

**MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held BY MICROSOFT
TEAMS
on MONDAY, 12 FEBRUARY 2024**

Present: Councillor Kieron Green (Chair)
Councillor Mark Irvine Councillor Peter Wallace

Attending: Iain Jackson, Governance, Risk and Safety Manager (Adviser)
Lynsey Innis, Senior Committee Assistant (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 TO THE NORTH OF BALLYHAUGH OUTDOOR CENTRE, ISLE OF COLL, PA78 6TB (REF: 23/0009/LRB)

The Chair, Councillor Kieron Green, 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.

Councillor Irvine confirmed that he felt he had enough information before him to come to a decision.

Councillor Wallace advised that he was happy to proceed.

The Chair, Councillor Green advised that he may require further information, but would listen to the position of the others before coming to a decision.

Councillor Irvine advised that having reviewed all of the documentation provided, he had a concern as to why the Applicant appeared to be unwilling to consider other areas within the farm, given the size of the land which could have been developed upon. He advised that he felt that despite the alternative areas for development put to the applicant by the Planning authority, the Applicant had failed to explore these options in any great detail. Councillor Irvine advised that in his opinion the application could not justifiably be considered as an exceptional case, but that he was happy to support the Applicant find a suitable alternative area to develop on land that could be built on.

Councillor Wallace advised that he was unclear as to whether the proposed dwelling house was to be used as a permanent residence or only used around the calving season. He advised although the applicant had considered a number of alternative sites for development, which were considered to be too boggy or too exposed to harsh weather, he

too wondered about other possible sites for development on the land that had been suggested by the Planning authority.

Councillor Green advised that his concerns had largely been covered by both Councillors Irvine and Wallace and that he too felt that, based on the information before them, there was no need demonstrated that would constitute an exceptional case. He suggested that if the Applicant was to provide a written statement outlining and providing evidence that all other suitable sites had been considered and discounted by carrying out surveying geo-technical work and feasibility studies including soil analysis, wind speed and all aspects, the applicant may be able to evidence the exceptional case.

Councillor Irvine advised that having considered the Report of Handling, where the Planning authority had outlined rural opportunity areas and substantial buildings on other parts of the site that appear to be more suitable, he was happy to support the current refusal.

Councillor Wallace advised that he would feel more comfortable in giving the Applicant an opportunity to demonstrate that there was an exception, rather than refusing the application completely.

Councillor Green agreed that given the information provided at this time, the Planning authority had clearly made the right decision to refuse the application. However, he too wondered whether it was appropriate to permit the Applicant one more chance to demonstrate the exceptional case.

Discussion was had around the type of information that the Applicant would require to provide to satisfy the concerns of the Local Review Body, with it being agreed that professionally qualified reports providing evidence that all other suitable alternative sites had been considered and discounted by carrying out surveying geo-technical work and feasibility studies including soil analysis and wind speed studies would be required.

Further discussion was had on the timeframes associated to the provision of additional information at this stage in the process, with the Clerk advising that it may be necessary to consider an extension if this was requested by the Applicant.

Decision

The Members of the Argyll and Bute Local Review Body agreed to:

1. request that the Applicant provide professionally qualified reports providing evidence that all other suitable alternative sites had been considered and discounted by carrying out surveying geo-technical work and feasibility studies including soil analysis and wind speed studies; and
2. adjourn the meeting and reconvene at the earliest opportunity following the production of the aforementioned information.

(Reference: Notice of Review and Supporting Documents and Comments from Interested Parties, submitted)