

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 21 JANUARY 2015**

Present: Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor Donald MacMillan
Councillor Rory Colville	Councillor Roderick McCuish
Councillor Robin Currie	Councillor Alex McNaughton
Councillor George Freeman	Councillor James McQueen
Councillor Neil MacIntyre	Councillor Sandy Taylor
Councillor Robert G MacIntyre	Councillor Richard Trail

Attending: Charles Reppke, Head of Governance and Law
Angus Gilmour, Head of Planning and Regulatory Services
Ross McLaughlin, Development Manager

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Mary-Jean Devon and Alistair MacDougall.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES

The Minute of the Planning, Protective Services and Licensing Committee held on 17 December 2014 was approved as a correct record.

4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: BOAT HIRE LICENCES

The Marine Accident Investigation Branch Report on the investigation of the foundering of the passenger ferry “Vixen” at Ardlui Marina, Loch Lomond on 19 September 2012 was published on 20 June 2013. The Report made two recommendations in relation to Argyll and Bute Council to prevent similar accidents occurring in the future which were before Members for consideration.

Decision

1. Agreed that Argyll and Bute Council’s Standard Conditions for Boat Hire Licences be amended to:-
 - a) adopt the Inland Waters Small Passenger Boat Code as the standard to be applied for small passenger boats carrying fewer than 12 passengers on categorised waters
 - b) adopt the Code of Design, Construction and Operation of Hire Boats let for hire on inland waterways

- c) require boats which are the subject of the Boat Hire Licensing regime to be regularly surveyed by a competent person, as approved by the Maritime and Coastguard Agency.
2. Noted that the amended conditions will apply to boat hire operators across the whole of Argyll and Bute Council area;
3. Noted that Argyll and Bute Council will continue to liaise with West Dunbartonshire and Stirling Councils to promote safe boating, by assisting those local authorities where requested, with establishing effective boat hire licensing schemes in their areas of Loch Lomond;
4. Noted that Argyll and Bute Council, together with West Dunbartonshire Council and Stirling Councils, will consolidate the joint working already undertaken with the Marine and Coastguard Agency (MCA) in the application of relevant legislation to improve the safety of small commercial passenger boats on Loch Lomond; and
5. Noted that Officers will report back to the Committee on the outcome of the further discussions with West Dunbartonshire and Stirling Councils.

(Reference: Report by Head of Governance and Law dated 24 December 2014, submitted)

5. MINISTRY OF DEFENCE: ERECTION OF NUCLEAR SUPPORT HUB BUILDING (NSH) ON CONCRETE PODIUM WITH ACCESS RAMP CONTRUCTED OVER THE GARELOCH AND ASSOCIATED ON-SHORE BUILDINGS (TWO ACCESS CONTROL POINTS, UTILITIES BUILDING AND CYCLE SHELTER): HM NAVAL BASE CLYDE, FASLANE, HELENSBURGH (REF: 14/02508/PP)

The Development Manager spoke to the terms of the report. Reference was made to three late representations received from Reeni Kennedy, Jeanette Crawford and Alan Finlayson. Two of the three representees had previously submitted an objection and were now complaining that late notice had been given that this application was on the agenda for discussion at this meeting. Mr McLaughlin confirmed that the letters advising of this meeting were issued on time and in line with the terms of the Council's Standing Orders. He advised that Mr Finlayson's objection did not raise any new issues and that all issues raised were summarised at section P of the report of handling. Planning permission is sought for a Class 4 Nuclear Support Hub (NSH) to be located within HM Naval Base Clyde which currently uses two facilities to decontaminate solid and liquid radioactive waste arising from the operation of nuclear powered submarines. The two current facilities housed in separate buildings are approaching the end of their life. Upon the successful completion of the proving period for the (NSH), the work spaces comprising the other two facilities will be decommissioned and de-authorised under the appropriate Regulatory regime. The process generates an effluent which is mainly composed of primary circuit water discharged during submarine reactor plant warm up and during maintenance and liquid effluent generated from the cleaning of contaminated tools and equipment. Further small quantities of active effluents generated by the sampling of reactor plant circuits are also received from the HM Naval Base labs at Faslane. The radioactive treatment process methods are not a planning consideration other than ensuring that SEPA are content with the proposed outfall. Other more technical details relating to the process are regulated by SEPA under separate arrangements. The main

determining issues in this application are whether the proposal is in accordance with the policies of the Development Plan and in particular those relating to settlement strategy and business and waste uses. Further considerations include provision of infrastructure and flood implications. The application has been the subject of 734 objections. Many of the representations relate to issues arising from the radioactive decontamination process and general opposition to nuclear weapons. Approximately 97% of the representations do not originate from the local area. There were no objections received from statutory consultees. It is considered that the proposal would accord with the Development Plan other than being a minor departure from Policy LP SERV1 due to the base being serviced by a private sewerage system. Referring to the contents of section O of the report of handling Mr McLaughlin advised that it was considered that there would be no added value in holding a hearing in respect of this application. There are no adverse material considerations including the policies of the emerging Local Development Plan and the application was recommended for approval as a minor departure from Policy LP SERV1 and subject to conditions detailed in the report of handling and an amendment to condition 5 detailed in supplementary report number 1 to take account of advice from the Council's Flood Consultant on the height of the podium.

Motion

To agree to grant planning permission as a minor departure to Policy LP SERV 1 and subject to conditions detailed in the report of handling and an amendment to condition 5 as detailed in supplementary report number 1.

Moved by Councillor David Kinniburgh, seconded by Councillor George Freeman

Amendment

To agree to hold a hearing in advance of determining this application.

Moved by Councillor Richard Trail, seconded by Councillor Gordon Blair

The Motion was carried by 10 votes to 3 and the Committee resolved accordingly.

Decision

Agreed to grant planning permission as a minor departure to Policy LP SERV 1 of the adopted Argyll and Bute Local Plan subject to the following conditions and reasons:-

1. The development shall be implemented in accordance with the details specified on the application form dated 16/10/14 and the approved drawing reference numbers:

MMD-330242-A-DR-NSH-SP-4000 – Rev P1;
MMD-330242-A-DR-NSH-SP-4001 – Rev P1;
MMD-330242-A-DR-NSH-SP-4003 – Rev P1;
MMD-330242-A-DR-NSH-ZZ-4110 – Rev P1;
MMD-330242-A-DR-NSH-ZZ-4111 – Rev P1;
MMD-330242-A-DR-NSH-00-4100 – Rev P1;
MMD-330242-A-DR-NSH-01-4101 – Rev P1;
MMD-330242-A-DR-NSH-ZZ-4004 – Rev P1;
MMD-330242-A-DR-NSH-ZZ-4120 – Rev P1;
MMD-330242-A-DR-NSH-ZZ-4121 – Rev P1;

MMD-330242-A-DR-NSH-02-4102 – Rev P1;
MMD-330242-A-DR-NSH-XX-4190 – Rev P1;
MMD-330242-A-DR-NSH-XX-4191 – Rev P1;
MMD-330242-A-DR-NSH-XX-4192 – Rev P1;
MMD-330242-A-DR-NSH-XX-4193 – Rev P1;
B1510101 (17) 101-1 B
B1510101 (17) 901-1 B
B1510101 (28) 101-1 B
B1510101 (28) 102-1 B
B1510101 (28) 201-1 B
B1510101 (28) 301-1 B
B1510101 (28) 302-1 B
B1510101 (28) 303-1 B
B1510101 (28) 304-1 B
B1510101 (28) 401-1 B
B1510101 (28) 701-1 B
B1510101 (28) 702-1 B
B1510101 (28) 703-1 B
B1510101 (95) 102-1 B
B1510101 (95) 701-1 B

unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

2. Prior to the commencement of development a Noise Assessment covering construction noise shall be submitted to and approved in writing by the Council as Planning Authority.

Reason: In order to ensure that any noise caused during the construction phase is within acceptable limits.

3. Ecological mitigation shall be undertaken in accordance with Table 5C of the Environmental Appraisal Report dated October 2014.

Reason: In order to ensure that the development causes no unacceptable harm to the natural environment.

4. Prior to the commencement of development the Site Waste Management Plan referred to in the Planning Supporting Statement dated October 2014 shall be submitted to and approved in writing by the Planning Authority. Thereafter the development shall be implemented in accordance with these details unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure that there is acceptable provision for waste on the site.

5. That the podium slab top level shall be at least 5.75mAOD.

Reason: In order to satisfactorily address the flood risk on this site.

6. Development shall not commence until an assessment of the condition of the land and seabed within the application area has been undertaken and approved in writing by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site and identify any potential risks to human health, the water environment, property or designated ecological sites. Where contamination is identified then a detailed remediation scheme must be prepared subject to the approval in writing of the Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria.

Reason: In order to ensure that contaminated land issues are fully considered prior to the commencement of development.

7. Any remediation scheme required by condition 6 must be carried out in accordance with its terms prior to the use of the site with the exception of those actions required to carry out remediation, unless otherwise agreed in writing by the Planning Authority. A verification report confirming completion shall be submitted for the approval in writing by the Planning Authority.

Reason: In order to ensure that where remediation is required it is carried out in accordance with the approved remediation scheme.

8. Mitigation during the construction period shall be undertaken in accordance with Table 5G of the Environmental Appraisal Report dated October 2014.

Reason: In order to ensure that the development causes no unacceptable harm to the water environment.

(Reference: Report by Head of Planning and Regulatory Services dated 8 January 2015 and Supplementary Report number 1 dated 15 January 2015, submitted)

6. WAITROSE PLANNING CONTRIBUTION - PROJECT HIGHLIGHT REPORT AND UPDATE

Consideration was given to a report providing an update on the progress and delivery of projects associated with Planning Consent 11/01422/PP which approved a foodstore and petrol filling station at Cardross Road, Colgrain, Helensburgh and which was now built and operated by Waitrose.

Decision

Noted the contents of the Highlight Report and agreed to continue to support this project.

(Reference: Report by Head of Planning and Regulatory Services and Highlight Report – June 2012 to December 2014, submitted)

7. UPDATE ON RECENT SCOTTISH GOVERNMENT PLANNING APPEAL DECISION

A report clarifying a recent appeal decision by the Scottish Government Directorate for Planning and Environmental Appeals relative to a High Hedge appeal was considered.

Decision

Noted the contents of the report.

(Reference: Report by Head of Planning and Regulatory Services dated 23 December 2014, submitted)