

**UPDATE ON RECENT DISCRETIONARY LOCAL HEARING DECISION – 17/01205/PP -  
SITE WEST OF TAIGH SOLAIS, LEDAIG, TOBERMORY**

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**A) INTRODUCTION**

This report summarises a decision by Scottish Ministers to ‘call-in’ a planning application for determination.

**B) RECOMMENDATION**

It is recommended that Members note the contents of this report.

**C) BACKGROUND**

This report refers to planning application reference 17/01205/PP for the erection of retail unit, visitor centre and self-catering accommodation at site West of Taigh Solais, Ledaig, Tobermory, including realignment of escape stairs to Taigh Solais and MacGochans.

This application was the subject of a discretionary local hearing, held on Wednesday 29<sup>th</sup> January 2020 at Aros Hall, Main Street, Tobermory, Isle of Mull.

At the hearing, Members were appraised that the proposed development had been the subject of sustained objection by SEPA and that the development, therefore, was contrary to both local and national flood risk policy. Members were advised that the recommendation by officers was that planning permission be refused and that any move to grant planning permission contrary to that recommendation would require the application, as ‘Category 2 development’, to be notified to Ministers for their determination of whether or not they would exercise their veto and ‘call-in’ the application for their consideration and final decision.

The unanimous resolution by Members attending that hearing was that Members considered that the proposed development represents a clear and overriding locational and operational need for the development sufficient to warrant departure from national and local flood risk policy. That there is an exceptional case for the approval of this development. The reasons for that are –

1. It is an existing gap site that is visually harmful and harmful to the character and appearance of the conservation area.
2. It is the only remaining development opportunity within the Harbour front and without development here, the harbour front remains incomplete and as such is a unique opportunity to complete the harbour front development.
3. The development includes an opportunity to include permanent tourist information provision, currently lacking in Tobermory and development is vital to secure the tourism growth strategy of the Council.

And further that the considerations that have been brought forward by those who support the application are material considerations which, in the view of those Members attending the hearing, carry considerable weight in their nature and are in accordance with the various material policy considerations in the LDP with which the application is compliant so that they should outweigh the weight that has been given to the concerns that have been raised by planning services and by SEPA with regard to flood risk.

The decision taken at the hearing was, therefore, that planning permission be granted and that this intent be notified to Ministers in accordance with relevant legislation.

#### **D) NOTIFICATION TO MINISTERS**

The Scottish Government was notified of the Council's intention to grant planning permission for this development contrary to the advice of SEPA under the Town And Country Planning (Notification Of Applications) (Scotland) Direction 2009 on the 28<sup>th</sup> January 2020.

On the 5<sup>th</sup> May 2020, the Scottish Government, under the powers conferred on them by Section 46(1) of the Town and Country Planning (Scotland) Act 1997, issued to the Council a Direction requiring the application to be referred to them for determination.

The reason given for this Direction is that, *in view of the proposed development's potential conflict with national policy on flooding, it is considered that the issues raised would benefit from further scrutiny by Ministers.*

The Direction states that the decision of Ministers will be final. Therefore, Members are advised at this time that the decision on this planning application will not be referred back to the Council other than to inform us of the eventual outcome.

Members will be appraised of that decision, together with a summary of the reasons for making it, in due course.

#### **E) IMPLICATIONS**

Policy: None

Financial: None.

Personnel: None

Equal Opportunities: None

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