

**MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held in the
MEMBERS' ROOM, KILMORY, LOCHGILPHEAD
on TUESDAY, 12 JANUARY 2010**

Present: Councillor Daniel Kelly (Chair)
Councillor Robin Currie Councillor Roderick McCuish

Attending: Charles Reppke, Advisor to the LRB
Melissa Stewart, Minute Taker

**1. CONSIDER NOTICE OF REVIEW REQUEST: ARDORAN WOODLAND,
LERAGS, BY OBAN**

The Chairman welcomed everyone to the meeting and advised that parties to the Review were not permitted to address the Local Review Body. He advised that the only participants would be the Members of the LRB panel and Mr Reppke who was who would provide procedural advice if required.

The Chairman advised that his first task would be to establish whether or not the LRB felt they had sufficient information before them to reach a decision on the review. If they did not feel they had sufficient information then the LRB would require to identify the "specific matters" which the LRB would like to be addressed. He then put the question to members of the LRB who unanimously agreed that they had sufficient information before them to allow them to make a decision regarding the application for review. On the basis of this decision, the request by the applicant's agent to convene a local hearing was not acceded to and it was agreed to proceed to determine the application.

Councillor McCuish spoke regarding locational/operational need and although accepting that the siting of a house would be convenient he did not feel that it was necessary in terms of Policy in this instance. He referred to the correspondence from UPM Tilhill in which timescales were detailed for the various works involved. He questioned whether an onsite presence would be necessary once the planting works had been completed and referred to the policy background for this location.

Councillor McCuish also spoke regarding the location of the woodland which was less than 6 miles from Oban. He considered that this would not be an inappropriate distance to commute.

His final point was in relation to the photographs of the remnants of a woodland bothy near the application site. He questioned why this could not have been re-developed.

Councillor Currie advised that he was taking into account the 2002 Structure Plan and the 2009 Local Plan which defined

locational/operational need. He did not consider that this need has been demonstrated in this case and referred to crofting policy in which a distance of 10 miles from the croft was deemed as “adequately housed”.

Councillor Currie had difficulty with the works detailed on page 16 of the agenda pack for which a locational need was claimed. He advised that in his experience such works were usually carried out by people outside the area at other locations and with no difficulty. He accepted that the works would be difficult to oversee from Essex but that the applicants could easily be resident in Oban, Connel or Taynuilt and therefore a house on this particular site was not necessary.

The Chair advised that he agreed with the comments made by his colleagues and that it was not necessary to be resident onsite when the main town of Oban was 3/4 miles from the site.

He questioned the LRB panel whether they had any further comments to add.

Councillor Currie raised the question of the ruins of the building and why the applicants hadn't tried to re-develop this. In response Mr Reppke advised that this was not a matter for consideration today and that only the information before them should be taken into account.

Decision

It was unanimously agreed to refuse the application on the following grounds:-

1. The application site is located within 'Sensitive Countryside' in the Adopted Argyll and Bute Structure 2002. This allocation establishes a presumption in favour of development provided it is infill, rounding off and/or redevelopment. The proposed development is not considered either of the above, nor is it considered to be a 'special case' as no specific locational requirement can be demonstrated as the proposed development could be located elsewhere in a more suited environment. Therefore the development is contrary to the provisions of the Adopted Argyll and Bute Structure Plan 2002, Policy STRAT DC5.
2. The application site is located within 'Sensitive Countryside' in the Adopted Argyll and Bute Local Plan 2009. This allocation establishes a presumption in favour of development provided it is infill, rounding off and/or redevelopment. The proposed development is not considered either of the above, nor is it considered to be a 'special case' as no specific locational requirement can be demonstrated as the proposed development could be located elsewhere in a more suited environment. Therefore development cannot be justified under the provisions of the Adopted Argyll and Bute Local Plan 2009 Policy ENV1, which requires compliance with Structure Plan 2002, Policy STRAT DC 5.

In addition, the LRB instructed the Head of Democratic Services and

Governance to issue a decision notice in these terms by authority of the Body.

(Ref: Notice of Review and Supporting Documentation, Responses by Interested Parties and Response by Applicant's Agent to Comments from Interested Parties, submitted)

