

MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held BY MICROSOFT TEAMS on TUESDAY, 16 NOVEMBER 2021

Present: Councillor Rory Colville (Chair)
Councillor Roderick McCuish Councillor Richard Trail

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: YARD SOUTH OF OIL DEPOT, SOUTH LEDAIG, NORTH CONNEL (REF: 21/0004/LRB)

The Chair, Councillor Colville, 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 (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.

All the Members of the LRB agreed that they had enough information before them to reach a decision today. They also confirmed there would be no requirement for a site inspection or further written submissions.

Councillor McCuish said that he thought that the submission from the Council's Estates Department containing sixteen bullet points made a compelling case for refusing this application. He advised that bullet point 4, in particular troubled him, which stated that "Despite formal communications to cease use direct to the operator (Mr Mitchell), and to Oilfast Ltd (who lease the Former Roads Depot site from the Council, and have allowed the operator as their sub-tenant – which is unapproved by the Council as Landlord), the operator has continued with the unauthorised use of the land directly adjoining the Oilfast Ltd leased area to the south for their operation".

Councillor Trail advised that he had looked at the Applicant's reasons for appealing. He referred to the point he had made about this being a redevelopment site. He commented that it was a redevelopment site under their own definition and was not a redevelopment site as far as the Council definition of one was as detailed in the Local Development Plan. He also referred to the Applicant stating that other issues raised relating to the current management of the yard were not material planning considerations. Councillor Trail said that this maybe almost true but when reading what the Safeguarding Officer for Oban Airport said about rubbish lying about the site and being set on fire, he believed this was a

material consideration in this case. Councillor Trail confirmed that he was in favour of refusing this Appeal.

Councillor Colville advised that Councillor Trail had touched on the point that he too was concerned about. He referred to Supplementary Guidance SG LDP - BAD 2 Bad Neighbour in Reverse and advised that in addition to concerns about fires causing a danger to airport runways, he said fires in the vicinity of the oil yard gave him real concern. He referred to Supplementary Guidance SG LDP TRAN 7 – Safeguarding of Airports and said that there also needed to be protection from oil yards. He commented that he was not sure what type of fuel was stored there but was of the opinion that this proposal would not be a suitable development of the site.

Councillor Colville advised that he agreed with the Planning Officer about the possible future expansion of the existing facilities at the airport also being safeguarded. He said that development of Oban Airport was something everyone hoped would grow and become a real boom to the area. He said this should be borne in mind as this site could be put to better use for the sustainability of the airport which tied in with policies LDP 11 – Improving Our Connectivity and Infrastructure and LDP STRAT 1 Sustainable Development.

Councillor Colville said that he took on board the Applicant's comments about the yard being part of the original Roads Depot. He commented that he found this slightly confusing as there appeared to be dubiety here between the two parties.

Councillor Colville advised that the Members of the LRB had to base their decision on the policies of the Local Development Plan and moved that the application be refused for the reasons set out in the report of handling. Councillor Trail seconded the Motion and no one was otherwise minded.

Decision

The Argyll and Bute Local Review Body, having considered the merits of the case de novo, unanimously agreed to uphold the Planning Officer's decision to refuse planning permission for the following reasons:

1. The proposed development is located within the defined 'Countryside Zone' where key planning policy LDP DM 1 provides that small scale development will be supported only on appropriate infill, rounding off and redevelopment sites and changes of use of existing buildings. The policy allows that, in exceptional cases only, otherwise appropriate forms and scales of development in the open countryside might be supported on appropriate sites where it accords with an area capacity evaluation. In this case, no acceptable claim of any 'exceptional' case based on a locational/operational need has been provided and, therefore, the proposed development is contrary to planning policy LDP DM 1.
2. The proposed development is contrary to planning policy LDP 5 and SG LDP BUS 2 which offers support to new business and industry development (and extensions to existing business and industry development) only where those proposals accord with key spacial strategy planning policy LDP DM 1. In this case, as summarised in Refusal Reason 1 above, the proposed development is contrary to policy LDP DM 1.
3. Notwithstanding Reasons 1 and 2 above, the proposed development is contrary to planning policy LDP 11 and SG LDP TRAN 7 (Safeguarding of Airports) due to the

significant safeguarding concerns highlighted by the Council as airport operator and the potential for the development to limit or curtail the operation of the airfield, contrary to the wider interests of the regional economy and community.

4. Notwithstanding the above, the proposed development is considered to be materially harmful to the landscape qualities of the area and contrary to planning policy LDP 9 and SG LDP ENV 14.

(Reference: Notice of Review and supporting documents, comments from interested parties and further comments from Applicant, submitted)