

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held ON A HYBRID BASIS IN THE COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD AND BY
MICROSOFT TEAMS on TUESDAY, 29 AUGUST 2023**

Present: Councillor Kieron Green (Chair)

Councillor John Armour	Councillor Andrew Kain
Councillor Gordon Blair	Councillor Liz McCabe
Councillor Jan Brown	Councillor Douglas Philand
Councillor Graham Hardie	Councillor Peter Wallace

Attending: Iain Jackson, Governance, Risk and Safety Manager
Peter Bain, Development Manager - Planning
Sandra Davies, Major Applications Team Leader - Planning
Stephen MacIntyre, MOWI – Applicant
Ben Hadfield, MOWI – Applicant
Philip Gillibrand, MOWI – Applicant
Lorraine Holdstock, Marine & Coastal Development Policy Officer – Consultee
Elaine Whyte, Clyde Fishermen’s Association – Consultee
Tavish Scott, Salmon Scotland – Supporter
Derek Keir, Camanachd Association – Supporter
Roddy McCuish, Camanachd Association – Supporter
Warren Harvey – Supporter
Craig Graham, Gael Force Group – Supporter
John Ford, Objector
Harry Nickerson, Cour Ltd - Objector
Rachel Mulrenan, Wildfish Scotland – Objector

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Audrey Forrest, Daniel Hampsey, Mark Irvine and Paul Kennedy.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MOWI SCOTLAND LTD: FORMATION OF FISH FARM (ATLANTIC SALMON) INCORPORATING TWELVE 120M CIRCUMFERENCE CIRCULAR CAGES AND SITING OF FEED BARGE: NORTH KILBRANNAN FISH FARM, NORTH OF COUR BAY, KILBRANNAN SOUND, EAST KINTYRE (REF: 20/01345/MFF)

The Chair welcomed everyone to the meeting which was being held on a hybrid basis. For the purposes of the sederunt Iain Jackson, Clerk to the Committee today, read out the names of the Members of the Committee and asked them to confirm their attendance.

Before proceeding further, the Chair addressed a preliminary matter and invited Planning to speak to the contents of supplementary report number 3 issued on 28 August 2023.

The Major Applications Team Leader referred to supplementary report number 3 and, in particular, to a communication from NatureScot which Planning Officers believed was a

material consideration in the determination of this application. It is considered that the proposal may have likely significant effects on the Atlantic Salmon Qualifying Interests of the Endrick Water Special Area of Conservation (SAC). This is a European site and the competent authority, in this case, Argyll and Bute Council, must undertake an Appropriate Assessment. This has been carried out and is contained as an Appendix to the main planning report. The conclusions of this Appropriate Assessment have been formed based upon the advice of NatureScot. However, yesterday morning Officers received a letter from NatureScot advising that they were aware of new information which may change the advice that Planning Officers have been given. A competent authority cannot approve planning applications unless it is shown beyond reasonable scientific doubt through an Appropriate Assessment that the proposal would not adversely affect the integrity of a European site. If Members were to proceed to determine this application on the basis of the existing Appropriate Assessment it could result in a legal challenge. It is understood that NatureScot should be in a position to respond within the normal statutory timeframe of 20 working days. Officers are aware that Members of the Committee have been copied into a letter from MOWI but the contents of this letter do not change the revised recommendation set out in supplementary report number 3 to adjourn the hearing to allow NatureScot time to respond and to allow the Planning Authority to consider if this changes the Appropriate Assessment.

DECISION

The Committee agreed not to commence with the Hearing today and that it be adjourned to allow time for NatureScot to update their advice to the Planning Authority in light of the new information received.

(Reference: Report by Head of Development and Economic Growth dated 12 May 2023, supplementary reports 1 dated and 2 dated 23 May 2023 and supplementary report number 3 dated 28 August 2023, submitted)