

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on WEDNESDAY, 24 JANUARY 2018**

Present: Councillor David Kinniburgh (Chair)

Councillor Rory Colville	Councillor Roderick McCuish
Councillor Robin Currie	Councillor Jean Moffat
Councillor Mary-Jean Devon	Councillor Alastair Redman
Councillor Audrey Forrest	Councillor Sandy Taylor
Councillor George Freeman	Councillor Richard Trail
Councillor Donald MacMillan	

Attending: Charles Reppke, Head of Governance and Law
Angus Gilmour, Head of Planning, Housing and Regulatory Services
Sandra Davies, Acting Major Applications Team Leader
Sybil Johnson, Senior Planning & Strategies Officer

The Committee convened at 12 noon. The Chair ruled, and the Committee agreed to adjourn the meeting at 12 noon to allow three Members of the Committee time to return from another meeting.

The Committee reconvened at 12.20 pm.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Gordon Blair, Lorna Douglas and Graham Archibald Hardie.

2. DECLARATIONS OF INTEREST

Councillor Rory Colville declared a non-financial interest in planning application reference 17/02484/S36 which is dealt with at item 5 of this Minute as he is a member of a tripartite Social Enterprise Group which was applying for Scottish Government funding to develop a community renewables investment project, with wide community benefits. He left the room and took no part in the consideration of this application.

3. MINUTES

- a) The Minute of the Planning, Protective Services and Licensing Committee held on 12 December 2017 at 11.00 am was approved as a correct record.
- b) The Minute of the Planning, Protective Services and Licensing Committee held on 12 December 2017 at 2.20 pm was approved as a correct record.
- c) The Minute of the Planning, Protective Services and Licensing Committee held on 12 December 2017 at 2.40 pm was approved as a correct record.
- d) The Minute of the Planning, Protective Services and Licensing Committee held on 12 December 2017 at 3.00 pm was approved as a correct record.

- e) The Minute of the Planning, Protective Services and Licensing Committee held on 12 December 2017 at 3.20 pm was approved as a correct record.
- f) The Minute of the Planning, Protective Services and Licensing Committee held on 12 December 2017 3.40 pm was approved as a correct record.
- g) The Minute of the Planning, Protective Services and Licensing Committee held on 19 December 2017 was approved as a correct record.

4. MR GRAHAM MACQUEEN: ERECTION OF RECREATIONAL HUT (PART RETROSPECTIVE): LAND APPROXIMATELY 830 METRES NORTH EAST OF ATLANTIC BRIDGE (REF: 17/02438/PP)

The Acting Major Applications Team Leader spoke to the terms of the report and advised of a late email representation received from Councillor Andrew Vennard which was in addition to a previous representation he had submitted and emphasised the difficulty of locating the hut at an alternative location. This application was first presented at the November meeting where a request was made by the Applicant's Agent that consideration of this application be continued to the December meeting to enable the submission of further details incorporating elements of the proposed development absent from the current application. At the December meeting the Committee were advised that that the Applicant's Agent had requested a further continuation to the January 2018 meeting. Reference was made to supplementary report number 3 which brought to Members' attention a number of drafting errors in the main report of handling presented at the November meeting and also to advise Members of further representations received together with additional information submitted in support of the application and also addressing concerns from the Applicant and his wife regarding the content of the main report of handling. Given the significant interest in this application with a broad range of issues raised it was considered that there would be benefit in the application being addressed by means of a discretionary local hearing in advance of determining this application.

Decision

The Committee agreed to hold a pre determination hearing at the earliest opportunity.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 8 November 2017, supplementary report number 1, supplementary report number 2 and supplementary report number 3 dated 17 January 2018, submitted)

Having previously declared an interest in the following item Councillor Rory Colville left the meeting at this point.

5. EDF ENERGY RENEWABLES LTD (VIA SCOTTISH GOVERNMENT CONSENTS UNIT): ELECTRICITY ACT SECTION 36 CONSULTATION RELATIVE TO AIRIGH WIND FARM: LAND SOUTH WEST OF TARBERT, ARGYLL (REF: 17/02484/S36)

The Acting Major Applications Team Leader spoke to the terms of a report advising of the Scottish Government's Energy Consents and Deployment Unit Section 36 consultation regarding the proposed Airigh Wind Farm at land south west of Tarbert,

Argyll. A supplementary report was also referred to which advised of further information, a further representation and a further consultee response received by the Energy Consents Unit. In Scotland, any application to construct or operate an onshore power generating station with an installed capacity of over 50 megawatts requires the consent of Scottish Ministers under Section 36 of the Electricity Act 1989. Any ministerial authorisation given would include a 'deemed planning permission' and in these circumstances there is then no requirement for a planning application to be made to the Council as Planning Authority. The Council's role in this process is one of a consultee along with other consultation bodies. It is recommended that the Committee object to this proposal for the reasons detailed in the report and that the Scottish Government be notified accordingly.

Motion

To agree the recommendations detailed in the report.

Moved by Councillor David Kinniburgh, seconded by Councillor Jean Moffat

Amendment

To agree that arrangements be made to hold a site visit prior to making a recommendation to the Scottish Ministers in order to determine the visual impact of the proposed wind farm.

Moved by Councillor Sandy Taylor, seconded by Councillor Donald MacMillan

The Amendment was carried by 8 votes to 3 and the Committee resolved accordingly.

Decision

The Committee agreed that arrangements be made to hold a site visit prior to making a recommendation to the Scottish Ministers in order to determine the visual impact of the proposed wind farm.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 22 December 2017 and supplementary report number 1 dated 22 January 2018, submitted)

Councillor Colville returned to the meeting.

6. DEVELOPMENT PLAN SCHEME ANNUAL UPDATE - LOCAL DEVELOPMENT PLAN 2

Consideration was given to a report seeking approval of the updated Development Plan Scheme, including its associated Participation Statement and to obtain authority to publish the approved updated Development Plan Scheme and submit it to the Scottish Ministers.

Decision

The Committee noted the contents of the report and approved the updated Development Plan Scheme attached in Appendix A to the report for publication and submission to the Scottish Ministers.

(Reference: Report by Executive Director – Development and Infrastructure Services dated 21 December 2017, submitted)

The Council resolved in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the press and public for the following 3 items of business on the grounds that they were all likely to involve the disclosure of exempt information as defined in Paragraph 13 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

7. ENFORCEMENT UPDATE - REFERENCE 16/00076/ENAMEN AND 17/00046/ENAMEN

A report providing an update on enforcement case references 16/00076/ENAMEN and 17/00046/ENAMEN was before the Committee for information.

Decision

The Committee noted the contents of the report.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 10 January 2018, submitted)

8. ENFORCEMENT REPORT - REFERENCE 13/00328/ENFOC2

Consideration was given to enforcement case reference 13/00328/ENFOC2.

Motion

To agree the recommendations in the report and that if there is no progress in respect of recommendation 2 within 3 months that a report come back to the PPSL Committee for consideration on how to proceed.

Moved by Councillor David Kinniburgh, seconded by Councillor Rory Colville

Amendment

To agree that arrangements be made to hold a site visit, that further information be provided to Members on the site and that Officers hold a briefing meeting with the Members on the history of the site.

Moved by Councillor George Freeman, seconded by Councillor Alastair Redman

The Motion was carried by 9 votes to 2 and the Committee resolved accordingly.

Decision

The Committee agreed to the recommendations detailed in the report that if there is no progress in respect of recommendation 2 within 3 months that a report come back to the PPSL Committee for consideration on how to proceed.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 10 January 2018, submitted)

9. ENFORCEMENT REPORT - REFERENCE 17/00131/ENOTH3

A report on enforcement case reference 17/00131/ENOTH3 was before the Committee for consideration.

Decision

The Committee agreed to continue consideration of the report to a future meeting.

(Reference: Report by Head of Planning, Housing and Regulatory Services dated 10 January 2018, submitted)