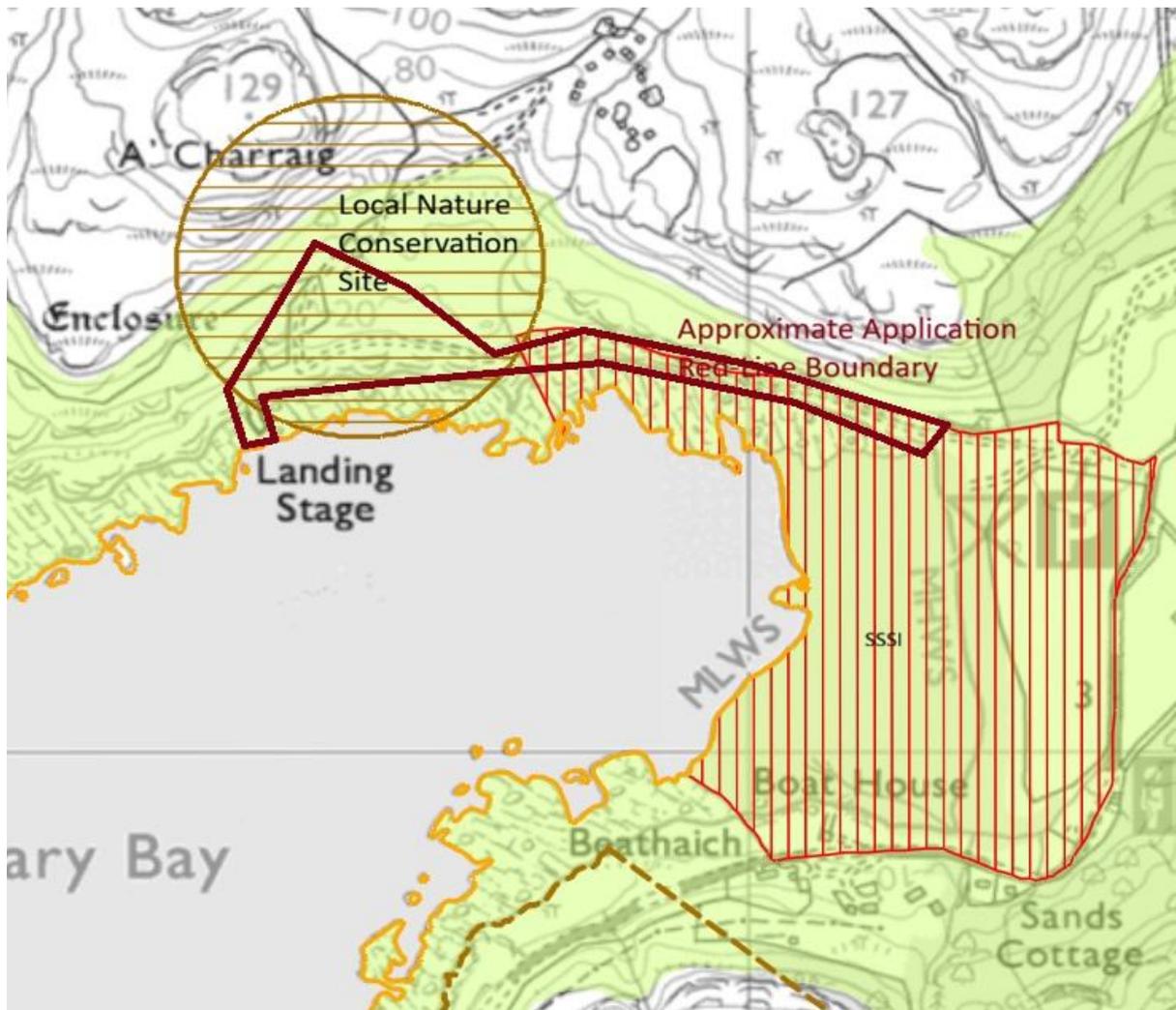


Planning Application Reference No 26/00126/PP at Calgary Bay February 2026



POLICY CONFLICT (BASED ON LOCAL DEVELOPMENT PLAN 2)

FEBRUARY 2024

As shown in the map above:

- The proposed access road falls almost entirely **within the Calgary Dunes SSSI site** (extending to Mean Low Water Springs—MLWS).
- The dwelling house site lies wholly **within the Local Nature Conservation Site**.

This location alone places the development in direct tension with core environmental protections in LDP2.

LOCAL DEVELOPMENT PLAN 2 – STRATEGIC POLICY CONFLICT

Conflicts aligned with the Local Area Development Plan 2 (LDP2) dated February 2024 include the following. Wording in italics is either directly quoted from the LDP2 or paraphrased.

Clause 2.15 – Homes for People. *These should be in suitable, deliverable, sustainable locations.*

A large, single dwelling in a remote, protected and environmentally sensitive area does not meet this objective.

Clause 2.16 – High Quality Environment. *The plan is designed to protect, conserve and enhance the qualities of the natural, historic and built environment including outstanding landscapes, strong cultural heritage and rich biodiversity.*

Despite the claim that “the new development will maintain and enhance the existing sense of place”, the development would introduce built form, lighting, traffic and engineering works into an undeveloped and highly sensitive landscape, resulting in clear harm. Furthermore, it adversely affects biodiversity, severely impacts an “outstanding, natural, historic and protected landscape” and has no relationship to the cultural heritage of this area, so contravening this aspect of the LDP2

Clause 3.1 – Spatial Strategy. *The Council’s approach to new development in Argyll & Bute is less prescriptive in this local development plan, however it does still focus on key development and settlement areas.*

No part of the proposed development falls into a key development or settlement area.

Clause 3.5 – Countryside Areas. *This development falls into a Countryside Area (and within both an SSSI and Local Nature Conservation Site) and is not part of the Calgary Settlement Area. Within a countryside area, the Local Development Plan specifies that “in those countryside areas where there are nature conservation or landscape designations in place, proposal for development will have to demonstrate that they are compatible with designation needs.”*

This development does not demonstrate compatibility with SSSI or a Local Conservation Site objectives.

Policy 02 – A. Countryside Area. *Sites will be favoured that are of appropriate scale, design, siting and use for the countryside location, specifically if they are:*

- *Infill*
- *Rounding off*
- *Redevelopment of clusters*
- *Previously developed sites*

You cannot class a site as infill, rounding off or redevelopment if the site is not within a settlement area.

The site is not within a settlement area, and cannot be classified as infill, rounding off or cluster redevelopment. The proposal therefore fails to meet any of these criteria.

Policy 14 – Bad Neighbour Development. *Proposals will be resisted if they have an adverse impact on neighbouring land uses. This includes the potential for:*

- *Noise or vibration* – prolonged construction noise and vibration from access road works for both local residents and visitors.
- *Emissions or pollution to water, air or soil* – risk of pollution to watercourses and the bay which would impact both wildlife and swimmers.
- *Light pollution of flicker* – the north side of Calgary Bay is currently completely dark. Any development will create light pollution both from the property itself and associated traffic.

Clause 5.12 – *Proposals must not destroy the very qualities that bring people to the area in the first place.*

Calgary Bay’s appeal lies in its undeveloped, wild character. Introducing a highly visible luxury dwelling and engineered access into an untouched shoreline directly undermines

the very qualities that bring so many tourists to the bay and risks economic harm to local businesses. Calgary is famed for its unique beach and is named by:

- Tripadvisor – top 20 UK beaches and part of the Travellers’ Choice Awards.
- The Times – one of the five best family-friendly Scottish beaches.
- The Independent – “cool place of the day” describing it as potentially the “finest beach in the land.”
- The Herald – Scotland’s best beach (comparing its beauty to Caribbean destinations).
- Daily Record – recognised as a spectacular “tropical” destination within Scotland.

Policy 19 – Scheduled Monuments. *There is a presumption against development that does not retain, protect, conserve or enhance a Scheduled Monument and the integrity of its settings. Developments that have an adverse impact on Scheduled Monuments or their settings will not be permitted unless there are exceptional circumstances.*

The Category C listed pier and associated historic features, including the boathouse (listed on the Historic Environment Scotland website ID no: 320936—boathouse, landing point, slipway, track) and nearby historic sites (Inivea settlement and the Dun), form part of the setting. No exceptional justification is demonstrated.

Furthermore, consent would be required from Historic Scotland for the works. The borehole may be sited in the boathouse and is therefore also likely to put the structure and the natural dyke that forms part of it in jeopardy. The boathouse is certainly also part of the history attached to both the pier and the close by Inivea settlement. The applicant’s Planning Statement also mentions the need to protect architectural heritage, and yet the proposal is sited in the midst of three historic sites (Inivea village, the pier and the Dun).

Policy 21 – Sites of Archaeological Importance. *There is a presumption in favour of retaining, protecting, conserving and enhancing the existing archaeological heritage.* The “rocky outcrop” referred to on page 4 of the Design & Access statement is a dun. The Calgary Dun (<https://www.trove.scot/place/21834>) lies just to the east of the dwelling house and next to proposed sewage infrastructure, necessitating groundworks and development detrimental to this historic site. The potential impact this may cause has not been adequately addressed.

Policy 37 – Development Utilising an Existing Private Access or Private Road. *The Roads Authority must consider capable and commensurate improvements to the scale and nature of the proposed property and take into account current access issues.*

The access route:

- Crosses an SSSI and eroded foreshore.
- Passes through a heavily used public car park not owned by the applicant.
- Is currently unsuitable for standard vehicles.
- Requires significant widening (3.2-5.5m), causing visual and ecological harm.

There are unresolved concerns regarding emergency access, pedestrian safety, erosion, flooding, land ownership, and public safety during both construction and operation.

Policy 55 – Flooding. *The development must remain safe and operational during floods.*

The access track and boathouse sit at or near high spring tide level and have been repeatedly flooded and eroded in recent storms (preventing any vehicle bigger than a quad bike using the track for some time). Sea levels are rising (set to rise around Mull by 2.1cm per decade) and storm intensity increasing. The boathouse is less than 1m above high spring tide level (with seaweed showing high tide levels in the photographs below) yet the applicant has answered “no” to the question “is the site within an area of known risk of flooding?” on the Planning Application Form under the section entitled Assessment of Flood Risk.

The access road is demonstrably vulnerable and unsustainable even with significant civil engineering works.



Policy 59 – Water Quality & Environment. *Any application must protect the natural watercourse features by promoting and avoiding development on sites where there would be unavoidably detrimental impact on a watercourse.*

Treated wastewater is proposed to discharge into a very small burn that flows to the beach and is actively used by otters to move between the shore and their holts. This presents clear risk to water quality and wildlife.

Policy 73 – Development Impact on Habitats (point iv). *The conservation (Natural Habitats &c) Regulations 1994 lists protected species in schedule 4 which includes otters (including holts and resting sites which are protected even when not occupied).*

Otters are protected under the Conservation (Natural Habitats &c) Regulations 1994. Evidence of otter runs, holts and spraint exists within and adjacent to the site.

Further information relating to this policy is covered below in the section relating to Ecology and Biodiversity. The ecological report that forms part of this application states that **avoiding development is the primary mitigation** and that further seasonal surveys to ensure all species are accounted for are required before any planning decision other than outright rejection is made.

The mitigation hierarchy is as follows:

- first, avoid - by removing the impact at the outset wherever feasible;
- second, minimise – by reducing the impacts that are unavoidable;
- third, restore – by repairing and enhancing damaged habitats and disturbed species; and
- fourth, offset – by creating new habitat, preferably on-site but can be off-site, to compensate for any residual impact that remains.

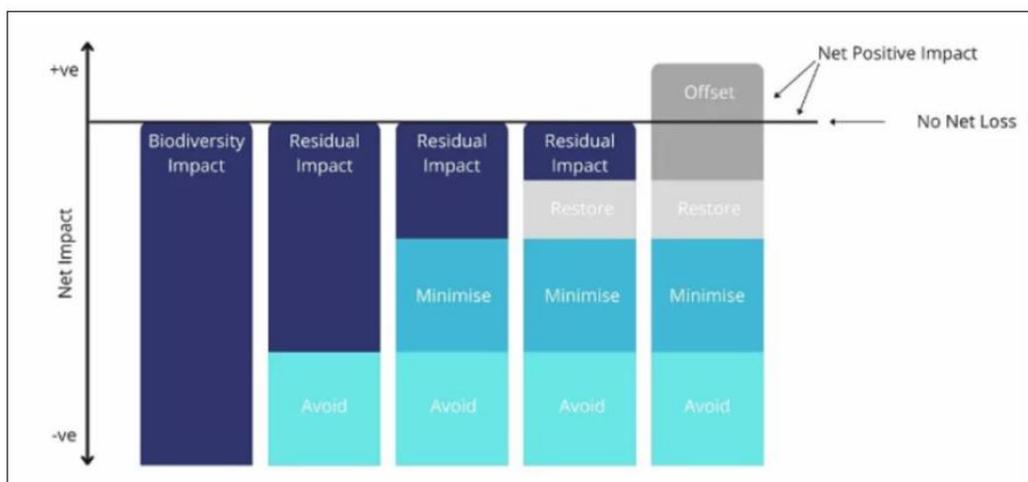


Figure 6: The Mitigation Hierarchy. Source: The Biodiversity Consultancy

Policy 73 – Development Impact on Habitats (point d). *Development proposals which are likely to have an adverse effect on protected species and habitats will only be permitted where they can be justified.*

This development will categorically have an adverse effect on protected species and habitats (as detailed in the section below entitled Ecology & Biodiversity). A single luxury dwelling does not constitute sufficient justification.

Policy 75 – SSSI Development. *Development of an SSSI is only permitted if:*

- *The integrity of the area is not compromised.* The application makes no attempt to demonstrate that “neither the natural feature(s) or qualities of special interest or objectives...nor overall integrity of the area” would be compromised. The shoreline, wilderness, beauty, wildlife, darkness, peace, sense of space and emptiness will all be compromised by this development.
- *Adverse effects are outweighed by social, economic or environmental benefits of national importance.* This is a single luxury dwelling house, the purpose of which is not disclosed (primary residence / holiday home / second home)? Such a development does not constitute social, economic or environmental benefits of national importance.
- *Need for development can be met in another less environmentally sensitive location.* There are many less sensitive locations that such a property could be built.

The Calgary Dunes SSSI extends to Mean Low Water Springs (MLWS) below the proposed access track so any increase in the width of the track would impinge on this.

Policy 76 – Local Nature Conservation Sites. *Development will not be supported unless the developer demonstrates:*

- *That the effects of the development are outweighed by social, environmental and economic benefits of community-wide importance, AND*
- *Mitigation measures are in place to minimise adverse effects on the site.*

Furthermore, the guidance from NatureScot on Local Nature conservation sites also states that development proposals that affect a site designated as a local nature conservation site will only be supported where any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.

A single large dwelling does not demonstrate community-wide benefit. The scale and cost of this development does not lend itself to local affordable housing. Use of the

property has not been disclosed which leads to questions as to whether it may be used as a holiday home, a second home or simply be used to help the applicant sell the surrounding land (which was marketed in 2021 by Strutt & Parker and which failed to sell).

Given it is the rugged beauty of Calgary Bay that attracts so many visitors, it is clear that this development would have a significant negative impact environmentally, socially and economically.

OTHER CONSIDERATIONS:

ACCESS ROAD

- There are inconsistencies in the planning application regarding width of the access road. The application states
- The access track forms part of a well-used and popular walking route (Walk Highlands route - <https://www.walkhighlands.co.uk/mull/calgary-beach.shtml>). If upgraded, it is likely to attract increased footfall. The access road must therefore be demonstrably safe for shared pedestrian and vehicular use even at pinch points created by the topography of the landscape and rocky foreshore.
- The landward side of the access track comprises a steep wooded cliff face located within the SSSI. The applicant has stated “no” in response to the question “*would the proposal involve the loss of trees and/or woodland?*”, yet several witch elms are present on the shore side of the track. Tree retention is essential to both slope stability and ecological integrity. Any widening of the track appears to require encroachment onto the foreshore, which has been flooded and covered by rocks during recent storms. Independent engineering reports should confirm the structural stability of the foreshore to support the proposed works.
- Approximately two-thirds of the track is constructed across rubble foreshore with a steep drop to the sea. This section has experienced significant erosion in recent storms and lies within the SSSI. Any safety barrier must accommodate vehicular and pedestrian use during both construction and occupation. Materials must be appropriate and visually sensitive to the setting (i.e. not standard Armco barriers).
- Although described as a private road, experience suggests that campervans and other vehicles may ignore signage and attempt access, creating potential conflict where passing places are limited. Opening vehicular access may increase pressure on the Local Nature Conservation Site through additional

activity, informal camping and associated waste. At present, camping is largely contained within the established campsite adjacent to the public toilets.

- Clarification is required as to how emergency vehicles (fire, ambulance, coastguard) would access the site through the existing car park during peak summer periods, when irresponsible parking routinely compromises access along the main road and within the car park. The applicant has not demonstrated how safe emergency access can be guaranteed. The photograph below gives an indication of how chaotic the car park can become in peak periods.



- The applicant does not own land extending to the public road. The car park through which the access road passes is owned by Argyll & Bute Council and leased to Friends of Calgary Bay via MICT. The applicant therefore has no control over, or ability to manage, parking behaviour in this area to ensure emergency access at all times.
- Clarification is required regarding rights of access over the SSSI and measures to ensure public safety within a busy car park environment. The car park is heavily used by families and includes picnic tables on one side and an ice cream kiosk on the other. The application does not adequately address public safety during construction or occupation.
- It is unclear whether the hairpin corner near the pier will accommodate turning movements for heavy vehicles (e.g. fire tenders, delivery lorries and other emergency services).

- Widening the track to at least 3.2m (specified in the Design & Access Statement) and in some places up to 5.5m will have profound visual and ecological impact on this sensitive coastal setting.
- The proposed site plan (document 23535097) indicates that the access road will be 3.5m wide (reducing to 3.2m wide at pinch points). This contravenes the Scottish Building Standards Technical Handbook 2022: Domestic (clause 2.12 on fire and rescue service access) which states that a minimum clear width between kerbs must be 3.7m so that standard fire appliances can access buildings. Whilst the Scottish Fire & Rescue Service is not a statutory consultee for planning applications, the required widening of the access road to the necessary dimensions will have even greater impacts on biodiversity, geology and visual impact. The current width of this track at the pinch point shown below is 1.9m at the point where the erosion has taken place and 2.9m from the bottom of the cliff to the edge of the drop at the widest point, necessitating either extensive excavation of the cliff above or significant earthworks to widen what is currently a sheer drop into the sea.





- The documentation appears to suggest relocation of the existing walking route (Planning Application Document – Access & Parking where the applicant has answered “yes” to the question “are you proposing to any change to public paths, public rights of way or affecting any public right of access”. The new path is anticipated to be closer to the shoreline, ostensibly to preserve privacy for the dwelling (although this is not clearly stated). Such relocation would increase visual and biodiversity impacts and may reduce accessibility for disabled users if

routed across uneven, rocky foreshore. Parts of this foreshore are submerged during high spring tides.

- Other considerations for locals and users of Calgary Bay:
 - The duration of reconstruction of the access road resulting in loss of access for locals and visitors.
 - The intensity of the construction and associated noise pollution impacts affecting residents, visitors and local businesses).
- Parts of the track have been inundated by the sea during increasingly severe storms in recent years (including coverage by rocks following Storm Eowyn). This raises serious concerns regarding long-term safety and sustainability. At least two areas are currently significantly eroded as shown below:



- The Planning Statement refers to a long-established track used by various vehicles over many years. This is inaccurate. The track is presently completely inaccessible to standard road-going vehicle due to erosion, and signs on the access gate states “private, no vehicle access.” Access over the last decade has been limited to occasional quad bike use by farmers. Vehicular use over the past 30 years has been extremely infrequent and low volume. It is therefore misleading to suggest that intensification to a domestic driveway would have minimal impact on the SSSI.

ELECTRICITY SUPPLY

The mains electricity network lies at least 800m east of the site. The application does not explain how connection will be achieved, nor how cabling would be installed across the SSSI and coastal environment without unacceptable environmental impact.

BINS & WASTE DISPOSAL

The proposed bin store location would require refuse vehicles to pass through the public car park, as the applicant's landholding does not extend to the road. Council policy requires bins to be presented adjacent to the public road, and it would not be safe for refuse vehicles to manoeuvre within the car park during busy periods.

Calgary experiences high visitor numbers, including overnight campervans in the north car park. The proposed bins would become the closest waste facility to the car park and are likely to be misused by visitors, resulting in overflow in an area not serviced by Council waste teams.

TREATED WASTE

The application indicates treated effluent would discharge into a small burn near the beach, with capacity designed for "potential future expansion." Given the bay's popularity as a swimming location, additional discharge to the marine environment is of concern. Notably, the discharge point would be closer to the beach than the dwelling itself.

VISUAL IMPACT & CHARACTER OF THIS UNIQUE LOCATION

The applicant rejected a less visible site in favour of a highly prominent location. The house and widened access road would be clearly visible from the beach, machair, campsite and surrounding roads despite the Design & Access Statement indicating that the house will be discretely located.

This is not infill. It introduces development into a currently undeveloped shoreline, fundamentally altering the character of the north side of the bay for the sole benefit of a single landowner.

The agricultural shed and caravan mentioned in the application have been derelict for over a decade. Whilst this will be cleared if the application is successful, this has not been considered a priority by the applicants for close to 12 years. It is interesting that the applicant has linked approval for the development with clearing mess that should have been removed years ago if they had any sense of stewardship as shown in the photos below:



Furthermore, the new drive will be cut into the existing hillside towards the Dun Calgary bluff which will be highly visible from all directions.

It is further noted that visual impact from public coastal paths and the bay has not been assessed to LVIA standards.

ECOLOGY & BIODIVERSITY

From the Biodiversity Technical Note for Planners and Developers: https://www.argyll-bute.gov.uk/sites/default/files/2025-01/biodiversity_technical_note_feb_2017_4.pdf, “Development proposals which are likely to have an adverse effect on protected species and habitats will only be permitted where it can be justified in accordance with the relevant protected species legislation.”

The ecological assessment was undertaken November, when many species are dormant or absent. The applicant’s own consultant has confirmed further survey work is required. Surveys should include (as a minimum) bats, otters, newts, frogs, toads, adders, slow worms, common lizards, moths butterflies, and flora as a minimum.

Biodiversity that has been recorded on the site in the last 12 months includes:

- Adders are protected under the Wildlife & Countryside Act 1981 (as amended) and the Nature Conservation (Scotland) Act 2004. They are classed as a near threatened species and are included on the Scottish Biodiversity List. These currently nest under the corrugated iron of the derelict farm shed and are frequently seen on or adjacent to the track.
- Slow worms are legally protected in Scotland under the Wildlife and Countryside Act 1981 (as amended) and the Nature Conservation (Scotland) Act 2004 and are listed as a Priority Species in Scotland. These have been recorded throughout the proposed site.



- Transparent burnet moths are considered a rare, threatened species and are listed as Priority Species under the Species on the Edge project. These have been recorded between the beach and the proposed site.
- Hen harriers which use the site as a hunting ground and are protected under the Wildlife & Countryside Act 1981 (as amended) and are a Red-Listed species of high conservation concern
- Golden and white-tailed eagles are protected under the Wildlife & Countryside Act 1981 (as amended) and the Nature Conservation (Scotland) Act 2004, and are listed under Schedules 1, 1A and A1 which protect them from harassment at any time.
- Manx shearwaters which migrate through the area are protected under the Wildlife & Countryside Act 1981 (as amended) and are listed as Amber in the UK Birds of Conservation Concern list.
- BAP species.

- Rare Atlantic rainforest exists within the SSSI area (which will be severely impacted by the proposed access road).
- Other species known to inhabit the area include (but are not limited to) common sandpipers, whitethroats, eider ducks, meadow pipits, newts, frogs (spawning as in photo below taken on the pier track 09.02.26) and toads.



Otters are present along the whole shoreline, with evidence of holts, resting places and runs adjacent to the proposed site and along the length of the burn that has been identified for sewage discharge. Photographs taken in February 2026 show otter spraint on a run right next to the development are provided below:



Otters are strictly protected under the Conservation (Natural Habitats, &c.) Regulations 1994 and the Wildlife and Countryside Act 1981. This protection applies to the animal itself, as well as holts and resting places, even if the otter is not present. Artificial light

and increased disturbance may adversely affect their behaviour. The site is currently unlit.

In October 2025, a seal pup was left by its mother on the pier track to moult (this took over 10 days). Pups have often been seen close to the access track in similar circumstances. Whilst seals are not formally protected under legislation, this should still be a consideration.



Installation of tracks, drives and paved areas also impact the hydrology of the area, and potentially affect bog habitats and soil chemistry.

The application provides no clear mitigation strategy to avoid or minimise ecological harm. Discharging wastewater into a burn used by otters is inconsistent with biodiversity protection objectives.

LAND USE CLASSIFICATION

The application does not seek change of use. The land is currently agricultural (sheep grazing), whereas the proposal would constitute Class 9 residential use. The only historical housing currently on the land is the Inivea settlement from which six families were cleared in 1832. This discrepancy requires clarification.

LACK OF JUSTIFICATION FOR THE SITE

The site is a luxury 4-bedroom house spread across 3 buildings with a substantial footprint and space to park 3 cars, so is highly unlikely to constitute affordable housing for the local community. There is nothing in the application which implies that this site has any occupational need or relevance to the land or local community.

Furthermore, there is:

- No demonstrated occupational need.
- No affordable housing provision.
- No proven community benefit.
- No confirmed primary residence.
- No compelling justification for development within protected designations.

The proposal appears speculative and potentially linked to increasing land value.

The D&A statement advises that this development is “in keeping with the character of the area and other local development.” There is no development on the north side of the bay and all other development within the bay falls into the category of “infill” which aligns with both the current and previous Local Development Plans. The most recent planning application on the north side of the bay (outwith the settlement area) was for an agricultural shed in 2015 (reference 15/00865/PP) which was rejected. Reasons for this rejection were:

- The application did not constitute infill, rounding off or redevelopment in alignment with the provisions of the LDP 1.
- It was not considered that this part of the Countryside Area had capacity to absorb any scale of additional new development, particularly the introduction of a building in a highly prominent, open and undeveloped part of the bay which would have negative and materially harmful visual impact on this scenic area, which is highly valuable socially, economically and environmentally (contrary to policy LDP 9).
- The proposed development did not take account of the landscape impact expressed within the supplementary guidance SG LDP ENV 14 and it was suggested that an appropriate alternative site should be sought.

These reasons for rejection are still valid in alignment with the LPD2 and this application is for a much larger dwelling house with associated access road.

To cite Viking and pre-clearance occupation of the area (page 5 of the Design & Access Statement) as evidence of inhabitation, when such people were cleared from the land in 1832 is spurious at best and crass at worst. Using the historical context of inhabitation of the area from almost 200 years ago simply highlights the lack of inhabitation during living memory. Sheep fanks (still in occasional use), an agricultural shed (which collapsed over a decade ago) and a derelict caravan (which was never connected to water, sewage or electricity) cannot be serious examples of inhabitation.

The intended occupancy of the proposed property is unclear. The applicant appears to run a property development company and is a London-based chartered surveyor. Perhaps they are moving here? Perhaps they are planning to use the place as a second home? Recent planning approvals within the Calgary Bay settlement area have stipulated that new dwellings may not be used as holiday lets.

The applicant has previously marketed surrounding land without success in 2021 (<https://www.thescottishfarmer.co.uk/news/19442492.grab-slice-mull/>). It is reasonable to question whether this application merely seeks to enhance viability and sale value of this land, rather than meet demonstrable housing need.

OTHER OBSERVATIONS

- The Design & Access Statement plan inaccurately identifies the cleared settlement of Inivea as a current dwelling.
- The claim within the Design & Access Statement that the proposal will “maintain and enhance the sense of place” is not substantiated; it would introduce residential development into a currently wild landscape.
- References to ice age and historic settlement are not material planning considerations and simply create “noise” to distract from the lack of relevant factual information provided.
- The Planning Statement also claims that the development is “small scale and protects natural assets”. Neither is true. The rebuilding and enlarging of the track within an SSSI is a substantial construction project (especially for one house). Furthermore, the proposal does not ‘add to the dispersed settlement’ of Calgary and lies well outside the designated settlement area.
- The application references potential future pier repairs and community use of associated buildings (for Calgary Boating Club which has not existed for over a decade!) but provides no binding commitment or deliverable conservation proposals. The pier is Category C listed and recorded as “At Risk.”
- The suggestion of future expansion raises concern regarding incremental development on the north side of the bay based on precedent should this application be successful.
- Changes to the visitor experience of the bay may impact local businesses such as the ice cream shop, gallery and Calgary Bay Café.
- Based on recent social media activity, this application is eliciting wide scale concern from many including local residents, wider island residents who use the bay regularly for leisure, and visitors to the area who hold the place strongly in their affections. This level of community interest should be afforded appropriate weight in the determination process.