

**MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held BY SKYPE
on WEDNESDAY, 16 SEPTEMBER 2020**

Present: Councillor David Kinniburgh (Chair)

Councillor George Freeman

Councillor Jean Moffat

Attending: Iain Jackson, Governance, Risk and Safety Manager (Adviser)
Fiona McCallum, Committee Services Officer (Minutes)

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

**3. CONSIDER NOTICE OF REVIEW REQUEST: LAND NORTH OF PENMORE
MILL, PENMORE, DERVAIG, ISLE OF MULL (REF: 20/0001/LRB)**

The Chair welcomed everyone to the meeting. He explained that no person present would be entitled to speak other than the Members of the Local Review Body (LRB) and Mr Jackson who would provide procedural advice if required.

He advised that his first task would be to establish if the Members of the LRB felt that they had sufficient information before them to come to a decision on the Review.

The Members of the LRB confirmed that they had enough information, Councillor Moffat indicated that she had a competent Motion which she would put forward at the appropriate time. She referred to everyone suffering because of the Covid-19 pandemic, which she said was holding everything up. She commented that there were issues with LDP2 which had to be resolved at Government level and therefore she felt that the LRB should be holding back on their decision with this case until these issues were addressed.

Councillor Freeman said that he had made it clear throughout this process that he was very sympathetic to the application especially when the background and history behind this site was considered. He said that from a simple layman's point of view, he thought it was crazy that attempts were being made to refuse this application when there had been approvals over the years for it. He said that he would be happy to hear any Motions or Amendments put forward. He said that he accepted that there were issues with the draft LDP2 and pointed out that it would be at least 18 months before this was approved. He suggested it would not be possible to delay a decision on this application until the new LDP2 was adopted. He commented that he did not accept that it would not be possible to come up with an amendment to go against an Officer's recommendation and said that he had never come across that situation before.

Councillor Kinniburgh said it was important to bear in mind the current LDP. He acknowledged that LDP2 was currently being progressed but advised that the LRB

could not put significant material weight on that for this particular application because of where the LDP2 was in the process. He advised that the LRB had to decide this application on the current LDP adopted in 2015. He commented that it had been 2010 when the last application for this site was approved and there had been no attempt since then to renew the application as far as he could see. He said he was sympathetic to what had happened in the past with this case but there were critical points that should be taken into account. He said that he agreed that it was usually possible to get a competent Motion to go against a Planning Officer's recommendation but, in this instance, he thought it would be difficult. He advised that no meaningful start had been made on the site. He pointed out that the Applicant had suggested some works had been carried out in 2012 but the Planning Officer had provided photographic evidence that this work was carried out prior to 2010 as this evidence was used in the application submitted at that time. He said that he thought it would be very difficult to find a competent Motion to approve the application today.

The Chair asked Mr Jackson if he could comment on the current situation with LDP2. Mr Jackson advised that representations have been received in respect of policies 02 and 71 in LDP2. He indicated that policy 02 was the main one that could have been used to justify the Applicant's position that LDP2 in its current form could be afforded significant weight.

Councillor Freeman advised that everyone should be aware that LDP2 could only be used where there were no objections to specific areas of the LDP2. He said that in this case because there were objections this part of the LDP2 could not be used at this time. He indicated that if there had been no objection to that specific part of LDP2 this could have been used to justify approval of this application.

Councillor Moffat read out the following Motion –

Colleagues, I am of the view following consideration of all the information that this application should be approved, it supports the Council's objective of inward development and regeneration of our Island Communities and Policy LDP 8 supports new sustainable development proposals that seek to strengthen communities. Supplementary Guidance SG LDP HOU 1 gives general support to new housing provided there is no unacceptable environmental, servicing or access impact. There have also been 2 previous approvals for a similar development of this site which did not identify any issues in regard to the scale, design, siting or use thereby demonstrating that the proposal can be successfully integrated into its landscape setting. There is an indication in information provided to the LRB by the Planners that once LDP2 can be afforded substantial material weight, that might afford the appellants the opportunity to revisit their proposed development upon this site and for officers to consider it in a more positive light – officers have expressed that view to the appellants and are keen to find a sustainable 'solution'.

However, I've been advised that at this point in time it is not possible to get a competent motion to approve the application. The reasons for that are that the application does not accord with the current adopted plan LDP1 and the only material consideration that I have been able to identify is a possible minor departure from the current adopted plan LDP1 on the basis that LDP2 is a material consideration that could be brought to bear. LDP2 is currently at Proposed Plan stage and there are unresolved objections/representations relating to Policy 02,

which has been mentioned by the Applicants agent as a justification for departing from the current adopted plan and to Policy 71.

As these Policies require to be considered by the Scottish Government Reporters their application in terms of LDP2 is as yet unresolved, therefore the weight that could be attached to them is not sufficient to allow them to be utilised as material considerations at this point in time, in any motion that would allow a minor departure from the current adopted plan.

I would therefore like to move a Motion that consideration of this application be continued until the new LDP2 has been finalised.

Moved by Councillor Jean Moffat, seconded by Councillor George Freeman.

Decision

The Argyll and Bute LRB agreed that consideration of this application be continued until the new LDP2 has been finalised.

Having moved an Amendment which failed to find a seconder, Councillor David Kinniburgh asked for his dissent from the foregoing decision to be recorded.