

Appendix 1

Response to A&B Planning Consultation Exercise

**Scottish Government
Directorate for the Built Environment
2J & 2H
Victoria Quay
EDINBURGH
EH6 6QQ**

**21 Queens Point
Shandon
Helensburgh
G84 8QZ**

**01436 820906
07901 515208**

(By email attachment to the officers responsible for the different planning documents)

21 June 2012

Dear Sir/Madam,

Planning Reform Next Steps Consultation

003900626 Development Delivery Consultation 2012
00390632 Development Plans Examination Consultation 2012
00390635 Consultation on Miscellaneous Amendments to the Planning System
00390638 Consultation on the General Permitted Development Order 2012

I write on behalf of the Rhu and Shandon Community Council (R&S CC) in connection with the “Planning Reform Next Steps Consultation”. Our response is in two parts;

- a. This covering letter with some general remarks which applies to all the documents listed above and is sent to each responsible officer, and
- b. A completed questionnaire for each document, sent to the appropriate responsible officer for that document.

The explanatory document “Planning Reform Next Steps” and the introductory sections of each of the individual consultation documents place a lot of emphasis on improving performance of the planning system. Whilst this is to be commended the emphasis appears to be on the speed at which planning applications are processed. We strongly believe that a successful planning system’s performance should be measured on a number of factors including effectiveness of consultation, and acceptability of the delivered development in terms of aesthetics and the quality of the resulting built environment, and not just on speed of process.

There are several proposals about the examination process and the position of the Reporter in the Planning system. The facility for an independent objective review of differences is, in our view, essential to provide confidence to the general public and local interest groups that all points of view are being considered and fairly balanced in reaching decisions. Diluting the involvement and influence of the Reporter is seen as a deleterious step.

Our other comments are specific to particular proposals and are referred to in the individual questionnaires accompanying this letter.

Yours sincerely,
Jack Rudram, Convenor
For Rhu & Shandon Community Council

RESPONDENT INFORMATION FORM AND LIST OF QUESTIONS

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

Rhu & Shandon Community Council

Title Mr Ms Mrs Miss Dr Please tick as appropriate

Surname

Rudram

Forename

Jack

2. Postal Address

21 Queens Point

Shandon

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Postcode G84 8QZ

Phone 01436 820906

Email

Jack.Rudram@htanorworld.com

3. Permissions - I am responding as...

Individual

Please tick as appropriate

Group/Organisation

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate Yes No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate Yes No

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

Yes

No

DEVELOPMENT DELIVERY CONSULTATION QUESTIONS

Consultation question 1a: Do you think the current planning system supports or hinders the delivery of development and infrastructure?

- Strongly supports
- Mostly supports
- Does not influence
- Mostly hinders
- Strongly hinders
- Don't know

Please explain why you have chosen your above answer.

Comments The current planning system, if properly operated, provides a structured process by which Developers can progress their plans and allow the public and representative bodies such as Community Councils the opportunity to influence what happens in their neighbourhood. In our experience the planning process tends to be prolonged when key steps are not followed eg Pre-application consultation with stakeholders, failing to submit a required Masterplan. Example is Rhu Marina Development.

Consultation question 1b: What additional measures could be taken to support development and infrastructure delivery?

Comments Follow the process!

Consultation question 2: How well do you think the process of seeking developer contributions through Section 75 planning obligations is functioning?

- Process functions well
- Process requires some MINOR changes
- Process requires some MAJOR changes
- Section 75 Planning Obligations is not an appropriate process for securing developer contributions

Please explain why you have chosen your above answer and identify what can be done to alleviate any issues raised?

Comments Only observation is that the concept of developer contributions needs to be raised early in the process. Eg If Planners are recommended to refuse an application then Developer Contributions do not appear to be discussed but if the application is then approved by the Council it may be too late to negotiate meaningful contributions. Eg Waitrose application in Helensburgh

Consultation question 3: What additional measures or support could the Scottish Government undertake or provide to facilitate the provision of development and infrastructure within the current legislative framework?

Comments No Comment

Consultation question 4: What innovative approaches are you aware of in facilitating development and infrastructure delivery and what are your views on their effectiveness?

Comments No comment

Consultation question 5: Would you be supportive of the introduction of a Development Charge system in Scotland to assist in the delivery of development and infrastructure?

Yes

No

Please explain why you have chosen your above answer.

Comments No comment

Consultation question 6: Do you have any information or can you suggest sources of relevant information on the costs and/or benefits to support the preparation of a BRIA?

Comments No comment

Consultation question 7: We would appreciate your assessment of the potential equalities impact these issues may have on different sectors of the population.

Comments Cannot see any



RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately. A Word version of this form can be found at the entry for this consultation paper on : <http://www.scotland.gov.uk/Topics/Built-Environment/planning/publications/consult>

1. Name/Organisation

Organisation Name

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Title Mr Ms Mrs Miss Dr *Please tick as appropriate*

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Are you content for your **response** to be made available?

Please tick as appropriate Yes No

- (d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

Yes

No

CONSULTATION ON MISCELLANEOUS AMENDMENTS TO THE PLANNING SYSTEM 2012

CONSULTATION QUESTIONS

Question 1: Are there any costs or benefits not identified in the draft BRIA?

Comments No comments

Question 2: Do you have any information or can you suggest sources of relevant information on the costs and/or benefits detailed in the BRIA at Annex VI?

Comments No comments

Question 3: We would appreciate your assessment of the potential equalities impact our proposals may have on different sectors of the population. A partial EQIA is attached to this consultation at Annex VII for your comment and feedback.

Comments No comment

Question 4: Do you agree or disagree with the proposed removal of PAC requirements in relation to Section 42 Applications? Please explain why.

Agree Disagree

Comments The criteria for what and would not require a PAC is not clear and appears to have been left to the discretion of the Planners. We feel this is unacceptable as Planners are not always good at judging the sensitivity of different issues. It is accepted that there may be some changes for which a shorter consultation period is appropriate

Question 5: Do you think the proposed changes to advertising requirements are appropriate or inappropriate?

Appropriate Inappropriate

Please give reasons for your answer.

Comments: Alerting stakeholders and neighbours to a development is key to an acceptable planning system. Currently many late comments are due to individuals being unaware of the proposed development until the last minute. The requirement to notify and advertise is thus critical to a fair and equal planning process. This is particularly critical in a Conservation area which should be excluded from the proposed amendments should it be minded to continue with them.

Question 6: Are there further changes to requirements or the use of advertising in planning which should be considered?

Yes No

Please give reasons and evidence to support your answer.

Comments

Question 7: Do you agree or disagree with the proposed removal of the restrictions on the delegation of planning authority interest cases?

Agree Disagree

If you disagree, please give your reasons.

Comments There are few enough constraints on Local Authorities and this

one which ensures that planning authority interest cases get a higher profile and hence present an opportunity for discussion than they might otherwise. EG The Rhu Marina Development was threatened to be dealt with under delegated powers until local groups brought it to the attention of Councillors and demanded that due planning process of a Masterplan, consultation and then Council approval be instituted, of what is a major development for a conservation village

Question 8: This section proposes a change to allow an extended period for the determination of an application to be agreed upon between the applicant and appointed person where local review procedures would apply. Do you agree or disagree with this change?

Agree Disagree

Please explain your view.

Comments It should then be displayed on the website for all to understand the new dates for determination.

Question 9: Do you agree or disagree with this change to the time period on determining local reviews sought on the grounds of non-determination?

Agree Disagree

Please explain your view.

Comments No comment

Question 10. Do you agree or disagree with this change to the Appeals Regulations on procedure regarding minor additional information?

Agree Disagree

Comments However the Reporter should advise all interested parties of the request/response so that they can comment if they feel the need.

Question 11: Do you think the current requirements on applications for approval of matters specified in conditions on planning permission in principle are generally excessive?

Yes No

Please explain your views, citing examples as appropriate.

Comments A general comment is that changes occur to plans after first submission and approval but often interested parties do not hear about them until they are a fait accompli. Changes post-approval must be made available to interested neighbours and local groups. "Technical requirements" such as an archaeological survey, which has no impact on the proposed development, might be excluded. However if a change results then this should be advised.

Question 12: Are there any issues in this consultation not covered by a specific question or any other aspects of the current planning legislation on which you would like to comment? If so, please elaborate.

Comments No comment

Consultation on The Town and Country Planning (Scotland) General Permitted Development Amendment Order 2012

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The Scottish Government
Riaghaltas na h-Alba

your

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Please tick as appropriate Yes No

CONSULTATION QUESTIONS

Q1. Are there any costs or benefits not identified in the draft BRIA?

Comments No comment

Q2. Do you have any information or can you suggest sources of relevant information on the costs and/or benefits detailed in the BRIA?

Comments No comment

Q3. We would appreciate your assessment of the potential equalities impact our proposals may have on different sectors of the population. A partial EQIA is attached to this consultation at Annex 3 for your comment and feedback.

Comments No comment

Part 1. Amendments to existing classes of permitted development.

Q4. Should we retain class 26? If class 26 should be retained are there any changes to the controls that would strike a better balance?

Yes No

Comments No comment

Q5. With regard to the proposed amendments to existing classes;

(a) Is the granting of permission, and the restrictions and conditions, clear?

Yes No

(b) Is the granting of permission, and the restrictions and conditions, reasonable?

Yes No

(c) Will the controls strike the right balance between removing unnecessary planning applications and protecting amenity?

Yes No

(d) Please identify and explain any changes to the controls that you think would strike a better balance?

Comments We have a concern about Local Authorities being judge of what is or is not reasonable. The proposed changes should be tempered with conditions that require such developments to be advertised and an opportunity given for affected groups to comment. Where PDRs are exercised it should be clear that standards of design, and consistency and compatibility with existing developments maintained. Developments in Conservation Areas should be excluded.

Part 2. Proposed new classes of permitted development.

Q6. With regard to the proposed new classes 7E and 7F;

(a) Is the granting of permission, and the restrictions and conditions, clear?

Yes No

(b) Is the granting of permission, and the restrictions and conditions, reasonable?

Yes No

(c) Will the controls strike the right balance between removing unnecessary planning applications and protecting amenity?

Yes No

(d) Please identify and explain any changes to the controls that you think would strike a better balance?

Comments No comment

Q7. With regard to the proposed new classes 7A and 7B;

- (a) Is the granting of permission, and the restrictions and conditions, clear?
Yes No
- (b) Is the granting of permission, and the restrictions and conditions, reasonable?
Yes No
- (c) Will the controls strike the right balance between removing unnecessary planning applications and protecting amenity?
Yes No
- (d) Please identify and explain any changes to the controls that you think would strike a better balance?

Comments Currently there appears no reference to any control on the quality of such extensions. A clear requirement to maintain standards of design and construction, compatibility and consistency with existing developments must be included.

Q8. With regard to the proposed new class 7C;

- (a) Is the granting of permission, and the restrictions and conditions, clear?
Yes No
- (b) Is the granting of permission, and the restrictions and conditions, reasonable?
Yes No
- (c) Will the controls strike the right balance between removing unnecessary planning applications and protecting amenity?
Yes No
- (d) Please identify and explain any changes to the controls that you think would strike a better balance?

Comments Currently there appears no reference to any control on the quality of such extensions. A clear requirement to maintain standards of design and construction, compatibility and consistency with existing developments must be included.

Q9. With regard to the proposed new class 7D;

- (a) Is the granting of permission, and the restrictions and conditions, clear?
Yes No
- (b) Is the granting of permission, and the restrictions and conditions, reasonable?
Yes No
- (c) Will the controls strike the right balance between removing unnecessary planning applications and protecting amenity?
Yes No
- (d) Please identify and explain any changes to the controls that you think would strike a better balance?

Comments Currently there appears no reference to any control on the quality of such extensions. A clear requirement to maintain standards of design and construction, compatibility and consistency with existing developments must be included.

Q10. With regard to the proposed new class 7H;

- (a) Is the granting of permission, and the restrictions and conditions, clear?
Yes No
- (b) Is the granting of permission, and the restrictions and conditions, reasonable?
Yes No
- (c) Will the controls strike the right balance between removing unnecessary planning applications and protecting amenity?
Yes No
- (d) Please identify and explain any changes to the controls that you think would strike a better balance?

Comments Pavement cafes can create an obstruction and impediment to others as well as visual intrusion into the street scene. They can also create an inconvenience to neighbouring businesses and noise to other neighbours (eg upper level apartments). Such applications should each be considered on their own merits and a general PDR is inappropriate.

Q11. With regard to the proposed new class 7G;

- (a) Is the granting of permission, and the restrictions and conditions, clear?
Yes No
- (b) Is the granting of permission, and the restrictions and conditions, reasonable?
Yes No
- (c) Will the controls strike the right balance between removing unnecessary planning applications and protecting amenity?
Yes No
- (d) Please identify and explain any changes to the controls that you think would strike a better balance?

Comments No comment

CONSULTATION ON DEVELOPMENT PLAN EXAMINATIONS



The Scottish
Government
Riaghaltas na h-Alba

your

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Please tick as appropriate

Yes

No

CONSULTATION ON DEVELOPMENT PLAN EXAMINATIONS

CONSULTATION QUESTIONS

Question 1: How well do you think the examination process is functioning and should any changes be made to the process at this stage?

Comments In general the examination process appears to function reasonably well in providing an objective and independent review of planning and development disagreements. Key experience has been the preparation of the current Argyle & Bute LDP 2009 where the full process was followed. This provided local interest groups with an opportunity to present an alternative case to an independent assessor. Whilst the Reporter's default position tended to be to side with the Planners it was clear from his findings that the views of interest groups had been recognised and addressed.

Question 2: If you think changes are needed which option do you support, and why?

Comments The system being applied to the current re-working of the Argyle & Bute LDP has changed from that used for the previous version. A Main Issues Report was published for consultation with the expectation that the results of this would be included in a draft LDP on which comments could be made prior to the reporters being asked to adjudicate. This process has been weak in that in response to the Main Issues Report new proposals for development land have been submitted on which local groups have been unable to comment. Also the process appears weakened in that, further to publication of a draft LDP, there appears to be no provision for informal discussion between the Planners and Objectors to possibly resolve issues.

That said in terms of the Options as presented we would comment as follows:

Option 1: We would suggest that the process should permit informal discussions between the Planners and others if the possibility of resolution of issues before Reporter involvement exists. In terms of Reporter recommendations to include more land allocations we feel any such proposal should itself be subject to public consultation and not left to the discretion of the Planners.

Option 2 is considered unacceptable as it leaves too much discretion with the Planners. Experience suggests that Planners are not always as sensitive to local needs and opinions as they need to be.

Option 3 is also unacceptable in that independent examination of differences is a key element in the planning process.

Option 4 is also unacceptable, again because the examination process is the only vehicle for an independent objective review of differences and which provides a safeguard for local interest groups to press their case where necessary.

Question 3: Are there other ways in which we might reduce the period taken to complete the plan-making process without removing stakeholder confidence?

Comments A reduced time period for approving a development plan may

appear attractive but should not be the only criterion of a successful system. Involvement of local groups and inclusion of their views is a key element

Question 4: Do you think any of the options would have an impact on particular sections of Scottish society?

Comments Adoption of any option other than the status quo, or a modified option 1 would risk dis-enfranchising local interest groups and the general public from the process.

Appendix 2

Update from Cdr James Leatherby HMNB Clyde

RHU & SHANDON COMMUNITY COUNCIL

GUEST SPEAKER 2 – CDR JAMES LEATHERBY (JL) – SPEAKING NOTES

Wed 8 Aug 12 Meeting:

JL opened by stating that he had little new to raise and would mainly be updating the meeting on items previously offered. However, to open with a new one, today marks the 70th anniversary of the official opening of Military Port No.1 at Faslane Bay, an event marked by a low key ceremony undertaken by the Secretary of State for War Transport on 8 Aug 1942.

He followed with his updates, namely that:

- The Bi-centenary of Henry Bell's Comet celebrations were supported by HMS PURSUER on Sat 4 Aug 12 (she led the flotilla of boats from Rhu Marina to Helensburgh Pier and back again on Saturday afternoon – a good time being had by all, reportedly).
- JL had hosted an hour long private visit by 10 members of the Donald family (aged 15 – 85) at their ancestral family home of Shandon House (aka St Andrew's School) on that same afternoon
- That he had been advised that the Minutes of the Thu 29 Mar 12 Clyde Local Liaison Committee meeting had been sent to the Secretary to the R&SCC (ie JC) on 16 Jun 12.
PMN: Found at the meeting that the Minutes had not been received. Consequently, JL undertook to provide a soft copy to the Sec. Action Complete 9 Aug 12.
- That the "Faslane 30" related anti-nuclear demonstration initiative (30 days of protests and non-violent direct action to mark the 30th anniversary of the Faslane Peace Camp) concluded, as originally advertised, on 9 Jul 12. There were 19 arrests made by MDP, in addition to the 12 effected by Strathclyde Police
- The Grade A Nuclear Emergency Response Exercise, Ex SHORT SERMON 2012, will take place on Wed 5 Sep 12. This exercise is designed to test ABC's Nuclear Emergency Plan. However, to achieve that, there will be related exercise activity being undertaken within HMNB Clyde. The impact upon the local community will be the alarms and broadcasts that will be heard coming from inside the Base and an increased level of activity, especially in the vicinity of the COSC in Rhu as external agencies (Council, Police, Fire, Ambulance, etc, etc) will be conducting most of their related business from there.
- HMS AMBUSH (the 2nd Astute Class submarine - currently completing her build at BAe SM Systems in Barrow-in-Furness) will arrive on the Clyde in September.
- The signing of the Armed Forces Community Covenant by the Naval Base Commander (Commodore Wareham) and the Leader of the Council, took place in Lochgilphead on Thu 28 Jun 12. Subsequently, Councillor Maurice Corry (Lomond (North)) was appointed on 2 Jul 12 to be ABC's "Armed Forces Champion". [Noting that Mr Corry was present at this meeting, it was then confirmed that plans are being made for him to make an initial liaison visit to HMNB Clyde on Fri 17 Aug 12.]

Finally, to end with another new one: JL advised that, at the request of Garelochhead CC, The Naval Base Commander has nominated Commander Derek Blount, a Marine Engineer Officer in the Submarine Service (currently serving in HMNB Clyde and a reasonably longstanding resident of Garelochhead) to be a "Guest" attendee at their CC meetings. In effect his appointment is directly in parallel with that of JL's arrangement.

Appendix 3

A&B Local Development Plan, Including Consultation on Late Additions

A reminder of the context and background from Jack Rudram Convenor R&S CC

1. A&BC are developing a new Local Development Plan (LDP) for issue/approval in 2013/2014. As a step in that process they published a Main Issues Report in 2011 listing proposals for changes, including re-designating some landsites for different uses. R&S CC responded to the consultation on this document in July 2011.
2. In July 2012, as a result presumably of submissions made, A&BC advertised a further consultation on Potential Additional Sites which were described in an attachment above (3270340). There are a number of additional sites proposed but only one (Site 8 page 13) which seems relevant to Rhu & Shandon. There is an accompanying Environmental Report available on the A&BC website.
3. Several local organisations, principally Helensburgh Community Council and ourselves, were aware that there were yet further additional sites which had been suggested at one time for inclusion in the LDP but which did not appear in this latest consultation. There was a concern that these could be re-introduced as objections during the next stage of the process (publication of a draft Local Development Plan for consultation), without local organisations having an opportunity to comment on them.
4. This resulted in an exchange of letters/email with the Planners as attached. In essence we have received an assurance from the Planners that they will robustly defend the exclusion any further bids from the LDP when the latter is submitted to the Scottish Government Reporters.

Dear Sir/Madam,

Please find attached the Response Form from Rhu and Shandon Community Council with our views on the Argyll & Bute Local Development Plan Potential Additional Sites Consultation, specifically Site 8 – Ardencaple Extension Glenoran Rd.

Whilst we are aware that the instructions requested that we limit our response to the additional sites nevertheless we would like to remind you of our recent correspondence (jointly with Helensburgh Community Council and others) with your Mr Mark Lodge about potential additional sites which we feared could be re-submitted as objections to the forthcoming draft Local Development Plan. Our letters of 16 and 31 July addressed to Mr Fergus Murray refer, along with MR Lodge's replies of 19 July and 1 August (by email).

With regard to those potential sites listed in that correspondence and of particular interest to the Rhu and Shandon Community Council, we would advise you that the Community Council would object to any re-designation of land to the north east of Kings Point for housing as it is currently zoned as Green Belt, and that our strong objections still stand to expansion of the Rhu Marina PDA 3/29 as proposed as site HL12 in the original MIR Report, given as part of our response to the original MIR consultation.

Acknowledgement of this response would be appreciated.

Yours faithfully,

Jack Rudram
Convenor, Rhu & Shandon Community Council

Argyll and Bute Local Development Plan

Potential Additional Sites Consultation

Response Form



Please read the notes overleaf carefully before filling in this form.

Name: Jack Rudram, Convenor, Rhu & Shandon Community Council	Organisation Name : Rhu & Shandon Community Council (if applicable)
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Address: c/o 21 Queens Point, Shandon, Helensburgh G84 8QZ

Telephone: 07901 515208	E Mail: Jack.Rudram@btopenworld.com
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Agent:	If you provide an Agent's name the Council will direct all subsequent correspondence to your Agent.
---------------	---

Address:

Telephone:	E Mail:
-------------------	----------------

Site Reference Number	Site 8
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Site Name	Ardencaple Extension, Glenoran Road
------------------	--

Do you support the proposals for the development of this site?	Yes			No	√
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Comments about the site :
 The R&S CC object to further extension of the former Dobbie's Garden Centre site for the following reasons:

1. The site is currently in the Greenbelt & the proposed change to residential is not compatible with Greenbelt policy. The Argyll & Bute Council Green Belt Landscape Study (Ironside Farrar) Feb 2010 describes this general area as (4.10.6) "...contributes to the setting of the town and prevents physical coalescence of Rhu and Helensburgh."
2. Approving further extension of this site to the north puts additional pressure on the recreational area of Duchess Wood to the east.
3. The original area was released for housing from the Green Belt primarily because it was a derelict site following the closure of Dobbies and housing was considered more acceptable than a waste ground.
4. The land was bought for residential development. The buyers knew the area of ground they were purchasing, and obviously deemed it a viable site at that time. Despite the current economic situation it will no doubt be a viable site in the future and extending it at this time is merely responding to a short term set of conditions. Given that Argyll & Bute Council has not yet published a Housing Needs Report there is no evidence to suggest that further housing allocation is required.
5. Reclassification as a residential site will either put additional pressure on Glenoran Road and/or the exit onto Rhu Road Higher. This will significantly increase the number of vehicles exiting onto busy Rhu Road Higher at a sharp bend.