

**MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held in the BY TEAMS
on THURSDAY, 9 SEPTEMBER 2021**

Present: Councillor David Kinniburgh (Chair)

Councillor Audrey Forrest

Councillor Jean Moffat

Attending: Iain Jackson, Governance, Risk and Safety Manager (Adviser)
Hazel MacInnes, Committee Services Officer (Minutes)
Charles Tibbles, Applicants' Agent (Observing)
Alan Udall, Interested Party (Observing)

1. APOLOGIES FOR ABSENCE

The were no apologies for absence.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

**3. CONSIDER NOTICE OF REVIEW REQUEST: LAND EAST OF CAMUSDARACH,
KILMELFORD (REF: 21/0003/LRB)**

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

Mr Jackson advised that a late representation of support had been received which was very similar to those already received, which did not raise any new issues and was therefore a request to be added to the list of supporters. He advised that it was a matter for the local review body to decide if this late representation be accepted and whether they felt it required to go to further process allowing interested parties the opportunity to comment on it.

The Chair advised that because the representation was so similar to those already received he felt it did not require to go to further process and therefore was happy for the representee to be added to the list of supporters. Councillors Forrest and Moffat agreed.

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

Councillor Forrest advised that she did not feel that she had sufficient information to come to a decision and felt that she would benefit from a site visit or the provision of photographs showing both the site and views to and from the site.

Councillor Moffat agreed with Councillor Forrest in respect of a site visit and advised that an indicative plan of the proposed dwelling would also be helpful.

The Chair advised that he felt he did have sufficient information before him to come to a decision. He advised that even if the Local Review Body conducted a site visit and decided they were minded to approve they would have the issue of preparing a motion based around LDP2 which he felt would be difficult. He advised that LDP2 was going to

examination stage and that there had been a number of representations in respect of Policy 02 which related to the site. He added that he was of the opinion that the Local Review Body should be considering the proposal against the current local development plan.

Councillor Moffat advised that while she agreed with what Councillor Kinniburgh had said she felt that once LDP2 was passed they would find themselves reconsidering the proposal and therefore a site visit would clear things up.

The Chair advised that if the Local Review Body came to a view that the proposal was compliant with Policy 02 of LDP2 then they would have the issue of preparing a competent motion which he felt would be difficult. He advised that it would be difficult because the LDP2 was still at examination stage, they did not know the reporters view on this and therefore the Local Review Body should be making a decision on the information before them. He advised that in the past the reporter had come to a different view than the Council on the LDP and therefore they had no option but to wait until this process had been completed before LDP2 could be taken into consideration. He added that although he felt sympathy for the applicant due to the situation with Covid-19 he did not believe this was material consideration.

Councillor Forrest advised that she was not aware that there were outstanding issues with LDP2 and asked if there was a timescale for review by the reporter.

The Chair advised that it could be up to 9 months. The Council had authorised officers to progress to examination stage at the last meeting and therefore it would be submitted to the Scottish Government in the near future.

Councillor Forrest advised that if they could not give consideration to LDP2 then she was in agreement with the Chair.

The Chair moved that for the reasons outlined and taking into account the views of officers that planning permission in principle be refused. Councillor Forrest seconded this.

Councillor Moffat made reference to the number of supporters and advised that as a Councillor she felt she should be listening to the views of the community. She advised that she would want to advise the applicant to reapply once LDP2 could be taken into consideration.

Mr Jackson advised Councillor Moffat that she could move an amendment which would likely not find a seconder due to the views expressed by the other two councillors and therefore have her dissent recorded.

Councillor Moffat advised that she did not want to do this but reiterated that she would advise the applicant to reapply once LDP2 could be considered.

Decision

The Argyll and Bute Local Review Body after considering the case de novo agreed that planning permission in principle be refused for the reasons outlined in the report of handling by the Planning Department.

(Reference: Notice of Review and Supporting Papers, Comments from Interested Parties and Comments by Applicant, submitted)