG on Access and car parking Standards);
- (E) The proposal does not conflict with any other Local Development Plan policy and SG.

SG LDP BAD 2 – Bad Neighbour Development in Reverse

In all Development Management Zones there is a general presumption against proposals that will introduce new incompatible development and associated land uses into, or adjacent to, areas already containing developments classed as “Bad Neighbour” Developments.*

Policy Note: * as defined in Schedule 7 of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992

Justification

Proposals for “Bad Neighbour” developments (including motor car, motor cycle racing, pubs clubs, and wastewater treatment plant can be made adjacent to established residential or quiet amenity areas. A number of these uses often involve a high turnover of customers, often occurring at unsociable hours or can result in unpleasant odours. Accordingly, proposals for all such uses will be considered on their individual merits, subject to the proposals meeting the criteria of supplementary guidance **SG LDP BAD 1** in full. Where appropriate, planning conditions or section 75 agreements under the Town and Country Planning (Scotland) Act 1997 may be used to restrict business hours and other aspects

of the operation. In other cases land use compatibility may be achieved by the imposition of safeguarding zones.

In circumstances of “Bad Neighbour” in reverse, supplementary guidance **SG BAD 2** seeks not to prejudice the operational integrity of safeguarded land use and operations. For example, new residential development can expect to be refused if the proposal is located in close proximity of a waste treatment plant or industrial process plant.

This SG conforms to:

- SPP paragraphs 257
- LDP Key Objectives A, B, C and E.

SG Linked To Policy LDP – Development Setting, Layout and Design

SG LDP ADV 1 - Advertisements

(A) Within commercial and residential areas of settlements the Council, when considering applications to display advertisements, will take into account:

- (i) The impact on the amenity of the site, or surrounding area, or character of the building in terms of positioning, scale, design or materials and where appropriate conform with the SG on Shopfront/Advertising Design Principles of this Local Development Plan;
- (ii) The impact on public safety (including pedestrians and road users); AND,
- (iii) Within Conservation Areas and Special Built Environment Areas, in addition to the above points they preserve or enhance the character and amenity of the area.

(B) Within the Countryside Development Management Zones, advertisements will be refused unless they are directional or advance warning signs for business or tourist facilities that are not reasonably visible from any main road. In each case it must be shown that a tourist ‘brown sign’ is not a suitable first option; AND they must satisfy A (i), (ii) and (iii) above.

Justification

The aim of this SG which is linked to **Policy LDP – Development Setting, Layout and Design** is to control advertisements allowing for information to be displayed to the public, without loss of character, amenity or safety. Advertisements, which include hoardings (freestanding or otherwise), advance signs, shop fascia and projecting signs are amongst the most lively but also potentially most intrusive elements in our environment. As a result they have always merited their own specific mention in planning legislation and their own set of regulations that require controls to be exercised. If these controls were not exercised, character, amenity and safety may be compromised. Due to their special nature, Conservation Areas and Special Built Environment Areas require stricter controls. The control of advertisements in industrial areas will be less strict than elsewhere. Nevertheless, the general principles of preserving amenity (e.g. appropriate scale and design) and public safety will be applied. Business and tourist signs, although very important, need to be restricted to those necessary, and existing signs with no operational need should be removed. Further information on the design of acceptable advertising is contained in **Supplementary Guidance Shopfront/Advertising Principles** of this plan.

It should be noted that SG LDP ADV 1 and SG on Shopfront/Advertising Design Principles will be subject to immediate review given the competing interests of local businesses in wanting to advertise and the needs of the environment. A steering group has been formed with key stakeholders to look into signage standards in Argyll and Bute and its finding may require this SG to be changed or added to.

This SG conforms to:

- **Scottish Historic Environment Policy.**
- **LDP Key Objectives D and E**

Supplementary Guidance

Shopfront/Advertising Design Principles

The Purpose of These Principles

- 1.1 These design principles have been produced to ensure that planning applications for shopfronts, canopies, hoardings and security measures are submitted with due consideration to the historic setting and the architectural quality of Argyll and Bute's many towns and settlements. These design principles apply in particular to Conservation Areas, but could also be applied to shopfronts in other development control zones. This appendix also provides supplementary information on advance warning signs in rural areas with the aim to safeguard Argyll and Bute's outstanding natural heritage.
- 1.2 Many historic shopfronts have been considerably altered or replaced over time. These design principles have been created with the intention of protecting and enhancing the historic character of the Town Centre, balanced with the commercial requirements of the shopkeepers.

The Need for Planning Permission

- 2.1 Planning permission is required for any alteration that materially affects the external appearance of a building, including canopies/awnings and external security measures (and painting within Conservation Areas).
- 2.2 Listed Building Consent (separate from planning permission) is required for any alterations to a listed building which affect its character as a building of special architectural or historic interest.
- 2.3 It should be noted that many proposed signs require advertisement consent.

Context

- 3.1 Scottish Planning Policy paragraph 60 states "*actions to support improvements in town centres and to create distinctive and successful places are encouraged*".
- 3.2 These design principles follow established good practice. Further guidance may well be issued in the future for individual town centres such as Dunoon, Campbeltown, Oban, Rothesay, Lochgilphead/Adrishraig or Helensburgh to take account of their distinct local identities.

Shopfront Guidelines

- 4.1 Inappropriate shopfronts in Conservation Areas for example those constructed from garish materials, can detract from the character of such areas. The use of non-traditional or gimmicky style shopfronts/architecture will be discouraged in the Conservation Areas.

- 4.2 Original 19thC and early 20thC shopfronts should be retained and restored. There will be a presumption against removal/alteration of surviving shopfronts that contribute to the architectural quality, or historic interest of the Town Centre.
- 4.3 Timber fascias should be repaired as necessary and repainted. Traditional shopfronts should be painted rather than stained. Garish 'modern' combinations of colours should not be used, but bright traditional colours will be more acceptable.
- 4.4 Shop signs should preferably be painted onto the fascias or onto signboards on the masonry above shop windows where the original signs are likely to be found.
- 4.5 Signs should be contained within the fascia and not repeated on window glass.
- 4.6 Sign materials should be compatible with those of the historic (or modern) building.
- 4.7 The shopfront should not be designed in isolation from the rest of the building or adjoining frontages. The Council will seek to achieve a level of consistency in the style of shopfronts to ensure that new proposals blend in with neighbouring premises, displaying compatibility of design, materials, colours and lettering between a shop and its neighbours.
- 4.8 Where the same user occupies the ground floor of two buildings, taking one fascia across both frontages might destroy the individual character of the two. Two relating fascias should be installed, designed to suit each façade.
- 4.9 Lettering should be balanced-out on fascias to avoid overcrowding at one end and should not be oversized. If lettering is to be individually mounted it should be of good quality.
- 4.10 New signs should not obscure significant features of the historic building.
- 4.11 Where company signs are proposed they should be modified, where necessary, to ensure that the shop front harmonises with the character of the area and the building concerned.
- 4.12 If the need for externally mounted light fittings can be demonstrated they should be of unobtrusive design, size and colour, and fixed to the buildings in a manner that will not damage the building fabric.
- 4.13 No internally illuminated signs or plastic fascia signs will be permitted.
- 4.14 The Council will endeavour to negotiate improvements to shopfronts when applications are submitted for advertisement consent, listed building consent and planning permission in the Conservation Areas or Special Built Environment Areas.
- 4.15 All of these principles recognise that a shopfront must attract customers into a shop so a fair degree of flexibility must be exercised. Equally, a shopping area's character and attractiveness to customers can be destroyed by inappropriate or unsympathetic design.

Projecting Signs

- 5.1 The use of projecting signs may be considered in some circumstances. For example on shops that are located on narrow streets. They should not be obtrusive or restrict pedestrian or vehicular movement.
- 5.2 Projecting signs should be of good design and in proportion to the building. Proliferation/clutter of signs should be avoided and a single projecting sign per building frontage will normally be considered the maximum acceptable.

Shopfront Security Guidelines

- 6.1 The addition of shopfront security must be given careful consideration as the inclusion of such measures can have a damaging effect on the visual amenity of a streetscape.
- 6.2 Where shopfront security is essential, it is necessary to ensure that the historical/architectural character of the Conservation Areas and Special Built Environment Areas is maintained. The following advice should be adhered to.
- 6.3 Externally fitted shutters will not be acceptable, as they would have a detrimental impact by obscuring existing shopfronts and their details. They can also present a rundown and unwelcoming image to a town centre.
- 6.4 Externally mounted roller shutters require a large box above the window to accommodate the shutter and substantial channels at each side of the opening to guide the shutter down and provide side restraint. The architectural quality of the shopfront and the street on which it is situated will be greatly diminished.
- 6.5 Another problem associated with externally fitted shutter systems is that potential customers will not be able to view goods in the window when the shop is closed.
- 6.6 Removable external grills will be considered to be more appropriate than fixed shutter systems, provided that daytime storage is available. Alternatively, brick bond internal retractable security shutters may be considered behind the glass of the shop window.
- 6.7 In cases where the risk to security is not excessive, the use of a glazing material that will resist breakage, such as laminated or toughened safety glass may offer adequate protection. Anti-bandit glass has thicker layers than laminated glass and provides greater security, without the need to install internal or external grilles.

Sunblinds/Awnings and Dutch Canopies

- 7.1 The erection of sun blinds (also referred to as awnings) and canopies in Conservation Areas will generally be discouraged by the Council unless valid reasons for their introduction can be shown (e.g. to protect perishable goods from sunlight).

- 7.2 The following is therefore applicable for the reason of promoting good design and safeguarding the amenity of the town centre.
- 7.3 The Council will favour traditional flat projecting canvas sunblinds, which are hardwearing and fully retractable.
- 7.4 Proposals for Dutch canopies, designed with a curved profile and enclosed ends, will be discouraged on properties in Conservation Areas and Special Built Environment Areas and on all Listed Buildings. This is because their size, shape and projection can make them appear intrusive thus creating difficulties of integrating them into a historic town centre.
- 7.5 The style/design of the proposal should be sympathetic to the building and its existing features and they should be restricted to the width of the individual window. Its size should also respect the proportions of the shopfront.
- 7.6 The Council will favour the use of traditional sunblind materials, such as woven materials or canvas, in preference to PVC or plastic; in neutral rather than bright colours.

Advertisements

- 8.1 Advertisements play an important role in our lives, providing important safety information and raising awareness of services and products. In addition where sited sensitively advertisements can have an important visual benefit, e.g. screening unsightly gap sites or unattractive buildings.
- 8.2 That said, if not carefully controlled advertisements can create clutter, undermine public safety, especially along main roads and adversely impact on the amenity of an area, especially in sensitive locations.

Advertising Hoardings

- 8.3 **Location** – these signs require to be confined to small gap sites in urban areas, particularly those of a temporary nature, where it is proposed to erect a new building. There will be a presumption against new hoardings in all of the countryside development control zones, Conservation Areas, Special Built Environment Areas, predominantly residential areas, open areas within settlements and on, or adjacent to, listed buildings.
- 8.4 **Scale and Design** – the scale and design of a hoarding has to relate to the size and layout of the site. Where a gap site is involved a generous landscaping treatment should be incorporated. If free standing, it should be integrated into the framework of a wall, fence or purpose built structure.
- 8.5 **Illumination** – in areas where hoardings are permitted it will normally be sufficient street lighting to cancel the need for additional illumination.

Advance Warning Signs for Individual Premises

- 8.6 **Location** – where the principle of an individual advance warning sign is accepted, the display should normally comprise of one double-sided sign at the public/private road junction leading directly to the premises advertised. A series of repetitive signs will not be acceptable. In cases where two or more advance signs are justified at the same road junction, the use of a combined sign will be strongly encouraged. All signs must be erected outwith the highway boundary. Signs with a visual backdrop of existing trees, native planting and walls will be preferred.
- 8.7 **Scale and Design** – The overall size of the advance warning sign shall not normally exceed 1200mm by 600mm or be more than 2 metres in height from ground level. The signs should only contain explanatory information rather than general advertising. The maximum size of letter used will depend on traffic speeds.
- 8.8 **Illumination** – illumination will only be permitted provided it can be done without prejudice to road safety. External down lighting will be the preferred method of illumination and lights should be coloured to match the colour of the sign.

Supplementary Guidance

Sustainable Siting and Design Principles

Sustainability

- 1.1 The concept of sustainability was embraced at the Rio Earth Summit in 1992 and now is at the heart of all planning policy. The short and long-term environmental impacts of a new development should be considered from the outset of a project and the design should aim for sustainability. Sustainable building makes economic sense, saving money in the long term as well as being environmentally friendly. In a landscape where man and the environment are so closely linked this interdependency will work better if nature is respected.
- 1.2 All new development should be designed, sited and built to be sustainable. The fundamental principles are set out in the following guidelines:
- **Environmental Impact:** the development should integrate into the landscape or existing built form and therefore minimise detrimental impact on the landscape and environment. In some cases there may be a case for high quality design that acts as a landmark development. The impact of access roads and tracks, infrastructure and other services should also be considered;
 - **Protecting Agricultural Assets:** most of the agricultural land within Argyll and Bute is of a poor quality, with no agricultural land classified as Class 1 or 2 and only small areas of Classes 3.1 and 3.2 in Kintyre and Islay. Nevertheless agriculture remains an important part of the economy of Argyll and Bute and also provides forms of continuous and locally sensitive land management. In all countryside development management zones, new development should not be considered where it would require the loss of better quality agricultural land or result in the fragmentation of field systems or the loss of access to better quality agricultural land.
 - **Positioning:** the development should be positioned within the landscape to make best use of solar gain, natural ventilation and shelter from the elements and minimises environmental disturbance;
 - **Energy Efficiency:** is a fundamental sustainability aim. Development should be as energy efficient as possible and have an energy rating. At the very least the development should have double or triple glazing and high levels of insulation to the whole building. The building should be sited and planned to control solar gain, minimise heat loss and utilize natural ventilation to minimise energy use. It is in the interests of long term sustainability that all developments incorporate energy efficient heating and cooling systems. Alternative forms of energy, such as solar panels or wind turbines will be encouraged where appropriate. Draught proofing is also very important to minimise heat loss. Energy advice is available from the Allenergy in Oban and from the Council's Building Standards Officers;

- Lifecycle: the lifecycle of the development, its materials and components should be considered at the start of the project. Higher quality materials and systems will be more expensive at the outset but will recoup the investment in the longer term;
- Materials: building materials should be from sustainable sources and manufacturing processes, be recycled or otherwise have low environmental impact. Full use should be made of design and technology to maximise the efficient use of resources. Sourcing materials locally can also cut down in transport/energy costs;
- Flooding: new development should not be built on land that is subject to flooding or at risk from land erosion;
- Water Supply/Drainage: new development should minimise the use of water and utilise environmentally friendly ways of waste disposal wherever feasible including the use of Suds.

Development Affecting National Scenic Areas – Areas of Panoramic Quality

- 2.1 Argyll and Bute has some of the UK's finest landscapes, which are a source of pleasure to local people and visitors, as well as being of national importance. They are an important part of Argyll and Bute's identity. It is therefore vital that these landscapes are not scarred by insensitive development and that their identity is not diluted through design that makes the area in which we live look more like anywhere else. The unique identity of Argyll and Bute's landscape is likely to be strengthened either by design that draws on traditional forms and materials, or that builds on best qualities of modern design.
- 2.2 In the national context, National Scenic Areas (NSA) are considered to be of outstanding scenic beauty and therefore worthy of special protection measures. The designation is primarily an aesthetic one: it is not directly related to any ecological concerns. In Argyll and Bute there are 7 NSAs:
- Ben Nevis and Glen Coe (Part of);
 Jura;
 Knapdale;
 Kyles of Bute;
 Loch Na Keal;
 Lynn of Lorn;
 Scarba, Lunga and the Garvellachs.
- 2.3 Planning authorities have a duty to protect NSAs from developments that would seriously detract from their landscape value. Within NSAs, some works that would not normally require planning consent, e.g. vehicle tracks and road works, are required to be the subject of a planning application. In addition, Planning Authorities have a statutory duty to consult Scottish Natural Heritage (SNH) on planning applications within certain categories of development (e.g. tall buildings, groups of caravans and houses).

- 2.4 The conservation and enhancement of the landscape will be given prime consideration in the determination of development proposals. Any proposal that would harm the landscape will be refused or amended. Development permitted within the NSA must therefore not damage the landscape. This can be achieved through good design and sensitive siting. In this regard, Landscape Capacity Studies (LCS) covering all NSAs will be produced. These LCSs will identify key characteristics of both the natural landscape and built environment within each NSA and will identify areas and locations where development capacity exists.
- 2.5 The plan also identifies Areas of Panoramic Quality (APQ) that are considered important for the quality of the landscape. Within these areas the impact on the landscape is a major consideration when new development is proposed. Similarly to NSAs, Areas of Panoramic Quality will also have LCSs produced in order to address this issue.
- 2.6 All significant developments or land use changes within or impacting on NSA or Areas of Panoramic Quality as defined in the Local Development Plan Proposals Maps will be assessed for their compatibility with present landscape character as detailed in the SNH Argyll and Firth of Clyde Landscape Character Assessment.

Design of New Housing in the Countryside Development Management Zones

- 3.1 In many places the Argyll and Bute landscape could be easily spoiled by careless development. If its uniqueness and beauty are not to be destroyed, the design and construction of new houses within this landscape must respect local identity and the environment. All new buildings and other structures should be designed taking the following advice into account.
- Location: houses must be carefully located within the landscape to complement their surroundings and should make the minimum possible physical impact. Hilltop, skyline or ridge locations should be avoided for wind exposure and visual reasons.
 - Siting: must respect existing landforms and development patterns, and the amenity of other dwellings. Southerly aspect and shelter should be maximised. Clues can often be gained from old houses as to the best orientation for a new building, relative to shelter and aspect.
 - Principles of Design: high standards of design will be expected. The scale, form, proportions, materials, detailing and colour must all work together to enhance the existing built form and landscape. Traditionally roofs would be between 35° and 45°, windows and doors would be carefully proportioned within the elevation, and dormers would be subordinate to the main roof (and not box/flat-roofed). The roof itself should not sit directly onto the window-heads, as this disrupts the proportions of the elevations.
 - Materials and Detailing: for a new house to sit happily within the landscape or group of existing buildings, the materials and detailing should be compatible with the traditions of the area and be sympathetic to the landscape. This does not mean that houses should be always disguised by camouflage colours or be an exact copy of traditional houses. More advice on the use of innovative design is provided in the Argyll and Bute Design guides.

- Outbuildings: should relate to the main building in form and design and be carefully positioned on the site, relating to the house.
- Landscaping and Boundaries: Where privacy and amenity is important, built form should be screened or buffered from viewpoints (e.g. access ways) by using appropriate native planting. Existing planting and hedges should be supplemented and/or retained where possible. Hard-landscaping should be kept to a minimum and will work best when its colour is close to that of the local stone. Boundaries will either integrate a site into the landscape or alienate it. While the ideal of a dry stone dyke may not always be possible, the most unobtrusive alternative is post and wire fencing. Native hedging and/or vertical boarded fences may also be appropriate, but horizontal ranch-style fencing or block-work often appears to look very out-of-place.
- Parking: Car parking areas should not be dominant features which are highly visible from access ways or dominate views from within buildings. Other things to consider are services provision (power, telephone, water and sewerage) as well as proximity to community facilities and services (such as schools, shops or bus-routes).

Design of New Housing in Settlements

- 4.1 The location of houses within a settlement is the most critical factor. New development must be compatible with, and consolidate, the existing settlement. Unlike isolated and scattered rural development, the relationship with neighbouring properties will be paramount, as issues such as overlooking and loss of privacy may arise. Bullet points 1, 4, 5, 6 and 7 of section 3.1 can also apply here.
- 4.2 As a general principle all new proposals should be designed taking the following into account:
- Location: new housing must reflect or recreate the traditional building pattern or built form and be sympathetic to the setting landmarks, historical features or views of the local landscape.
 - Layout: must reflect local character/patterns and be compatible with neighbouring uses. Ideally the house should have a southerly aspect to maximise energy efficiency.
 - Access: should be designed to maximise vehicular and pedestrian safety and not compromise the amenity of neighbouring properties. In rural areas, isolated sections of urban-style roads, pavements and lighting are best avoided.
 - Open Space/Density: all development should have some private open space (ideally a minimum of 100 sq. m), semi-detached/detached houses (and any extensions) should only occupy a maximum of 33% of their site, although this may rise to around 45% for terrace and courtyard developments.
 - Services: connection to electricity, telephone and wastewater i.e. drainage schemes will be a factor – particularly if there is a limited capacity.

- Design: The scale, shape and proportion of the development should respect or complement the adjacent buildings and the plot density and size. Colour, materials and detailing are crucial elements to pick up from surrounding properties to integrate a development within its context.

Development Briefs, Design Statements and Pan 46 Assessments

- 5.1 Groups of new houses require attention to design and layout if they are to sit well in the landscape and provide the best possible environment for the new residents and existing local householders. Following pre-application discussion, guidance in the form of a development brief or design statement may be prepared by the Planning Authority detailing road layout, service provision, grouping, density, scale, height, sustainability issues, materials, colour and open space requirements.
- 5.2 In exceptional circumstances, a similar brief may be prepared for the development of a single house, where for example it affects the setting of a listed building, is in a woodland setting, or if it is in a prominent, isolated site.
- 5.3 The decision as to whether or not a development brief is required will normally be taken when an application for outline planning permission is considered, but the Planning Authority may arrange for the preparation of one following an informal proposal by a developer. The Planning Authority may also call for the need to undertake a PAN 46 Assessment.

Development and Colour

- 6.1 New development appears less obtrusive when its colouring ties in with existing development, or in the case of rural sites, where the colour harmonises either with the colour of the surrounding landscape or with the colours traditional to rural development in that area.
- 6.2 The traditional combination of bright white walls and black roof is as appropriate as ever. Generally however, light coloured roofs combined with dark walls tend to be less satisfactory, as a dark roof will visually ground the building into the landscape.

Under-Building and Excavation

- 7.1 Large unfenestrated under buildings generally are detrimental to buildings and look inappropriate in most settings. They also generally increase construction costs whilst not providing usable accommodation on sloping sites. On sloping sites, careful positioning combined with minor excavation works often provides a cheaper and more attractive design solution than under-building, and can also give a house added shelter from prevailing winds. If a 1½ or 2 storey house is in fact what is required, on a sloping site it should either be cut into the landscape or stepped down the hill; this will minimise both visual and physical impact. If a basement or garage below the living accommodation is required, that accommodation should be designed into the building, rather than appear as a separate element or afterthought.
- 7.2 The extent of any under-building or excavations should be clearly shown on submitted plans including the use of cross-sections. Any waste materials from excavations should be re-graded,

landscaped, and utilised to backfill against areas of under build that would otherwise remain exposed or alternatively be removed from the site, restoring the site to its natural condition.

Alterations, Extensions, Conversions

- 8.1 Where planning permission is required alterations and extensions can add valuable extra space to a house, thereby increasing its value and if, carefully designed, improving its appearance. However, care needs to be taken to ensure that the design, scale and materials used are appropriate in relation to the existing house and neighbouring properties.
- 8.2 Alterations and extensions should be in scale and designed to reflect the character of the original dwelling house or building, so that the appearance of the building and the amenity of the surrounding area are not adversely affected. Approval will not be granted where the siting and scale of the extension significantly affects the amenity enjoyed by the occupants of adjoining properties, taking into account sunlight, daylight and privacy. Proposals to construct two storey extensions onto single storey buildings will need special consideration. Care should be taken not to over-develop the site (see paragraph 4.2 on Open Space/Density). The following criteria will also be taken into account when considering house extensions:-
- (A) Extensions should not dominate the original existing building by way of size, scale, proportion or design;
 - (B) External materials should be complementary to the existing property;
 - (C) Extensions should not have a significant adverse impact on the privacy of neighbours, particularly in private rear gardens.
 - (D) Flat-roofed extensions, and multiple dormer window extensions, which give the appearance of a flat roof will not be permitted where they do not complement the existing house style and design.

Roadside Development

- 9.1 Lines of houses straggling along main roads beyond existing settlement boundaries are to be avoided. As they are likely to:
- increase the number of uncontrolled vehicle turning movements;
 - lead to on-road parking;
 - give rise to demands for lengthy sections of pavement or street lighting;
 - sterilise development land to the rear;
 - suburbanise the countryside, detrimentally impacting on visual amenity;
 - result in greater risks to children from fast traffic than would be the case with off-road housing.

Infill Development

- 10.1 Infill development can be defined as being new development on land between existing buildings. It is normally bounded on at least two sides by existing development, but must have at least one side open for means of access.

- 10.2 The things that must be considered when developing an infill site are access and car parking provision and the scale and design of the proposal, which should be in harmony with the surrounding area, particularly the adjacent buildings. The amenity and privacy of neighbouring properties should also be considered. Infill development should take care not to sterilise future development opportunities. Guidance and standards for overlooking are given below.

Back-land Development

- 11.1 Back-land development can be defined as new development behind a row or group of existing buildings. Access to such development is normally gained via a separate road from that serving the existing buildings, although joint accesses are sometimes possible.
- 11.2 Back-land development can provide additional housing within existing residential areas and make good use of neglected and/or unused vacant land. However, such development needs to take account of the settlement's existing built character and the area's historical development. It requires to be designed to maintain the privacy and amenity of the original property and allow for an appropriate and safe vehicular and pedestrian access.
- 11.3 Planning applications for back-land sites should include details that clearly indicate the siting, aspect and height of the building, the proposed and existing accesses, and a clear, scale plan of all adjacent roads and footpaths.

Garages/Outbuildings

- 12.1 Domestic garages/outbuildings are useful structures, which normally add to the amenity and value of any house. The scale, design and building materials should complement the house and not dominate it, or detract from its amenity or the amenity of the surrounding area and properties. Generally they should be built using the same materials as the house and be placed satisfactorily in relation to it, not haphazardly in one corner of the site. The total amount of building on the site should not exceed 33% of the site area.

Overlooking

- 13.1 Privacy in the home is something that everyone has a right to expect, and in order to protect this basic right, new development needs to be carefully sited and designed. The use of windows that are taller than they are wide can greatly reduce problems of overlooking, particularly in built-up areas or where the road or footpath is close to the house.
- 13.2 The following standards have been successfully applied by the Council for many years and it is intended that their use will continue.
- 13.3 No main window of a habitable room (i.e. all rooms except bathrooms and hallways) within a dwelling shall overlook (directly facing) the main windows of habitable rooms in neighbouring dwellings at a distance of less than 18 metres*. Plans submitted with planning applications will be required to show the location of all adjoining properties and the exact position of their main

windows. A distance of 12 meters is required between habitable room windows and gable ends or elevations with only non-habitable room windows. These standards may be relaxed where the angle of view or the design (i.e. use of frosted glass) of the windows allows privacy to be maintained. In some cases a condition may be attached to a planning consent withdrawing permitted development rights to insert new window openings.

*This may not be possible in densely built areas or 'courtyard-type' schemes.

Developments Affecting Daylight to Neighbouring Properties

- 14.1 Householders can legitimately expect a reasonable amount of direct daylight into all or at least some living room windows, and this should be protected as far as possible in order to maintain reasonable levels of household amenity.
- 14.2 When considering a site for a new house, or an extension to an existing house, applicants should ensure that the house will not significantly affect daylight and direct sunlight to existing neighbouring properties. Applicants should refer to published standards "Site Layout Planning For Sunlight and Daylight" BRE 1991.
- 14.3 Where a proposed development has a significant adverse effect on daylight and direct sunlight to existing neighbouring properties planning permission will be refused.

Landscaping

- 15.1 Landscaping can significantly assist the integration of new development within the built or natural environment. Landscaping can take the form of soft or hard features and performs its function best when designed as an integral aspect of a new design.

Listed Buildings, Scheduled Ancient Monuments, Historic Gardens and Designed Landscapes, Conservation Areas and Special Built Environment Areas

- 16.1 Listed Buildings, Scheduled Ancient Monuments, their surroundings, Historic Gardens and Designed Landscapes, Conservation Areas and Special Built Environment Areas are all subject to special protection measures to ensure that, inappropriate or unsympathetic development does not damage the property or its setting.
- 16.2 When undertaking any proposals; building lines, character, form, materials and detailing must all be compatible with the existing building(s) or area subject to special protection.
- 16.3 In the case of Listed Buildings, Conservation Areas and Special Built Environment Areas the Council will apply the advice contained in Scottish Historic Environment Policy 2008. This guidance refers to all types of development from replacement windows to new houses or commercial buildings.

Agricultural Buildings

- 17.1 New agricultural buildings should be sympathetically sited and of a high standard of design appropriate to their setting in the landscape. When locating agricultural buildings consideration should be given to the local topography and the scale and colour of the building. Sites on the skyline should be avoided, natural contours should be used to marry the building into the landscape and in most cases dark/natural matt colours will be most appropriate.
- 17.2 The erection of all agricultural buildings or significant extensions to existing buildings requires the submission of a Prior Notification form to the Planning Authority. Depending on their size and location, some agricultural buildings also require planning permission. If in doubt farmers and crofters should seek advice from the Council's Planning Service before starting work.

Isolated Industrial/Commercial Development

- 18.1 Before establishing a commercial, or industrial operation, particularly one in a remote area, the appearance of the development should be considered. The form and pattern of the landscape will largely determine the acceptability of the proposal. The extent to which the proposal(s) would be clearly visible from public roads, viewpoints and neighbouring local communities is also an important factor.
- 18.2 When assessing the appearance of isolated commercial development, including industrial proposals, the Planning Authority will take the following into consideration:
- The size and extent of the proposal(s). This includes the visual impact of the scheme and the distance/location from which it is visible.
 - The location of the proposal(s) and its landscape setting, including the way in which the development has used the natural contours of the site is of prime importance. A large building must be absorbed by the landscape as much as possible, whether by excavating and building into the landform, using existing landforms to mask the development or screening by new trees.
 - The design and colour of the development(s) and ancillary structures can be used to minimise their perceived bulk and visual impact. Natural materials such as timber and stone will help to fit a large building into the landscape, as will dark natural colours (particularly on the roof).

Domestic Satellite Positioning

- 19.1 Where planning permission is required the preferred locations for domestic satellites are as follows:

Siting on the rear garden ground/curtilage and building elevation unless the following applies:

- A more suitable ground or wall location is available that affords a greater level of screening from public view than the rear garden curtilage or elevation.

The following locations for domestic satellite dishes will be resisted when:

- The dish would project above the ridgeline of the main roof of the dwelling house;
- The dish is located on the front elevation of a dwelling house;
- The dish is in a garden facing a road and is not adequately or appropriately screened;
- The dish is on a roof or wall where the dish will be readily visible from a public place and where the installation will have a detrimental impact on the general amenity of an area;
- The dish is in a position where it will constitute a significant visual intrusion adversely affecting the amenity of an adjacent property.

Supplementary Guidance

Delivery of Affordable Housing

1. Introduction

1.1 A key aim of the Local Development Plan and Argyll and Bute Council is to facilitate greater housing choice in terms of location, design, tenure and cost. However, we currently live in challenging economic times which is not likely to change for the foreseeable future. Consequently, given the lack of private and public capital it is recognised that the market will not be able to meet some important local housing needs, including affordable housing. That said, in a limited context, the planning system can however assist with the provision and retention of such housing where a particular need for affordable housing has been clearly demonstrated.

1.2 The local need for affordable housing in Argyll and Bute is set out in the **Argyll and Bute Housing Need and Demand Assessment (HNDA)** which has been used to help inform the Local Housing Strategy, Local Development Plan policy content and associated supplementary guidance (SG). The level of affordable housing provision required in the Local Development Plan is indicated in the Written Statement Housing Allocations and relevant Potential Development Areas (PDAs); Schedules and Proposals Maps. These sites (where capacity of over 8 residential units is shown in Housing Market Areas that clearly demonstrate affordable housing need, see paragraph. 1.3) have been selected on the basis of their location and suitability for affordable housing provision in response to the needs identified in the Housing Need and Demand Assessment.

1.3 Outwith these specific sites new housing developments proposed for 8 or more homes are required to deliver a minimum of 25% of affordable housing units. The only exceptions to this general requirement for affordable housing provision are for proposals which are located within a housing market area where The Council's HNDA studies indicate that there is a limited requirement. These housing market areas are identified in the Councils approved Local Housing Strategy and Strategic Housing Investment Plan, and currently comprise; The Island of Bute, including Rothesay and South Kintyre including Campbeltown and for a two year period Cowal, including Dunoon. The other exceptions are for proposals involving the conservation and conversion of a listed building or a significant building within a conservation area, where the provision of affordable housing would undermine the economic viability of the proposed scheme. Applicants will be required to provide evidence to demonstrate that scheme proposed is the minimum required to meet a verifiable conservation deficit that would allow conservation and reuse of the building.

1.4 Affordable housing can be delivered by a variety of means including social rented housing, mid-market rented housing, the payment of commuted sums and also the building of houses/apartments designed to meet the needs of first time buyers*.

** provided these are available at affordable levels as defined by the Councils Housing Need and Demand Assessment and within the lower quartile of the housing market of their respective housing market area.*

2. Policy Context

2.1 There is a need for high quality, energy efficient and affordable housing, in the right locations, to support our economic competitiveness, social justice and sustainable development. The Council, working in partnership with the private sector and housing agencies, is committed to ensuring that a decent home should be within the reach of every household. Whilst the responsibility for delivering this lies primarily with private developers, there are certain situations where, sufficient affordable housing may not be available to households drawn from the lower income groups.

2.2 Scottish Planning Policy establishes that the provision and retention of affordable housing is a legitimate planning concern. Local Development Plan policies and associated SG must be based on a robust assessment of local housing needs in each community to be undertaken in conjunction with the local Housing Authority. Based on this evidence, clear guidance must then be given on what constitutes affordable housing and the appropriate mechanism for securing it. Policies may provide for the retention of affordable housing for successive, as well as the initial occupants, and seek to reserve such properties for people falling within particular categories of need.

2.3 Suitable delivery mechanisms include the selective use of planning conditions, Section 75 and other legal Agreements and through partnership working with private developers and Registered Social Landlords (RSLs), for example, by promoting land in public ownership, the placing of rural burdens, or schemes that benefit from grant support. The Council's policy approach to affordable housing is set out in the Argyll and Bute Local Development Plan **Policy LDP – Supporting the Strength of our Communities – making them better places to live, work and visit**. Greater detail is provided in **SG LDP HOU 1 – General Housing Development Including Affordable Housing Provision**.

3. Needs Evaluation

3.1 The Local Development Plan sets out anticipated housing requirement figures, which for a ten year plan period suggest the need for the Local Development Plan to allocate sufficient land for an average of **475** new homes per annum across Argyll and Bute.

3.2 The Council must have regard for the proper operation of the development land market and the viability of housing schemes, which are undertaken by the private sector. In line with SPP and Pan 2/2010, it is concluded that an objective target of a minimum of 25% affordable housing provision should normally be expected, and in the context of Argyll and Bute that this should be applied to all developments comprising eight or more new homes located within those housing market areas which have been identified with affordability issues.

4. Definition of Affordable Housing

Categories of affordable housing have been defined in SPP and PAN 2/2010 as:

Social rented

- **Housing provided at an affordable rent** and usually managed locally by a RSL such as a Housing Association, Housing Co-operative, local authority or other housing body regulated by the Scottish Housing Regulator.

Subsidised low cost housing for sale

- **Subsidised low cost sale** - a subsidised dwelling sold at an affordable level. Discounted serviced plots for self-build can contribute. A legal agreement can be used to ensure that subsequent buyers are also eligible buyers. In rural areas this may be achieved through a rural housing burden.
- **Shared ownership** - the owner purchases part of the dwelling and pays an occupancy payment to a RSL on the remainder. The owner can buy percentages of 25%, 50% or 75% of the property;
- **Shared equity** - the owner pays for the majority share in the property with the RSL, local authority or Scottish Government holding the remaining share under a shared equity agreement. Unlike shared ownership, the owner pays no rent and owns the property outright.

Unsubsidised low cost housing for sale

- **Entry level housing for sale** - a dwelling without public subsidy sold at an affordable level. Conditions may be attached to the missives in order to maintain the house as an affordable unit to subsequent purchasers.
- **Shared equity** - the owner purchases part of the dwelling, with the remaining stake held by a developer.

Mid-market or intermediate rented

- Private rented accommodation available at rents below market rent levels in the area and which may be provided either over the medium or long term.

5. Mechanisms for Securing Affordable Housing

5.1 In order to secure the most appropriate affordable housing for each site a sequential approach will be applied to the delivery of affordable housing, in the following order:

1(a) the provision of affordable (social rented/shared equity) housing on-site

Or

1(b) the transfer of an area of serviced land on-site to a register social housing provider

Or - if this is not achievable for market, investment, location or other reasons:

2(a) the provision of affordable housing (social rented/shared equity) off-site within the same community or housing market area

Or

2(b) the transfer of an area of serviced land off-site to a Registered Social landlord (RSL)

Option 1 – On site provision

Where affordable housing is being provided on-site the units will either be built by or transferred to an RSL with the exception of discounted for sale, unsubsidised houses, student accommodation and approved private rented accommodation including housing for on-site workers. In such circumstances care should be taken to integrate the different parts of the development. The affordable houses should be similar in design and materials to the development of which it forms part – the objective will be that it is not possible to tell the different tenures apart from the external appearance of the houses.

The whole development should be completed within a similar timescale unless otherwise agreed and the land transferred for affordable housing should not be subject to any particular development constraints.

Where a Registered Social Landlord, to be nominated by the Council, is involved developers should enter into partnership / discussion with them at an early stage to ensure that the development will provide the type and size of affordable housing required to meet the needs in the area and that the Housing and Regeneration Division of the Scottish Government funding requirements are met.

The developer will be required to build an agreed number, type and mix of affordable housing units on site (to Housing for Varying Needs standards issued by the Housing and Regeneration Division of the Scottish Government) for subsidised sale or rent through an approved Registered Social Landlord. The housing must be sold at a price equal to the Housing and Regeneration Division of the Scottish Government benchmark costs in force at that time (less Registered Social Landlord on costs). Where the affordable element is to be delivered by the developer deadlines must be set for the delivery of the affordable housing relative to the timescale of delivery of the private housing.

Alternatively the land for the affordable housing element can be transferred to a RSL for them to develop. Developers will agree to transfer an area of serviced land for a valuation based on affordable housing only (as agreed by the District Valuer or an agreed chartered valuation surveyor) to an approved Registered Social Landlord. The valuation will be the residual valuation based on the Housing and Regeneration Division of the Scottish Government benchmarks less development costs.

Option 2 – Off Site Provision

In cases where on-site provision is unacceptable, the Council may be willing then to accept the provision of affordable housing off-site or the transfer of an area of serviced land off-site. The judgement as to whether off-site provision is acceptable will be based on a number of factors including the desire to achieve balanced communities, the individual site circumstances in terms of the location and accessibility, and any difficulties associated with its development.

If Argyll and Bute Council is prepared to accept the provision of the affordable housing

contribution off-site the developer will be required to build an agreed number, type and mix of affordable housing units on another site in the community that is under their control (to Housing for Varying Needs standards issued by the Housing and Regeneration Division of the Scottish Government) for subsidised sale or rent through an approved Registered Social Landlord. The housing must be sold at a price equal to the Housing and Regeneration Division of the Scottish Government benchmark costs in force at that time (less Registered Social Landlord on costs). Where the affordable element is to be delivered by the developer deadlines must be set for the delivery of the affordable housing relative to the timescale of the private housing. For the avoidance of doubt any provision of affordable housing off-site will be in addition to the affordable housing requirement relating to the alternative site,

OR

Alternatively the land for the affordable housing element can be transferred to a RSL for them to develop. Developers will agree to transfer an area of serviced land for a valuation based on affordable housing only (as agreed by the District Valuer or an agreed chartered valuation surveyor) to an approved Registered Social Landlord.

Where the options **1** or **2** are not available for market, investment, location or other reasons the following options can also be considered on an equal basis namely:-

Option 3 - Commuted Payment

3. Commuted Payment (Sum to be agreed by the District Valuer* for each Housing Market Area)

The use of commuted Payments may be acceptable only if there are no acceptable sites brought forward after following the sequential tests above. However given the limited nature of the funds available to provide affordable housing in Argyll and Bute the Council fully acknowledges the use of commuted payments may become increasingly common.

These payments will be used to enable off-site provision to make an equal and equivalent financial contribution to an affordable housing accumulator fund managed by Argyll and Bute Council to promote the direct provision of affordable accommodation with an approved Registered Social Landlord on other sites in the local housing market area. Income from this source will be identified in the local authority's Strategic Housing Investment Plan (SHIP) The commuted payment should be equivalent to the difference between the value of the affordable housing unit and the value of the equivalent private unit to ensure that the financial impact to the developer is the same as if the developer provided the affordable units on site. Where commuted payments are agreed, they will normally be payable at the same stage as on site

provision would have been required in order to ensure that the time lag between the supply of private housing and the affordable housing is minimised.

If the Council is unable to attract public funding for the provision of affordable housing within a five year period (from completion of the first private house) in the form of onsite or off-site provision, then the provision in relation to commuted payments will be invoked and the developer will be entitled to develop the remainder of the site for mainstream housing.

*To assist with this process the Council has commissioned the District Valuer to produce a set of valuations for each housing market area in Argyll and Bute, and these will be used to calculate standard levels of commuted payment which will be expected in lieu of onsite provision.

The level of commuted payment will be calculated so as to ensure that the pro rata financial burden is the same as on site provision. This is based on the Residual Land Value method, which means that the commuted sum is based on the value of the serviced land for general needs housing minus its value for affordable housing. Where a Landowner or developer is unhappy with the standard commuted payment levels, they may at their own expense request an individual valuation from the District Valuer, this will require an open book approach and be based on the residual land valuation method outlined above

Option 4 – Discounted low Cost Sale

4. Discounted low cost sale – a dwelling sold at a percentage discount of its open market value to households in the priority client group. Discounted serviced plots for self-build can also contribute, particularly in rural areas. A legal agreement can be used to ensure that subsequent buyers are also eligible buyers.

In rural areas this may be achieved through a rural housing burden under the Title Conditions (Scotland) Act 2003. The Rural Housing Burden (RHB) retains a pre-emption right to secure the affordability of land bought and the houses then built on it, so that successive local purchasers on modest incomes, who could not otherwise afford to compete on the open housing market, will be able to access a form of low cost home ownership in which the “subsidy” remained locked in forever. Local Housing Associations and Trusts are registered rural housing bodies which means they would be allowed to attach Rural Housing Burdens to the title of land sold.

Option 5 – Affordability by Design and without Subsidy

Housing without subsidy - non-subsidised affordable housing is likely to take the form of entry level housing for sale, some built at higher densities and with conditions attached to the missives designed to maintain the houses as affordable units to subsequent purchasers. Homes delivered without subsidy may be considered to fulfil part of the overall affordable housing requirement where it can be clearly demonstrated that they will meet the needs of, and be affordable to, groups of households identified through a housing needs assessment. These houses/apartments should be designed to meet the needs of first time buyers and be available at affordable levels as defined by the Councils Housing Need and Demand Assessment and within the lower quartile of the housing market of their respective housing market area.

6. Type, Design and Layout of Affordable Housing

6.1 The tenure split of affordable housing required will be informed by Argyll and Bute Council's Housing Needs Assessment and the Local Housing Strategy. Outwith these assessments the type of affordable housing required will be determined on a site-by-site basis and developers are encouraged to enter into early discussions with the Council who will advise on the type of affordable housing required.

6.2 The affordable housing component should be well-integrated into the overall development and have good linkages to surrounding services including public transport where available and usable public open space or green networks in our Main Towns. The range of house types included within the affordable element should reflect the composition of households in need identified through the Local Housing Strategy, common housing register and current local housing needs surveys.

6.3 Potential Developers should always aim to deliver an overall visual integration of affordable and market housing. There should not be a significant outward difference in the style of units or layouts between affordable and market housing. Affordable housing should wherever possible be indistinguishable from the general mix of other houses on the site in terms of architectural quality and detail.

7. Retention of Affordable Housing

7.1 In any of the above options for the delivery of affordable housing in Argyll and Bute the retention of affordable housing stock as such is a factor that will require careful consideration when securing affordable housing contributions from development proposals. Housing Associations are expected to provide the main mechanism for the delivery of affordable housing developments and the charitable status of many of these organisations is important in securing the long term availability of affordable housing.

7.2 Landowners and developers will not be permitted to evade the terms of this policy by artificial sub-division of landholdings since the terms of the Section 75 Agreement will be made binding on successive proprietors. Agreements will require the transfer of land, erection of buildings or financial payments for affordable housing purposes to be completed to a similar time scale to the non-affordable housing unless otherwise agreed with the Planning Authority.

8. Monitoring and Review

8.1 In an effort to ensure that the Local Development Plan policies, associated SG and specifically this supplementary guidance will deliver affordable housing the Planning Authority will monitor the use of this guidance in how it delivers affordable housing through the planning process. The Planning Service will publish an annual report on the number of affordable housing units delivered through the planning process as part of the Local Development Plan's monitoring. In addition, the Council will also endeavour to update its housing needs assessment on a regular and on-going basis.



Argyll and Bute Council
**Proposed Local
Development Plan**

**Maximising our
Resources
and Reducing
Consumption together**

Argyll and Bute Council
Development and Infrastructure
Director: Sandy Mactaggart



Chomhairle Earra-Ghàidheal is Bhòid
www.argyll-bute.gov.uk

SG LDP SERV 1 - Private Sewage Treatment Plants and Wastewater (i.e. drainage) Systems

Connection to the public sewer as defined in the Sewerage (Scotland) Act 1968 will be a prerequisite of planning consent for all development proposals in the main settlements identified in the plan with a population equivalent of more than 2000 and wherever significant development (large scale) is proposed.*

Elsewhere, connection to the public sewer will be required, unless the applicant can demonstrate that:

- (i) connection is not feasible, for technical or economic reasons, or
- (ii) the receiving waste water treatment plant is at capacity and Scottish Water has no programmed investment to increase that capacity; and
- (iii) the proposal is not likely to result in or add to existing environmental, amenity or health problems.

Planning consent for development with private waste water systems will only be allowed where proposals satisfy (i) or (ii) above, and satisfy (iii). Any such systems in areas adjacent to waters designated under EC Shellfish Directives 79/923/EEC or 91/492/EEC or Bathing Directives should discharge to land rather than water.

*In settlements where there is limited or no capacity for additional foul drainage connections to the public sewer, the Council may accept temporary drainage solutions provided that Scottish Water has programmed investment to upgrade the foul drainage system in that settlement and the proposed temporary system is acceptable to Scottish Water and SEPA.

Justification

The Council wishes to ensure that where practicable, all new development is drained to a public sewer. However, the Council recognises that within rural areas septic tanks and small wastewater schemes are essential for development. The aim of this policy is to ensure that septic tanks and other private foul drainage arrangements where permitted, are properly sited and have no adverse effects on the surrounding area, and in areas served by wastewater schemes, new development is

connected to the system where capacity allows. Applicants should note that the proliferation of septic tanks will be resisted through this policy. Further guidance on environmentally friendly methods of wastewater disposal is provided in the Sustainable Design Supplementary Guidance prepared by the Council. Applicants for wastewater systems are also asked to see the requirements of SG LDP SERV 2 and 3.

This SG conforms to:

- SPP (relevant paragraphs)
- Associated legislation
- LDP Key Objectives H and I.

SG LDP SERV 2 - Incorporation of Natural Features/Sustainable Drainage Systems (SuDS)

In accordance with Government Advice the Council will encourage developers to incorporate existing ponds, watercourses or wetlands as positive environmental features in development schemes. The Council will also require that canalisation or culverting, which can increase the risk of flooding and also greatly reduce the ecological and amenity value of watercourses are avoided wherever practicable and designed sensitively where unavoidable.

Sustainable Drainage Systems (SuDs) (see Glossary) provide benefits in terms of flood avoidance, water quality, habitat creation and amenity. Proposals for SuDs measures compliant with technical guidance will be required in relation to all development prior to determination.

Justification

This SG embraces two separate issues; the enhancement and protection of natural watercourses and the use and promotion of sustainable drainage systems. Rivers, burns, lochs, ponds and wetlands are important wildlife habitats forming an integral part of the Argyll and Bute landscape. In the past many have been buried under culverts in order to allow development and this has greatly reduced their ecological and amenity value. Where major new developments are planned the Council will seek

to encourage the retention of existing watercourses and the creation of buffer zones on development sites, to reduce the risk of flooding which can occur through the forcing of water through alternative/man made routes. The retention of natural watercourses also helps to protect and enhance biodiversity. SuDS should also be considered as a way of improving the landscape impact of the proposal. Developers are advised to undertake pre-application discussions with planning officers to address SuDS issues at the earliest stage of the proposal.

This SG conforms to:

- SPP – paragraphs 209-211
- PAN 61 (Sustainable Urban Drainage Systems)
- LDP Key Objectives H and I.

Background Information:

- The Water Environment (Controlled Activities) (Scotland) Regulations 2005
- The Water Framework Directive

SG LDP SERV 3 - Drainage Impact Assessment (DIA)

The Council will generally require developers to submit a Drainage Impact Assessment (DIA) with the following categories of development:

- (A) Development of six or more new dwelling houses;
- (B) Non-householder extensions measuring 100 square metres or more; AND,
- (C) Other non-householder extensions involving new buildings, significant hard standing areas or alterations to landform.

Developments excluded from the above three categories might also require a DIA when affecting sensitive areas such as areas affected by flooding, contamination or wildlife interest.

In all cases the Council will encourage the use of sustainable options for waste and surface water drainage.

Justification

The Council will require developers to submit a Drainage Impact Assessment (DIA) along with SuDS (see **SG LDP SERV 2**) as part of all significant new development proposals and for all proposals where there are contamination or flood risk issues. A DIA takes into consideration the impact of the proposed development on its catchment areas essentially with regard to flood risk and pollution.

This SG conforms to:

- PAN 69 (Planning and Building Standards Advice on Flooding)
- LDP Key Objectives H and I.

SG LDP SERV 4 – Contaminated Land

Where development is proposed at a site that is known to be contaminated, or at a site where there is a reasonable expectation of contamination, the applicant will be required to undertake a contaminated land assessment and implement suitable remediation measures before the commencement of any new use.

Justification

Under Part II of the Environmental Protection Act 1990, the Council is required to inspect land for contamination and to prepare a Contaminated land Strategy. Where the contaminated land is identified, the Council has a duty to secure its remediation. SEPA has a duty to regulate and secure remediation of "special sites".

Land may be contaminated by a wide variety of substances and materials in the form of solids, liquids or gases. Contaminants may be spread across a site, or concentrated in pockets; readily identifiable, or hard to detect. Contamination may give rise to hazards, which put people or the environment at risk. Land contamination is regarded as a material consideration when individual planning applications are considered. It is anticipated that the majority of contaminated land issues will be addressed through the normal planning process. It is therefore not impossible for contaminated land

to be developed, but appropriate measures will be required before the site can be re-used.

This SG conforms to:

- PAN 33 (Development of Contaminated Land)
- PAN 51 (Planning and Environmental Protection)
- LDP Key Objectives H and I.

SG LDP SERV 5 - Waste Related Development and Waste Management in Developments

(A) Development proposals and associated land use and operations shall conform with the Zero Waste Plan for Scotland and with the Area Waste Plan for Argyll and Bute;

(B) There is support in principle for waste related development which does not conflict with (C) below;

(C) Other than in exceptional circumstances there shall be resistance to waste related development involving:

1. the importation into and subsequent storage of radioactive waste products at any sites within Argyll and Bute;
2. large scale energy from, waste facilities in any location unless it complies with the objectives of the Area or National Waste Plan.
3. waste storage, sorting (for recycling) and collection facilities
 - of any scale in the Greenbelt, very sensitive countryside and of medium or large scale within the countryside zone (subject to settlement plan consistency) and rural opportunity areas;
 - of medium or large scale in settlement locations other than in business and industry areas or at other locations which are well separated from residential and other vulnerable land use;
4. the processing, recycling and disposal of waste (including landfill, composting and storage of waste for onward transportation) in the countryside zone bordering villages or minor settlements, or in the Green belt or Very Sensitive Countryside;

(D) A development under (C) above may be exceptionally supported if it is demonstrated that:

1. in the case of (C) 1 above, there is overwhelming and undisputed [8.4.2] community benefit and there being a persuasive environmental justification for the proposal having regard to environmental impact at the proposed location as well as at other considered alternative locations;
2. in the case of (C) 2, 3, and 4 above, the proposal can be treated as vital infrastructure and that there are no other more suitable sites available for the development within the planning area;
3. in the case of (C) 1-4 above, the proposal being consistent with (A) above and will not result in unacceptable environmental, bad neighbour, servicing or access impacts;

(E) Developments shall make effective land use and layout provision for the storage, separation, recycling, composting and collection of waste consistent with the following:

- (i) housing, commercial and institutional development shall make effective provision for the storage, recycling, composting where appropriate, separation and collection of waste from within the development site or when appropriate, from an appropriate roadside or other specified collection point or points (for onward reuse and recycling);
- (ii) in the case of detailed applications for medium or large-scale development, details of the arrangements for the storage, separation and collection of waste from the site or roadside collection point shall be submitted;
- (iii) this shall include provision for the safe pick-up by refuse collection vehicles.

(F) Safeguarding Waste Management Sites. The Council will seek to ensure that existing and proposed sites for medium to large scale* waste management facilities (as shown on the Proposals Maps) are protected as far as practicable from development that would prejudice a waste management use.

* development on sites exceeding 500m²

Scales of waste related development:

Large-scale waste related development -	Development on sites exceeding 0.25 hectares
Medium-scale waste related development -	Development on sites between 500m ² and 0.25 hectares
Small-scale waste related development -	Development on sites less than 500m ²

Justification

The Zero Waste Plan for Scotland sets out the national context and criteria for waste management. There is also an Area Waste Plan for Argyll and Bute Council. The sustainable approach to waste management as incorporated in the above is supported by this Local Development Plan.

This approach, for municipal waste management, involves segregated kerbside collection initiatives to collect recyclates; community composting and the development of mechanical biological treatment (MBT) plants to process waste into composted material; with residual waste disposed of at two landfill sites within Argyll and Bute (by Lochgilphead and near Dunoon) and at one site in the neighbouring West Dunbartonshire Council area to service Helensburgh and Lomond. The settlement plan components of this Local Plan for Lochgilphead, Dunoon/Sandbank and Helensburgh take account of these provisions.

Policy **SG LDP SERV 5** conforms to the above, and it further supports, conditions and resists waste related development having regard to the general capacity of the various settlement and countryside management zones to absorb such development. Requirements for waste management within development sites are also specified in the SG.

Due to the nature of waste operations and their particular requirements e.g. in terms of hydrology and geology, waste disposal sites require careful selection and are not easy to find. When suitable sites are identified they therefore require protection from inappropriate development that may prejudice the existing, or allocated, waste management use.

With regard to existing sites, this policy aims to safeguard permitted waste management

operations, which contribute to waste management in the Plan area (see Theme Diagram and Proposal Maps). Identification under this policy should not be taken to imply that additional planning permission would be granted. Further planning proposals will be determined having due regard to the policies, SG and criteria contained in the Local Development Plan, the National Zero Waste Plan and the local area waste strategy.

This SG conforms to:

- SPP – paragraphs 212 – 224
- LDP Key Objectives H and I

Background Information

- Argyll And Bute Area Waste Strategy
- National Zero Waste Plan

SG LDP SERV 6 - Private Water Supplies and Water Conservation

(A) There is support in principle for the use of private water supplies where a public water supply is not, or could not be made available. This support is subject to the private water supply being of adequate quality and quantity to serve the proposed development without prejudicing the lawful interests of neighbouring properties or land and water users. Applicants will be required to submit full details of the proposed private water supply arrangements with their application, including a report by independent and suitably qualified engineers demonstrating that the proposed water supply has sufficient capacity and quality to supply existing water users and the proposed new development.

(B) In addition, in those areas where Scottish Water advise (see Maximising Our Resources Theme Diagram in Written Statement) that there are on-going public water supply shortages. All developments that require water supplies for either human or animal consumption, or for other processes or activities relating to industrial or commercial activities shall require to demonstrate the incorporation of water conservation measures such as rainwater harvesting or the re-use of grey water.

Justification

In Argyll and Bute many properties are served by a private water supply due to a lack of a public system. While water supply development is generally compatible with most locations a new private water supply will not generally be supported where a public water supply is available. Where there is no other option other than a new private water supply the Council will ensure that there is sufficient capacity and quality to meet the anticipated demand of the new development. Care must also be taken that new development will not have an adverse impact on existing private water supplies. This approach will reinforce the delivery and maintenance of effective and high standards of water supply services.

The Council will continue to work in partnership with Scottish Water and SEPA to increase the availability of public water supplies to meet projected needs. However, there are areas within Argyll and Bute where the public water supply remains constrained and it is therefore appropriate to ensure that new development minimises, where practicable the abstraction from the public water supply through water conservation measures such as rainwater harvesting and the re-use of grey water.

This SG conforms to:

- SPP
- LDP Key Objectives H and I

Additional Supplementary Guidance Minimising Water Consumption

Argyll and Bute Council will expect applications for development in areas where Scottish Water advise there are on-going public water supply shortages that they should incorporate a range of water conservation measures designed to reduce mains water usage. In most circumstances it should be practicable to include measures to achieve a minimum standard of internal potable water consumption of no more than 120 litres per day per person in all residential developments. In office developments it should be practicable to include measures to ensure that water consumption is reduced to an average of 3m³ per person/year.

Where this cannot be achieved, evidence will be required to demonstrate that full consideration has been given to the potential for the use of water saving measures including the use of reclaimed water through the inclusion of rainwater collection and greywater recycling systems.

While Argyll and Bute has a high rainfall in comparison to many parts of the UK a number of areas experience potable water shortages in the summer months where visitor numbers increase. This is a particular problem in our island communities of Mull, Tiree and Islay where the shortage of potable water has constrained growth in the past and limited the capacity of businesses to produce their products.

This situation is likely to increase given the unpredictability of the weather due to the growing impacts of climate change and the demand for new households and new business activity.

To cope with this increased demand for water new developments should seek to use water more efficiently. In addition, although it is not usually factored into the carbon footprint for a building, the amount of energy used to purify water is predicted to increase due to more exacting environmental standards being introduced, with the resulting CO₂ emissions also contributing to climate change.

The prudent use of natural resources means ensuring that we use them wisely and efficiently in a way that respects the needs of future generations. Planning policies should seek to minimise the need to consume new resources over the lifetime of the development by making more efficient use of existing resources, rather than making new demands on the environment, this should include policies relating to the sustainable use of water resources.

A number of measures can be incorporated into developments in order to minimise water consumption, including:

- 6/4 Dual flush WC systems;
- Flow reducing / aerating taps throughout;
- 6-9 litres per minute shower (average electric shower uses 6/7 litres per minute);
- Water meters;
- 18 litre maximum volume dishwasher; and
- 60 litre maximum volume washing machine.

Rainwater harvesting

On average around 200 litres of rainwater fall on the roof of a 100m² house each day in the UK. In residential developments, the provision of water butts and/or community storage facilities to collect rainwater is a simple and low cost measure.

On new developments where collecting and reusing water is feasible, in the areas subject to water shortages, developments the council will welcome applications that include water-saving facilities in the proposed development. These may include:

- Water Butts to all downspouts where appropriate, including any outbuildings such as garages or garden buildings where designed in to a scheme. Water butts can become blocked with slime / debris and should be cleaned at least annually;
- Underground water storage tanks for rainwater collection that could be used for many greywater uses in the development; and Retention ponds as a rainwater storage facility.

Reclaimed Water

Reclaimed water refers to the use of rainwater and grey water for non-potable uses such as the flushing of toilets and outdoor water use such as watering the garden. To facilitate the best use of reclaimed water the introduction of a separate or dual supply system is encouraged where these are feasible. The public has a general expectation of a single supply of drinking quality water.

Changing perceptions to accept the use of dual systems with a separate supply of much lower quality water will not be easy. However, although this is key to the success of the full use of reclaimed water, there are still some issues in relation to control and maintenance, as some grey water may contain contaminants. For example, there can be blockage problems reusing bath water and kitchen water should never be reused due to detergents, food particles and grease. Furthermore, at the current time grey water and rainwater recycling systems are expensive to purchase. The council does not therefore expect to see full dual use systems, but there are a number of much easier quick-win systems that will be expected.

SG LDP SERV 7 - Flooding and Land Erosion – The Risk Framework for Development

Flooding

Development on the functional flood plain will be considered contrary to the objectives of this plan. In exceptional circumstances, where land is required to facilitate key development strategies which come forward through the Local Development Plan process, land raising may be acceptable provided effective compensatory flood storage can be demonstrated and the objectives of the EU Water Framework Directive are not compromised in so doing. Where redevelopment of existing brown field sites at risk from flooding is proposed, the planning authority will take into account the impact on flood risk elsewhere and the mitigation measures proposed.

Guidance on the type of development that will be generally permissible within specific flood risk areas is set out below. However it should be noted that in all cases where the potential for flooding is highlighted, the planning authority will exercise the 'precautionary principle' and refuse development proposals where such proposals do not comply with parts (A); (B); (C); (D) and (E) as set out below and/or on the advice of the Scottish Environmental Protection Agency (SEPA).

(A) All types of development within "little or no risk areas" (of less than 1:1000 annual probability of Flooding) are acceptable in terms of this policy unless local circumstances dictate otherwise;

(B) All types of development, excluding essential civil infrastructure, within "low to medium risk areas" of between 1:1000 and 1:200 annual probability of flooding) are acceptable in terms of this policy unless local circumstances dictate otherwise;

(C) Within “medium to high risk areas” (1:200 or greater annual probability of flooding) only those categories of development indicated in (C) (i), (ii) and (iii) may be acceptable.

- (i) Residential, commercial and industrial development within built-up areas providing flood prevention measures to the appropriate standard (1:100 year return period) already exist or are under construction. Water resistant materials/ construction together with a suitable freeboard allowance as appropriate;
- (ii) Development on undeveloped and sparsely developed areas within the functional flood plain and comprising:
 - Essential development such as navigation and water based recreation use, agriculture and essential transport and some utilities infrastructure; and an alternative lower risk location is not achievable;
 - Essential infrastructure should be designed and constructed to remain operational during floods.
 - Recreational, sport, amenity and nature conservation uses providing adequate evacuation procedures are in place;
 - Job related residential use with a locational need;
 - In all cases loss of storage capacity in the functional flood plain is minimised and suitably compensated for, and any such measures would not compromise the objectives of the EU Water Framework Directive. Where compensatory flood water storage is deemed necessary it should be designed to provide like for like storage, that is volume for volume and level for level.
 - In all cases new development should not add to the land which requires protection by engineered flood prevention measures.

(iii) Development, which is in accord with flood prevention or management measures as specified in association with a Local Development Plan Allocation or development brief.

Land Erosion

(D) Within land erosion risk areas, new development, other than the categories specified in (D) (i) and (ii) shall be resisted; exceptions may be made if the proposal successfully demonstrates that the level of risk is acceptable having regard to the nature of the development proposed, operational considerations and land erosion remedial measures.

- (i) Development which is ancillary to an existing lawful use or involves a building replacement, alteration, extension or provision of minor access works;
- (ii) Development that is in accord with land stabilisation measures as specified in association with a local plan Allocation or development brief.

Risk Appraisals

(E) Flood Risk Assessments, Drainage Impact Assessments*, or land Erosion Risk Appraisals shall accompany development applications when required by the Planning Authority, in consultation with the Scottish Environment Protection Agency (SEPA). This requirement shall have regard to information held by the Planning Authority on its Flooding and Land Erosion Trigger Maps and to awareness of potential for flooding, including the possible effects of climate change, or land erosion risks associated with the specific development proposed and its impact on the site and where there may be an increased risk to neighbouring properties.

*See SG LDP SERV 3

Justification

Due to climate change it is becoming increasingly difficult to predict whether potential development sites will be subject to flooding or not. With increasing rainfall, higher storm frequency and rising sea levels, the threat of flooding is increasing from a variety of sources.

In the past the known incidences of significant flooding in Argyll and Bute have largely coincided with town centre waterfronts. Other flooding areas have been associated with wind driven tidal incursion; inadequate culverts that are vulnerable to being blocked and on tightly confined flood plain areas bordering river courses. Land liable to erosion, landslip or subsidence is also a material planning consideration. In Argyll and Bute, these conditions are mainly associated with coastal erosion (e.g. in the vicinity of sand dunes and machair) or with increased risk of landslip on the A83 at the Rest and be Thankful or weathering (e.g. at Gruline on Mull).

Argyll and Bute Council requires a "flood risk assessment" to be submitted with planning applications for vulnerable development categories likely to be significantly at risk from flooding as indicated by a trigger map. This trigger map is based on SEPA's annual probability of 1:200 supplemented with any relevant local knowledge on flooding issues. The Statement on Planning Policy (SPP 7) on Planning and Flooding also introduces a "risk framework" based on:

- Little or no risk area less than: 1:1000 annual probability.
- Low to medium risk area: 1:1000 – 1:200 annual probability.
- Medium to high risk area: 1:200 or greater annual probability

In tune with this framework the Council will consult with SEPA before granting planning permission where it appears to then that the development is likely to result in a material increase in the number of buildings at risk of being damaged by flooding. This framework is the basis of the flooding element of **SG LDP SERV 7**. In all cases where there may be a flood risk the Council will take a 'precautionary approach' when assessing development proposals under this policy.

In the case of land erosion, the trigger maps have been founded on known events and local knowledge and do not require the more sophisticated approach appropriate to the management of flooding. This is reflected in the wording of **SG LDP SERV 7**.

The nature of the proposed development will be a material consideration when the Council determines applications. In certain cases, raised floor levels or other flood resistant construction methods may render flooding an acceptable risk. However, for developments intended for, say, elderly or infirm users, or where impermanent structures such as residential caravans are involved, the risks are different in nature and less likely to be acceptable:

As a guideline, these predicted flood events are considered appropriate for excluding the particular forms of development proposal from areas at risk:

- Developments whose occupants may be particularly vulnerable in the event of a flood (e.g. sheltered housing, homes for the disabled) should avoid the 1 in 1,000 year (0.1% chance in any year) flood event.
- Developments whose main occupiers are children, or adults who may be unfamiliar with escape routes (e.g. children's homes, schools, hotels, hostels) should avoid the 1 in 750 year (0.13%) flood event.
- Developments including buildings with occupied basements should avoid the 1 in 750 year (0.13%) flood event.
- Developments including ground floor flats or bungalows without roof openings should avoid the 1 in 500 year (0.2%) flood event.
- Developments of residential caravans should avoid the 1 in 500 year (0.2%) flood event.
- Developments near 'young' rivers, with steep gradients and small catchments (<10 km²) should avoid the 1 in 500 year (0.2%) flood event.
- Developments including bungalows with roof openings should avoid the 1 in 300 year (0.33%) flood event.

- Developments of any other residential accommodation should avoid the 1 in 200 year (0.5%) flood event.
- Developments of caravans for seasonal occupancy (warning notices to be provided) should avoid the 1 in 50 year (2%) flood event.

Based upon the 'insurance template' – Association of British Insurers.

This SG conforms to:

- PAN 69 (Planning and Building Standards Advice on Flooding)
- SPP – paragraphs 196 - 208
- The Flood Risk Management (Scotland) Act 2009
- LDP Key Objectives H and I.

SG LDP SERV 8 - Development in the Vicinity of Notifiable Installations

Proposed developments that are to be located within the Safeguarding Zones of Notifiable Installations will require the Planning Authority to formally consult the Health & Safety Executive to assess the risk to the proposed development. Dependent upon the nature, scale and location of development relative to the Notifiable Installation, the Council may seek to refuse applications for development based on advice given by the Health & Safety Executive.

Justification

The area covered by this Plan contains a number of installations handling notifiable substances. Whilst they are subject to stringent controls under existing health and safety legislation, it is also a requirement of EU Directive 96/82/EC (Seveso II) to control the kind of development permitted in the vicinity of these installations. In determining whether or not to grant planning permission for a proposed development within these consultation distances, the Planning Authority will consult with the Health & Safety Executive about risks to the proposed

development from the notifiable installation. This will take into account the requirements of the Seveso II Directive to maintain appropriate distances between establishments and residential areas, areas of public use and areas of particular natural sensitivity or interest, so as not to increase the risks to people.

In the interests of clarity and accuracy notifiable sites and their respective safeguarding distances are shown in the Supplementary Information and Guidance document (SIG) that accompanies this Plan.

This SG conforms to:

- Background Information:
- EU Directive 96/82/EC (Seveso II)
- LDP Key Objectives H and I

SG LDP SERV 9 – Safeguarding Better Quality Agricultural Land

Argyll and Bute Council expects new development proposals to minimise the loss of good quality agricultural land including better quality in-bye land and croft land. Consequently, in all development management zones new development proposals will not be supported where it would result in:-

- (A) the loss of better quality agricultural land;
- (B) the fragmentation of field systems;
- (C) the loss of access to better quality agricultural land.

If proposals do not meet the above criteria they will only be deemed acceptable where the applicant can adequately demonstrate that:-

- (D) there exists a proven and justified significant economic, environmental or social wider community interest to allow the development to proceed; And
- (E) there is no alternative viable land outwith the in-bye or croft land concerned for the development to proceed.

Justification

Argyll and Bute has a very limited supply of good quality agricultural land and efforts need to be made to safeguard it to help ensure our future food security, reduce our carbon footprint and assist in the further development of our economically important food and drink industry. As a consequence Argyll and Bute Council seeks to protect our better quality agricultural land, including in-bye or croft land, particularly where there are opportunities to develop poorer quality land in the same community. An exception to this approach can be taken where the applicant concerned can fully justify the loss of better quality agricultural land where wider economic, environmental and/or social benefits can be delivered to the same community.

This SG conforms to:

- NPF2
- SPP
- LDP Key Objectives D, H & I

SG LDP – Climate Change

- (A) The Council will engage with developers to deliver well designed, sustainable buildings and high-quality environments suitable for low-carbon living in a changing climate.
- (B) In determining new planning applications, the Council expects proposed new development to be designed to contribute to achieving national targets to reduce greenhouse gas emissions by:
- supporting innovative, well designed sustainable buildings that incorporate renewable technologies and/or seek to minimise energy use;
 - using landform, layout, building orientation, massing and landscaping to reduce likely energy consumptions;
 - using the layout, density and mix of development to support identified opportunities for decentralised energy;
 - connecting to an existing decentralised energy supply system where there is capacity to supply the proposed development, or by being designed for a future connection where there are firm proposals for such a system;
 - providing public or private open space as appropriate so that an accessible choice of shade and shelter is offered, recognising the opportunities for people, biodiversity, flood storage and carbon management provided by multi-functional green spaces and green networks.
 - give priority to the use of sustainable drainage systems (SuDS), paying attention both to the potential contribution to water harvesting to be gained from impermeable surfaces and to layouts that accommodate waste water recycling;
 - support sustainable waste management by providing space for recycling and composting;
 - by reducing the need to travel by steering significant scales of development to our larger settlements, by implementing green travel plans and ensuring connections are made to existing or new active travel routes;

- ix) providing for safe and attractive walking and cycling opportunities, secure cycling, parking and, where appropriate, showers and changing facilities; and
- x) managing the provision of car parking including the need for zero parking in town centre locations for specified scales of development;
- xi) be designed to avoid adding to the vulnerability of existing or other proposed development to impacts arising from changes in the climate.

(C) In assessing proposals account will be taken of Policy LDP PROP 1 – SUSTAINABLE DEVELOPMENT and all other Policies and SG in the LDP that support or define these principles.

Justification

Modern climate change is dominated by human influences, which are now large enough to exceed the bounds of natural variability. The main source of global climate change is associated with increased energy use through the heating and lighting of buildings, the movement of goods and people and land use changes. While there is still considerable uncertainty about the rates of change that can be expected change is already impacting on the way we live our lives in Argyll and Bute. Anthropogenic climate change is now likely to continue for many centuries. We are venturing into the unknown with climate, and its associated impacts could be increasingly disruptive. It is therefore prudent that we take account of this when considering planning applications for new development and at the same time look to minimise additional costs to potential developers

Section 44 of the Climate Change (Scotland) Act 2009 requires all public bodies to act:

- in the way best calculated to contribute to the emissions targets in the Act,
- in the way best calculated to help deliver the Government's climate change adaptation programme, and
- in a way that it considers is most sustainable.

Land use planning has a major role in both the mitigation of the causes of climate change and the adaptation of the built and natural

environment to both the short and long term impacts. The LDP plays a pivotal role in setting out a range of policies that contribute towards meeting these climate change objectives.

This SG conforms to:

- SPP – paragraphs 41-44
- Climate Change (Scotland) Act 2009
- LDP Key Objectives H and I.

Minerals

SG LDP MIN 1 – Safeguarding of Mineral Resources

Development likely to sterilise workable mineral reserves will be refused unless:

- (A) There is no alternative site for the development; AND,
- (B) The extraction of mineral resources will be completed before the development commences.

Justification

The Council aim is to ensure mineral resources are not unnecessary sterilised or made impractical to work where they will contribute toward a land-bank of mineral resources.

SPP paragraphs 225, 226 and 228 require that development unrelated to mineral extraction shall not sterilise areas of significant workable reserves in order to safeguard valuable and finite natural resources. They are important in terms of their end use and for employment opportunities they create. It is therefore important that the sterilisation of this resource is avoided, wherever possible.

This SG conforms to:

- SPP Paragraphs 225,226, and 228
- LDP Objectives H and I.

SG LDP MIN 2 – Mineral Extraction

There will be a presumption against the re-opening of abandoned works, new or extended quarry developments, where adequate permitted reserves already exist. Applications for planning consent will only therefore be considered where:-

- (A) The applicant can successfully demonstrate an exceptional local* need for the specific mineral type and quality to be extracted; OR,
- (B) The applicant can successfully demonstrate that the proposal is to satisfy export demands for specialised minerals beyond the boundaries of Argyll and Bute and is consistent with national mineral policy;
- (C) Planning permission is limited to a period appropriate to the circumstances of the site and workings with the initial grant of consent not exceeding 20 years, unless varied by the planning authority;
- (D) The proposal would result in less environmental impact than an extension to an existing authorised extraction site within the same Planning Area;
- (E) The proposal is consistent with all other Local Development Plan policies and SG.

All applications for mineral extraction will require to be submitted in detail and include proposals for phased land restoration, after-care and after-use, community liaison and annual reporting. Section 75 Agreements and Financial Bonds may also be used in certain circumstances.

Where the Planning Authority considers a proposal is likely to create a significant impact in terms of its nature, size (medium to large scale developments) or location the applicant will be required to submit an Environmental Impact Assessment as part of the planning application.

Applications for the extension or renewal of mineral workings will also be required to submit an audit of the existing workings and its programme of closure, reinstatement and after-care.

* Local need is defined as being for the predominant use within a 30 mile radius of the extraction site, or in the case of islands on the same island or within 30 mile transportation distance by road in the case of larger islands.

Scales of Mineral Extraction:

Small Scale	Not exceeding 800m ³ and not exceeding 20 metres on the longest edge of the site and not exceeding 2 metres in extraction depth.
Medium and Large Scale	Exceeding 800m ³ or exceeding 20 metres on the longest edge of the site or exceeding 2 metres in extraction depth.

Justification

The Monitoring Report has identified that there is a considerable supply of hard rock and peat available in Argyll and Bute but a shortfall in the supply of sand and gravel. This situation has recently been improved with a number of new sand and gravel works at Benderloch, Tiree and Cowal.

Consequently it is not anticipated that there will be a significant need for additional sites during the life of this LDP.

That said there is also a need to conserve and make best use of this resource wherever practicable and help reduce demand further by recycling wherever possible and find alternative materials.

There is therefore a presumption against mineral extraction development in most locations and circumstances in Argyll and Bute under the terms of **Policy LDP Maximising our Resources and Reducing Our Consumption** and supplementary guidance **SG LDP MIN 2 – Mineral Extraction**. This reflects the current availability of supply together with the fact that most landscapes in Argyll and Bute are vulnerable to the adverse visual impact that is generally associated with mineral extraction.

If new extraction proposals are going to be approved an exceptional case shall be required to be demonstrated justifying the proposal. This case requires to be founded on a demonstration of a specific local need (i.e. local road reconstruction) or an exceptional export demand for a specific type and quality of material. In the case of commercial peat extraction, this plan only supports planning applications where the

extraction is to directly serve a local industrial process such as whisky production.

When considering what exceptional local need circumstances are required to justify a new mineral extraction, a number of factors need to come into play. The most significant of these is the island and extended peninsular geography of Argyll and Bute. Within this dispersed area mineral resources and markets are distributed widely. This adds substantially to mineral transportation and associated road maintenance costs and the impact on the general environment. It also reinforces pressures for local mineral supply to meet demand emanating from relatively localised areas and economies. Local need has therefore been defined as being for the predominant use within a 30 mile radius of the extraction site, or in the case of islands on the same island or within 30 mile transportation distance by road in the case of larger islands*. Furthermore, this approach recognises that the island and peninsular geography concentrates environmental capacity issues into relatively small and localised areas.

** mineral transportation distance by road from Mineral Products Association website Nov 2012*

This SG conforms to:

- SPP Paragraphs 225 to 235
- LDP Key Objectives H and I.



Argyll and Bute Council
**Proposed Local
Development Plan**

**Improving our
Connectivity and
Infrastructure Together**

Argyll and Bute Council
Development and Infrastructure
Director: Sandy Mactaggart



Chomhairle Earra-Ghàidheal is Bhòid
www.argyll-bute.gov.uk

SG LDP TRAN 1 – Access to the Outdoors

(A) Development proposals shall safeguard and enhance public rights of access to the outdoors including; Core Paths, Launching Points, claimed Public Rights of Way, identified safe routes to school, Long Distance Routes, walking paths, cycle ways, equestrian routes, trod earth paths, waterways and significant areas where there are wider rights of public access under the Land Reform (Scotland) Act 2003 (LRSA) i.e. woodlands, agricultural land, the foreshore and fresh water loch shores;

(B) Where development would have a significant adverse effect upon the public access interests identified in (A) alternative access provision will be sought at the developer's expense either by diverting the route or incorporating it into the proposed development in a way that it is no less attractive, safe or convenient for public use. Unless such appropriate provision can be made, the development will be resisted.

(C) The Council will require the developer to submit an Access Plan for all developments that involve; the construction of new buildings, tracks and roads, structures or the enclosure of land. This should show all the existing paths and tracks on the site, together with proposed public access provision after completion of the development. This should include links to the existing path networks and to the surrounding area as well as launching points and access to the foreshore or water where appropriate. For larger developments close to settlements a phased approach may be required to the management of access during construction.

(D) The Developing Core Paths Plan, claimed Public Rights of Way and public rights of access to land and water under the LRSA will be material considerations in considering planning applications. Where development proposals on, or close to, land where the Core Paths Plan has identified an Aspirational Core Path, the developer will be expected to incorporate it into the overall design layout of the site and build the path to an agreed standard or reserve sufficient land to allow a path to be constructed at a later date.

(E) Where there is development close to the foreshore or a loch side a strip of land four meters wide should be provided between the shore and any area from which the developer intends to exclude the public such as a garden or industrial area. Where there is a pier or other structure that will obstruct access along a foreshore or loch side a reasonable means of passing by the obstruction should be provided to allow the public to exercise their right of access along the shore.

Justification

Statutory access rights under the Land Reform (Scotland) Act 2003 apply to most land and inland water in Scotland, underpinning opportunities for outdoor recreation. Planning authorities should consider access issues and should protect core and other important routes and access rights when preparing development plans and making decisions on planning applications.

The opportunity for outdoor recreation is a key selling point of the Argyll & Bute tourism product and is an important factor in the health and wellbeing of our communities, in addition it can be a key factor for employers wishing to attract and retain key staff. The Land Reform (Scotland) Act 2003 established access rights to most land and inland water for everyone in Scotland. People only have these access rights if they exercise them responsibly by respecting people's privacy, safety and livelihoods and Scotland's Environment. The Council has a legal duty to protect and assert public rights of access to land and water as well as Public Rights of Way when determining Planning Applications.

To aid the Council in meeting the provisions of the Land Reform Act, the Council has produced a Core Path Plan, which identifies the paths that communities value the most and places where they launch canoes and kayaks, in time, this will be adopted as Supplementary Guidance (SG) (SG LDP CPP 1) to this Plan.

The development of a network of accessible paths will benefit residents of and visitors to Argyll & Bute supporting more active, healthier and independent lives. It will ensure that the places where we live, work and visit are well planned, safer and successful, meeting the needs of our communities. The Core Paths Network will

also help to realise the full potential of our outstanding natural environment.

The Core Paths Plan also identifies Aspirational Paths that communities have expressed a desire to see improved to Core Path status. More detailed guidance will be provided on the delivery of improved public access through additional supplementary guidance in due course.

Long Distance Routes provide significant economic benefits to local communities along their routes and will be safeguarded. The Council will seek to enhance existing and proposed long distance routes and their settings. The routes of the paths have been identified in the Connectivity theme diagram in the Written Statement. Consideration will be given to developing/ improving further strategic multi user routes both inland, on water and along the coast with due regard to the impact on the Natural Heritage features along these routes.

SCHEDULE A

Existing Long Distance Paths/Routes

- Cowal Way
- Kintyre Way
- National Cycle Network
- Three Lochs Way
- West Highland Way
- NCN routes (7, 75 and 78)

Proposed Routes

- Canoe Trails Loch Awe and Crinan Canal
- Craignure to Fionnphort Path
- Dumbarton to Helensburgh Cycle Path
- Tyndrum to Oban Cycle Route
- John Muir Way

Part of the planning response to this issue is to ensure that developments avoid prejudicing public rights of way and core paths including public access on to and along coastal areas or along loch shores. SG LDP TRAN 1 sets out criteria for assessing development proposals in this regard. Where these involve access to the foreshore, reference should also be made to **Policy LDP CST 1 - Coastal Development** and the associated SG.

Foreshore in this context means the natural foreshore between the mean high and low water springs. The Council is required to protect public access rights to and along the foreshore for all non-motorised users. When alternative or modified public access is required in response to development proposals, this provision may require to be underpinned by planning conditions or a formal Section 75 Planning Agreement. Paths may include, roads both adopted and private, footways, surfaced paths, un-surfaced paths, metalled forestry and farm tracks, trod earth paths which indicate an existing level of public use along a desire line or any other structure designed to facilitate access as defined by the Land Reform (Scotland) Act 2003 Section 6(2).

It should be noted that the Council's duties to protect and assert public rights of access do not override its other functions. For example, when considering planning applications for development on land over which access rights are exercisable it is still possible to give consent for developments. However, where appropriate, the Council will consider attaching suitable planning conditions to enable them to ensure reasonable continuing public access to and from the development site as well as around and across it.

This SG conforms to:

- Land Reform (Scotland) Act 2003
- Scottish Planning Policy paragraphs 103, 149-150
- Argyll & Bute Finalised Draft Core Paths Plan 2011

SG LDP - TRAN 2 - Development and Public Transport Accessibility

(A) Development proposals which are likely to generate significant levels of journeys between places of residence, shopping, employment, leisure and social facilities, shall have regard to selecting and orientating development sites such that advantage can be taken of existing or potential public transport services to and from the locality;

(B) Development shall make appropriate internal layout provision for encouraging pedestrian and cyclist access, linking the development with public transport facilities and routes or with locations that contain such facilities e.g. town centres;

(C) When considered appropriate by the planning authority developers will be asked to submit an independent transport impact assessment and/or green transport plan to help justify their proposal.

Justification

Public access between places of residence, shopping, employment, leisure and social facility can be further encouraged by ensuring that development proposals take sufficient account of access to public transport, both in terms of site selection and site-layout provision. The settlement plans that form part of this Local Development Plan (see the Proposal Maps) have sought to locate development, which has a relatively high demand for public transport, within easy reach of frequent journey destinations such as town centres or else within easy reach of existing or potential public transport routes. In certain circumstances developers will also be asked by the Planning Authority to submit an independent transport impact assessment and/or green transport plan to help justify their proposal.

Accordingly, the focus of this policy is on the following large-scale categories of development:

Large-scale Categories of Development	
Large-scale housing development	31 or more dwelling units.
Large-scale shops	gross floor space exceeding 1,000m ²
Large-scale business and industry development	gross site area exceeding 2 ha.; or building volume exceeding 5000m ³ gross.
Large-scale leisure or tourist developments	gross site area exceeding 2 ha.; or letting units exceeding 30; or building volume exceeding 5000m ³ .
Large-scale community facilities	gross site area exceeding 2 ha.; or gross floor space exceeding 1000 m ² .

Reference in SG LDP TRAN 2 to public transport services and facilities relates mainly to train, bus and ferry services.

This SG conforms to:

- SPP
- PAN 75 (Transport and Planning).
- LDP Key Objectives G, H and I.

SG LDP TRAN 3 - Special Needs Access Provision

(A) Development proposals, will be expected to make appropriate provision for:

1. Safe separation of pedestrian and vehicular traffic;
2. Access to open space, recreational and play space facilities and along desire-lines, including links to off-site destinations such as town centres, schools and recreational paths, as appropriate;
3. Cycle-ways and cycle-parking facilities where these form part of a green transport plan;
4. Walkway and access facilities designed for use by the disabled, older people, the infirm, the very young and parents with prams, including effective lighting provision as appropriate to the scale of the development and its location;
5. Access requirements shall comply with the Disability Act and equalities legislation.

(B) All Developments shall make suitable provision for service vehicle (including emergency services) access and turning.

Justification

There are various aspects of special needs access provision that require to be considered when selecting sites and arranging development layouts. These include public transport accessibility addressed by **SG LDP TRAN 2** and special needs access is also given particular emphasis by this plan in **SG LDP TRAN 3** above.

This SG addresses the special needs of the disabled, older people, the very young, pedestrians, and cyclists. Reference should also be made to **SG LDP HOU 3** which addresses special needs provision in housing development.

This SG Conforms to:

- SPP
- LDP Key Objectives F, H and G.

SG LDP TRAN 4 - New And Existing, Public Roads And Private Access Regimes

Acceptance of development utilising new and existing public roads and private access regimes.

(A) Developments shall be served by a public road (over which the public have right of access) except when:

1. The new private access forms an individual private driveway serving single user developments;
2. The new private access serves a housing development not exceeding 5 dwelling houses;
3. The new private access serves no more than 20 units in a housing court development;
4. The new private access serving commercial or institutional developments will not in the view of the Planning Authority, generate unacceptable levels of pedestrian or vehicular traffic;

(B) In the case of new public roads the new road shall be constructed to a standard as specified in the Council's Roads Development Guide. Such a standard will be reflective of the development's location i.e. in a settlement, in a rural or remote rural situation, or in a Conservation Area.

(C) In the case of a new private access it shall be constructed to incorporate the following minimum standards to function effectively and safely.

1. Adequate visibility splays, to the satisfaction of the Area Roads Engineer, shall be provided at the access's junction with the public road network.
2. The access shall be graded to prevent surface water run off onto the public road and be of a minimum width of 4.5 metres for a distance of 10 metres from its junction with the public road (the first 5 metres of which shall be surfaced in bituminous material). The remaining length of the access shall have a minimum width of 3 metres along its length (minimum of 3.7 width from wall to wall) from the public road to the development site;

3. The access must be formed with dropped kerbs and have a strong physical definition to indicate the nature of the layout to the driver and that it is a private area;
4. A turning head capable of accommodating service and emergency vehicles shall be provided either within the development site or attached to the access in a position no closer to the public road than the development site;
5. Where appropriate, the provision of intervisible passing places.

(D) Where a site is served by an existing private access regime (i.e. private road or access) and this is considered to be of such a poor standard as to be unsuitable for additional vehicular traffic the Planning Authority may consider the proposal unacceptable, unless the applicant can either;

- (i) Secure ownership of the private road or access to allow for commensurate improvements to be made to the satisfaction of the Planning Authority; OR,
- (ii) Demonstrate that an appropriate agreement has been concluded with the existing owner to allow for commensurate improvements to be made to the satisfaction of the Planning Authority.

Where an existing private access regime is considered to be of such poor standard as to be unsuitable for additional vehicular traffic and is not capable of commensurate improvements the proposals will be resisted by the Planning Authority unless the private access regime is brought up to a full adoptable public road standard as directed in the Council's Road Development Guide.

Justification

SG LDP TRAN 4 refers to standards appropriate for road construction consent. These can currently be found in the Council's Roads Development Guides.

Development and Public Roads

Under the Roads (Scotland) Act 1984, a road construction consent is required for the provision

of any access along which the general public will have a right to use. Within most developments it is therefore appropriate for road construction standards to be applied where there is a general right of access by the public (both vehicular and pedestrian).

That said, in some limited circumstances, particularly in the more rural areas of Argyll and Bute, it may also be appropriate to limit public access by allowing the construction of an unmade private road or access. This approach may also bring benefits to applicant by helping to reduce initial development costs and to the environment by allowing a less suburban design solution that requires metalled road surfaces, pavements and lighting.

Development and Private Ways and Accesses

When considering the circumstances when it may be appropriate to accept a development being served by a private road or access. A number of principles guide these considerations these include:

- a) Private access regimes should not result in significant barriers to and discontinuity of public access across settlements or between settlements, countryside and coast.
- b) Private access regimes should be fit for purpose and become less appropriate in urban areas and in circumstances when serving development that generates substantial levels of pedestrian and /or vehicular traffic, particularly by visiting members of the public.
- c) Private access regimes are more appropriate for smaller scale developments in rural areas.
- d) Private access regimes should facilitate effective and safe access by emergency service vehicles (3.7m width from wall to wall) and where appropriate, by public service vehicles.
- e) Private access regimes where they join the public road network should provide for an adequate visibility splay and be constructed

in such a manner to not cause undue safety issues.

- f) Private access provision should be designed in such a manner to allow for continuous improvement.

In applying the above principles proportionately to the variety of locations and circumstances found in Argyll and Bute, distinction should be made between housing, commercial and other non-housing development. Distinction should also be made where an unmade private road already exists and is difficult to undertake improvements and a new unmade private way or access where minimum standards can be applied from the outset. The above factors have been taken into account in **SG LDP TRAN 4**.

This SG conforms to:

- SPP
- PAN 75 (Transport and Planning).
- LDP Key Objectives F, G and H.

SG LDP TRAN 5 - Off-site Highway Improvements

Where development proposals will significantly increase vehicular or pedestrian traffic on substandard private or public approach roads, then developments will be required to contribute proportionately to improvements to an agreed section of the public or private road network.

Justification

It can be appropriate in some circumstances to require a development to contribute to improvements to the public road approaching a development site. These circumstances include:

- When in the judgement of the Planning and Roads Authority that the development because of its projected traffic generation, is likely to result in unacceptable road safety conditions, and this will consequently place an unreasonable burden on the Roads Authority to improve a significantly substandard road.

- The improvements to the public or private road should be practical and proportionate to the nature and scale of development proposed; account should be taken of existing traffic usage of the road and its overall condition; the principle of continuous improvement should be applied whereby the road condition will have been improved after the development has taken place, notwithstanding the increased traffic.
- Where public or private road improvements are considered necessary for a development to proceed, and these involve private land a Section 75 Planning Agreement may be appropriate before planning consent is issued.

This SG conforms to:

- SPP
- LDP Key Objectives F, G and H.

SG LDP TRAN 6 – Vehicle Parking Provision

Off-street car and vehicle parking shall be provided for development on the following basis:

Car parking standards

(A) The car parking standards (including disabled parking) set out in the Access and Car Parking SG shall be applied to those specified categories of development.

Tolerance of zero parking provision

In the Main Town Centres including the core shopping areas, zero parking provision for Special Needs Housing and small-scale* flatted development; retail (up to 1,000m² floor space); Restaurants (use class 3); hot food takeaways; public houses; business (use class 4) (up to 600m² floor space) will be permitted.

*Up to 5 units

Justification

SPP recommends the use of national maximum parking standards for new developments, these national maximum car parking standards relate

only to limited categories and scales of development e.g. retail development (food) and (non-food) of 1000m² and over. They do not apply to housing development. It is accepted that these national maximum car parking standards can operate in Argyll and Bute without resulting in unacceptable off-site parking consequences. Accordingly, these national standards form the basis of development in **SG LDP TRAN 6** and the **Access and Car Parking Standards Supplementary Guidance**.

The next question to address is whether minimum car parking standards should apply in the context of the Argyll and Bute particularly for those developments that are subject to National maximum standards. Given the essentially rural nature of Argyll and Bute and the correspondingly higher levels of dependency on car ownership it is considered appropriate to have minimum standards for the majority of new developments. These minimum standards do not exceed the National maximum standards and also form the basis of development in **SG LDP TRAN 6** and its accompanying **Access and Car Parking Standards Supplementary Guidance**.

In tune with the advice in SPP there is a recognition that zero parking provision is appropriate for certain categories of developments within the main town centres. This represents a change in policy from the SRDG minimum standard. It is justified on the basis that certain categories of development are able to function effectively within these central areas without requiring on-site parking, relying instead on central area public car parking provision and the availability of public transport services. This policy will also reinforce efficient use of scarce land resources within these central areas in that it will reduce the extent of such land given over to low intensity car parking use. It is not considered necessary to make this zero provision aspect of policy compulsory on developers. The type of development where zero parking provision is considered appropriate is defined in **SG LDP TRAN 6** and its accompanying **Access and Car Parking Standards Supplementary Guidance**.

Specific provision should be made for disabled parking. Minimum standards are justified in tune with this guidance and are incorporated with **SG LDP TRAN 6** as part of car parking standards set

out in its accompanying **Access and Car Parking Standards Supplementary Guidance**.

This SG conforms to:

- SPP
- LDP Key Objectives G and H.

SG LDP TRAN 7 - Safeguarding of Airports

Development will be refused where it would constrain the present and future operations of existing airports and airfields.

Justification

The aim of this policy is to prevent unnecessary dangers to low-flying aircraft and to ensure that the scope for expansion of facilities at existing airports and airfields is not limited by inappropriate development.

A major concern for airports and airfields is danger to aircraft presented by tall buildings and structures, or land uses which may attract flocks of birds. The possibility of future expansion of airports, or the installation of new facilities, must also be borne in mind. It is therefore important to consider the effect of proposed development on the present and future operation of airports and airfields.

This SG conforms to:

- SPP
- LDP Key objective G.

For SG LDP TRAN 8 Piers and Harbours see Coastal Development Strategy

For SG LDP SERV 1 to SERV LDP 6 see Maximising our Resources Theme

Supplementary Guidance

Access and Parking Standards

- 1.1 Where a proposed development is not specified on the council's parking standards list, the council will use the nearest type of land use on the list as a basis for assessing the parking requirements.
- 1.2 Where a specific assessment of staff numbers is required, the likely maximum number of staff present at the busiest time period should be used.
- 1.3 Each car parking space should measure no less than 2.5 metres by 5 metres.
- 1.4 Parking layouts should include circulation aisles with a minimum width of 6 metres.
- 1.5 Assessments of the parking requirement for a particular proposal will be rounded up to the nearest whole parking space.
- 1.6 All developments must provide adequate off road facilities for parking operational vehicles and staff cars and include space such that all vehicles enter and leave the premises in forward gear. A commercial proposal should include adequate provision for servicing. The proposed layout should normally:
 - provide for all loading and other servicing to be carried out on-site;
 - accommodate the likely maximum number and size of delivery vehicles at any one time on-site, to prevent delivery vehicles having to queue or reverse on the street;
 - incorporate loading bays of a dimension which will cater for the largest size of service vehicle likely to be used;
 - allow service vehicles to manoeuvre with ease (i.e. there should be adequate manoeuvring space within the site for a vehicle to enter and leave the service area in a forward gear);
 - not inconvenience other users of the site when service vehicles are being loaded or unloaded.

The only possible exception to the requirement for all servicing to be carried out on-site may be where the construction of on-site service bays would seriously damage the character of the urban environment.

- 1.7 "Bulk retailing stores" require large display areas. In Argyll and Bute, supermarkets, garden centres and the sale of DIY goods, wallpaper, paints, carpets, furniture and furnishings may fit this category. All other retailing developments will be assessed by the "shops" standard.
- 1.8 "Wholesale warehouses" are premises where wholesale goods are collected by the customer (e.g. cash and carry businesses). Warehouses that are just transit stores for goods will be assessed by the "Factories, workshops and warehousing" parking standard.
- 1.9 Where a retail development car park is designed to provide general town centre parking, or can be demonstrated to do so to a significant extent, that should be recognised in the amount of parking that is permitted above that specifically allowed for the development.

- 1.10 For stadia and leisure uses sufficient coach parking should be provided to the satisfaction of the Planning Authority and treated separately from car parking. Coach parking needs to be designed and managed so it will not be used for car parking.
- 1.11 For higher and further education uses the standard for students relates to the total number of students attending an educational establishment, rather than full-time equivalents.
- 1.12 In normal circumstances, adequate off-street parking or communal parking should be provided adjacent to all new development to ensure that vehicles are not parked on the road where they may impede traffic flow or cause a hazard. A degree of flexibility will be available where: -
1. It can be shown by the applicant that the parking requirement can be met by existing car parks and that the demand for parking in connection with the development will not coincide with the peak demand from the other land uses in the area.
 2. The development is a straight replacement that can use the existing parking provision. It should be noted that there may also be a requirement to provide additional parking spaces if there was a shortfall in the original provision.
 3. The development is adjacent to, and well served by, good public transport and pedestrian links.
 4. The development, due to special characteristics, is likely to generate a significantly lower demand for parking than the standards would imply.
 5. Environmental considerations are of prime importance e.g. the development is proposed within a Conservation Area.
 6. There is a need for additional disabled parking to serve the needs of the users of the building.
- 1.13 It should be noted however, that before the parking requirement is reduced or increased it would have to be shown to the council's satisfaction that the development complies with one or more of the above criteria.

CAR PARKING STANDARDS

Reference to m ² is to Gross Floor Area	Argyll and Bute Minimum Parking Standard	National Maximum Parking Standard
Bulk Retailing Stores	1 space per 25m ²	1 space per 14m ²
Shops	1 space per 30m ²	1 space per 20m ²
Wholesale Warehouses	1.1 space per 100m ²	1 space per 20m ²
Business (Use Class 4)	1 space 50m ²	1 space per 30m ²
Cinemas (Use Class 11 (a))	1 space per 10 seats	1 space per 5 seats
Conference Facilities	1 space per 10 seats	1 space per 5 seats
Stadia	Not applicable	1 space per 15 seats
Leisure (other than Cinemas and Stadia)	1 space per 22m ²	1 space per 22m ²
Hotels and Hostels	1 space per 3 staff plus 1.2 spaces per room	N/A
Bed and Breakfasts	Housing Standards plus 1 space per letting room	N/A
Higher and Further Education	1 space per 2 staff plus 1 space per 15 students	1 space per 2 staff plus 1 space per 15 students
Storage or Distribution	4 spaces per 100m ²	N/A
General Industrial	2 spaces per 100m ²	
Open Air Markets	1 space per 50m ² site area	1 space per 50m ² site area
Restaurants (Use Class 3) Hot Food Takeaways and Public Houses	2 spaces per 22m ²	2 spaces per 22m ²
Housing (Use Class 9) and Flatted Dwellings	1.5 spaces per 1 bedroom unit 2 spaces per 2-3 bedroom unit 3 spaces per 4 or more bedroom units	N/A
Residential Institutions: Homes	1 space per 2 staff plus 1 space per 4 units/bedrooms	N/A
Sheltered Housing	1 space per warden plus 0.5 to 0.8 spaces per dwelling	N/A
Town Centre Housing (Use Class 9) (all Scales) and Flatted Dwellings (medium to large scale)	0.5 spaces per unit	N/A
Hospital	1 space per doctor; 1 space per 3 staff plus 1 space per 3 beds; Day clinics and out patients 3 spaces per 100m ²	

CAR PARKING STANDARDS continued

Reference to m ² is to Gross Floor Area	Argyll and Bute Minimum Parking Standard	National Maximum Parking Standard
Non Residential Institutions	1 space per 2 staff plus 3 spaces per 100m ²	N/A
Disabled Car Parking Provision		A minimum of 4% of the parking spaces provided should be designated for disabled parking. To comply with Building Regulation requirements for buildings other than dwellings, parking for the disabled should be provided at a ratio at least one car parking space per 20 parking spaces or part thereof. Disabled parking spaces should be clearly marked and not be more than 45 metres from the principal entrance of the building. Disabled parking spaces should be at least 5 x 2.5 metres, with a clear space at least a 1 metre wide along one long side to facilitate access for wheelchairs. The clear space may be shared between 2 car parking spaces.

ZERO PARKING PROVISIONS IN TOWN CENTRES INCLUDING CORE SHOPPING AREAS

The limited categories of development that will not be expected to provide off-street car parking on development sites in identified town centre zones (including Core Shopping Areas) are set out below :

Retail (Use Class 1)	Small and Medium scale (up to 1000m ² gross floor space)
Restaurants (Use Class 3) Hot Food Takeaway and Public Houses	Any scale
Other Leisure Facilities (Use Class 11)	Small scale (500m ² gross floorspace)
Special Needs Housing (Use Class 9)	Any scale (disabled car parking may however be required)
Flatted Dwellings (for single bedroom)	Small scale (up to five dwelling units)
Business (Use Class 4)	Small and Medium scale (buildings up to 600m ² footprint and gross site area up to 2 Ha.)

Where specific types of developments are not included guidance should be sought from Development & Infrastructure Policy & Assets Manager.

Link to Finalised Draft Core Path Plan
<http://www.argyll-bute.gov.uk/oldp/docSelectAction.do>

ICT Technologies

SG LDP TEL 1 – Telecommunications

There is a presumption in favour of proposals for telecommunications development provided that the following criteria are met: -

- (i) the siting and appearance of the proposed apparatus and associated structures should seek to minimise impact on the visual amenity, character or appearance of the surrounding area;
- (ii) if on a building, apparatus and associated structures should be sited and designed in order to seek to minimise impact on the external appearance of the host building;
- (iii) if proposing a new mast, it should be demonstrated that the applicant has explored the possibility of erecting apparatus on existing buildings, masts or other structures. Such evidence should accompany any application made to the Planning Authority;
- (iv) if proposing development in an environmentally sensitive area, the development should not have an unacceptable impact on areas of ecological interest, National Scenic Areas, historic gardens and designed landscapes, other areas of landscape importance, the Greenbelt, the isolated coast sector of very sensitive countryside, archaeological sites, conservation areas, areas of townscape quality or buildings of architectural or historic interest. Special care should be exercised in these locations.

When considering applications for telecommunications development, the Planning Authority will have regard to the operational requirements of tele-communications networks and the technical limitations of the technology. Applicants will be expected to demonstrate compliance with ICNIRP guidelines.

Justification

The Scottish Government's policy is to enable the telecommunication industry to expand and diversify in a sensitive manner. The telecommunications industry's operational and expansion plans are essential to the global competitiveness of a Smart Successful Scotland. Such economic and social benefits can only be secured if the industry's infrastructure is developed and improved, including networks of radio base stations. The development of these networks is required to be undertaken with greater attention to the siting and design of apparatus.

The provisions of SPP are material to the determination of planning applications for telecommunications development. Planning Advice Note (PAN) 62 'Radio Telecommunications' provides advice on the siting and appearance of telecommunications development and will also be treated as a material consideration in the determination of any planning application for tele-communications development.

The Council is mindful of the Scottish Government's policy on emission, health and the role of the planning system, which states that it is not necessary for planning authorities to treat radio-frequency emissions as a material consideration, if the arrangements relating to the declaration of compliance with the ICNIRP (International Commission on Non-Ionising Radiation Protection) guidelines are undertaken.

Telecommunications investment is an economic and social priority for Argyll and Bute. In particular super-fast and reliable broadband services together with modern standards of mobile phone coverage are both deemed necessary to sustain our quality of life and enable sustainable economic growth to take place. It contributes to overcoming some of the challenges of remoteness in the island and extended peninsular geography of the area. The economic role and technical requirements of such development also requires to be balanced alongside environmental considerations.

This SG conforms to:

- SPP
- PAN 62 (Radio Telecommunications)
- LDP Key Objectives A, B, C, D and I

SG - Sustainability Checklist (Required for Major Applications)

Q	Community	Yes	No	N/A	Details
1	Does the project have widespread community support?				
2	Does the project strengthen the local community?				
3	Does the project help to ensure everyone has access to the same level of resources?				
4	Does the project have any impact on existing facilities or other organisations?				
Economy					
5	Does it help increase value of local products or make sustainable use of existing resources?				
6	Does it create jobs or retain existing jobs?				
7	Does it help to develop skills/ knowledge of local people?				
8	Does the project purchase goods and services locally?				
9	Does the project impact on existing businesses?				
Environment					
10	Does the project help reduce waste and pollution?				
11	Has the project undertaken an Area Capacity Evaluation (ACE)?				
12	Does the project minimise energy use and/or support the development or use of renewable energy?				
13	Does the project provide or safeguard access to and awareness of wildlife and open spaces?				
14	Does the project safeguard, protect and enhance the natural environment and support local biodiversity?				
15	Has the project considered the re-use of brown field land or an existing building?				
The Future					
16	Will the project bring positive changes?				
17	Does the project link with existing services or organisations?				
18	Does the project have any long-term impacts on the environment?				

Supplementary Guidance

Definitions of Use Classes

The Town and Country Planning (Use Classes) (Scotland) Order 1997 defines eleven use classes, namely:

- ❖ **Class 1: Shops** (e.g. most shops, post offices, travel agents, launderette etc.) where the sale, display or service is principally to visiting members of the public.
- ❖ **Class 2: Financial, professional and other services** (e.g. banks, building societies, solicitors' offices, betting offices, surgeries etc.) where the services are provided principally to visiting members of the public.
- ❖ **Class 3: Food and drink** (e.g. restaurants, cafes, etc.) for the sale of food or drink for consumption on the premises.
- ❖ **Class 4: Business** (e.g. research and development premises, light industry, offices not normally open to members of the general public etc.).
 - As an office, other than a use within Class 2 (financial, professional and other services);
 - For research and development of products or processes; or for an industrial process;
 - Being a use which can be carried on in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes smoke, soot ash, dust or grit.
- ❖ **Class 5: General Industrial.** Use for the carrying on of an industrial process other than one falling within class 4 (business).
- ❖ **Class 6: Storage or distribution.** Use for storage or as a distribution centre.
- ❖ **Class 7: Hotels and Hostels.**
- ❖ **Class 8: Residential Institutions** (e.g. hospitals).
- ❖ **Class 9: Houses.**
- ❖ **Class 10: Non-Residential Institutions** (e.g. crèches, museums, libraries etc.).
- ❖ **Class 11: Assembly and Leisure** (e.g. cinemas, concert halls, discotheques etc.).

Some types of development do not belong to any of the above classes; they are referred to as "sui generis" uses. **Sui generis** uses include theatres, amusement arcades, fun fairs, pubs, scrap yards, garages selling or displaying motor vehicles, hot food takeaways and work registerable under the Alkali etc. Works Regulation Act (1906 (a)).

Argyll and Bute Main Towns and Key Settlements

1.	Campbeltown
2.	Dunoon
3.	Helensburgh
4.	Lochgilphead
5.	Oban
6.	Rothesay

7.	Cardross
8.	Bowmore
9.	Inveraray
10.	Sandbank (including Ardnadam)
11.	Tarbert
12.	Tobermory

Argyll and Bute Key Rural Settlements

1.	Ardfern
2.	Ardminish
3.	Arinagour
4.	Barcaldine
5.	Benderloch
6.	Bunessan
7.	Cairndow
8.	Carradale
9.	Clachan
10.	Craighouse
11.	Craignure
12.	Crossapol
13.	Dalmally
14.	Furnace

15.	Garelochhead
16.	Glenbarr
17.	Kames/Tighnabruaich
18.	Kilcreggan/Cove
19.	Kilmelford
20.	Port Charlotte
21.	Port Ellen
22.	Rosneath
23.	Salen
24.	Southend
25.	Strachur
26.	Taynuilt
27.	Tayvallich

Argyll and Bute Villages and Minor Settlements

1.	Acha – Seil
2.	Achahoish
3.	Achnacroish – Lismore
4.	Achnagoul
5.	Achnamara
6.	A'Chrois – South
7.	Appin/Tynribbie
8.	Ardbeg
9.	Ardbrecknish
10.	Ardentallen
11.	Ardnagowan
12.	Ardoch
13.	Ardpeaton
14.	Arduaine
15.	Aros Bridge
16.	Aros Mains
17.	Baile Mor – Iona
18.	Balemartine
19.	Balephuill
20.	Balvicar Bay
21.	Bellanoch
22.	Bellochantuy
23.	Black Mill Bay – Luing
24.	Blackrock
25.	Bonawe
26.	Bridge of Awe
27.	Bridge of Orchy
28.	Bridgend
29.	Bridgend/Waterfoot
30.	Bunnahabhain
31.	Calgary
32.	Caol Ila
33.	Clachaig
34.	Clachan
35.	Clachan of Glendaruel
36.	Claddach
37.	Cladich
38.	Colgrain Farm
39.	Colintraive
40.	Conisby

41.	Cornaigmore
42.	Coullabus
43.	Coulport/Letter
44.	Creag a'Phuill
45.	Crinan/Crinan Harbour
46.	Croc-an Raer
47.	Croggan
48.	Cuan - Seil
49.	Cui Dheis – north Balemartine
50.	Cullipool – Luing
51.	Cumlodden
52.	Dalavich
53.	Drumlemble
54.	Duiletter
55.	Eallabus
56.	Easdale – Easdale Island
57.	Ellenabeich – Seil
58.	Eorabus
59.	Eredine
60.	Erraid – on the island of Erraid
61.	Ettrickdale
62.	Fearnoch
63.	Fionnphort
64.	Glenegeedale
65.	Grogport
66.	Hynish
67.	Inverinan
68.	Inverneill
69.	Kames
70.	Kenmore
71.	Kenovay
72.	Kerrycroy
73.	Kilberry
74.	Kilchenzie
75.	Kilchrenan/Annat
76.	Kilfinan
77.	Killean
78.	Killeonan/Knocknaha
79.	Leachd
80.	Leanach

81.	Lephinmore
82.	Letterwalton
83.	Lochawe
84.	Lochdon
85.	Lower Altgatraig – Newton
86.	Lunga
87.	Melfort
88.	Mill Cottage – Glendaruel
89.	Millhouse
90.	Millpark
91.	Muasdale
92.	Nerabus
93.	Newton
94.	Old Kilmore Parish Church
95.	Old Kilmore Parish Church – East
96.	Peninver
97.	Pennyghael
98.	Port Ann/Achnaba
99.	Port Appin
100.	Port Askaig
101.	Port Ramsay – Lismore
102.	Port Righ
103.	Portavadie
104.	Portincaple/Whistlefield
105.	Portkil
106.	Portkil House
107.	Portnacroish
108.	Portsonachan
109.	RAF Machrihanish
110.	Rahane
111.	Redhouses
112.	Saddell
113.	Sandaig
114.	Sandhole
115.	Scalasaig
116.	Scarinish
117.	Skipness
118.	Slockavullin
119.	South Cuan – Luing
120.	Sraid Ruadha/Balevullin
121.	Sron-na-Bruic

122.	St Catherines
123.	Stewarton
124.	Straad
125.	Stronafian
126.	Stronmilchan
127.	Tayinloan
128.	Toberonochy – Luing
129.	Torinturk
130.	Torran
131.	Toward
132.	Uisken
133.	West Ardhu
134.	West Loch Tarbert
135.	Whitehouse

SITE BIODIVERSITY CHECKLIST - initial observations *Sheet 1*

Site location: OS Ref:

Site Ref No: Date:

Habitat Interest

Wildlife Interest and Invasive Non-Native

Species- circle appropriate species

Present Size I ✓

	Yes/No	Area I Survey	Wildlife Corridor		Yes/No	LBAP Species	Survey
Designated Site	<input type="radio"/>	<input type="checkbox"/>	<input type="radio"/>	Breeding Birds	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Trees	<input type="radio"/>	<input type="checkbox"/>	<input type="radio"/>	Mammals/General	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Tree Line	<input type="radio"/>	<input type="checkbox"/>	<input type="radio"/>	Otters, Water Vole, Badger (EPS)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Woodland or Orchard	<input type="radio"/>	<input type="checkbox"/>	<input type="radio"/>	Red (EPS) and/or Grey (INNS)squirrels	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Hedges	<input type="radio"/>	<input type="checkbox"/>	<input type="radio"/>	Bats (EPS)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Farmland	<input type="radio"/>	<input type="checkbox"/>	<input type="radio"/>	Amphibians and Reptiles inc. Great Crested Newt (EPS)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Grassland	<input type="radio"/>	<input type="checkbox"/>	<input type="radio"/>	Trees	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Scrub	<input type="radio"/>	<input type="checkbox"/>	<input type="radio"/>	Plants	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Water courses	<input type="radio"/>	<input type="checkbox"/>	<input type="radio"/>	Lichens and mosses	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ponds/Standing water	<input type="radio"/>	<input type="checkbox"/>	<input type="radio"/>	Invasive Non-Native Species- (INNS)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Rough Grassland/moorland	<input type="radio"/>	<input type="checkbox"/>	<input type="radio"/>	Japanese Knotweed etc see Sheet 3.			
Peatlands -Bogs/Wetland	<input type="radio"/>	<input type="checkbox"/>	<input type="radio"/>	Other			
Walls or Stone Dykes	<input type="radio"/>	<input type="checkbox"/>	<input type="radio"/>	please specify	<input type="text" value="e.g"/>		
Building	<input type="radio"/>	<input type="checkbox"/>	<input type="radio"/>				
New Build	<input type="radio"/>	<input type="checkbox"/>	<input type="radio"/>				
Coastal and Marine	<input type="radio"/>	<input type="checkbox"/>	<input type="radio"/>				

External influence of Development

On water courses

Increased public pressure on designated sites

Wildlife corridors

Habitat isolation or fragmentation

Other

Measures recommended: See Biodiversity Supplementary Guidance for European Protected Species (EPS) and Protected Species (PS)

Checklist – Organisations Contacted:

- SNH – state which office
- SEPA – state which office
- FCS – state which office
- RSPB – state which office
- SWT – state which office



SITE BIODIVERSITY CHECKLIST REPORT - Sheet 2



Property Reference:		Full Address:				Forms completed by:					
Grid ref:	Designated Sites- <i>please circle the relevant type and in or adjacent (i/a)</i>									Notes:	
	Type:	SSSI	LNCS	SAC	MCA	MPA	NSA	LNR	NNR		G&DL
	In or adjacent= i or a	i/ a	i/ a	i/ a	i/ a	l/ a	i/a	i/a	i/a		i/a
other:											
Habitat- dominant					Adjacent habitats- i.e. rivers, lochs, peatlands etc						
Species in Building/ Structure:	Location with Building/Structure eg Walls, Underground sites, Roofs, Interior, Ponds/Water Features:					Recorded by:		Date:			
Recommendations for of each Habitat and Species:											
Species	Seasonal Constraints: optimum time				Organisations Contacted: See: Biodiversity Supplementary Guidance			Action to be Undertaken, Date & Initials: See Supporting Notes Ecological Survey ✓ box			

CHECK LIST FOR INVASIVE NON-NATIVE SPECIES (INNS), CONTROL AND MANAGEMENT. Sheet 3



1. Site Map required	Identify Areas for Action: Locate on site map and name eg. Area 1, Area 2 etc and attach map						
2. Identify Landowner (if applicable)	Set up a meeting to discuss and agree the management of the INNS.						
3. Prioritise in terms of benefits	Rate 1-10						
	i. Habitat	ii. sight line	iii. Properties	iv. Neighbours			
4. Liaise with the Local Authority and relevant agencies- i.e. SNH, SEPA or Marine Scotland. <u>Yes/ No</u>	Gather Information on habitat by using Biodiversity Check Lists Sheet 1 and 2						
5. Draw up programme of work over a three year period and cost (include equipment, materials, professional and volunteer effort etc) See example Year 1.	Date 00/00/0000	Area according to site map- Area 1.	INNS species type	Control measure- type of chemical/ application rate	Cost / application	Photographs	Observation date; year 2 onwards and % rate of success
	Year 1	Area 1, 2, and 3...	Japanese Knotweed	Eg. Glyphosate; Rate: amount/m2	£/ App.	yes	00/00/0000; 80% success
	Year 2						
	Year 3						

<http://www.invasivespeciesscotland.org.uk/>