

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE HELD BY SKYPE
on WEDNESDAY, 20 MAY 2020**

Present: Councillor David Kinniburgh (Chair)

Councillor Gordon Blair	Councillor Roderick McCuish
Councillor Rory Colville	Councillor Jean Moffat
Councillor Robin Currie	Councillor Alastair Redman
Councillor Mary-Jean Devon	Councillor Sandy Taylor
Councillor Lorna Douglas	Councillor Richard Trail
Councillor George Freeman	

Attending: Fergus Murray, Head of Development and Economic Growth
Patricia O'Neill, Governance Manager
Peter Bain, Development Manager
Sandra Davies, Major Applications Team Leader
David Love, Area Team Leader – Mid Argyll, Kintyre and the Isles
Alan Morrison, Regulatory Services Manager
Stuart McLean, Committee Manager

Members were asked to suspend Standing Order 5.4 – the Member who is presiding at the meeting must do so from the specified location for the meeting and cannot join by video conferencing.

The requisite two thirds of Members present agreed to suspend Standing Order 5.4 to enable discussion of reports on the Agenda.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Audrey Forrest, Graham Archibald Hardie and Donald MacMillan.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES

- a) The Minute of the Planning, Protective Services and Licensing Committee held on 18 March 2020 at 11.30 am was approved as a correct record.
- b) The Minute of the Planning, Protective Services and Licensing Committee held on 18 March 2020 at 2.00 pm was approved as a correct record.
- c) The Minute of the Planning, Protective Services and Licensing Committee held on 18 March 2020 at 2.20 pm was approved as a correct record.
- d) The Minute of the Planning, Protective Services and Licensing Committee held on 18 March 2020 at 2.40 pm was approved as a correct record.

e) The Minute of the Planning, Protective Services and Licensing Committee held on 18 March 2020 at 3.00 pm was approved as a correct record.

4. THE SCOTTISH GOVERNMENT ON BEHALF OF SLR CONSULTING LIMITED: ELECTRICITY ACT SECTION 36 CONSULTATION RELEVANT TO SHEIRDRIK RENEWABLE ENERGY DEVELOPMENT: LAND AT GARTNAGRENACH FOREST, WHITEHOUSE, ARGYLL (REF: 19/02424/S36)

Consideration was given to the recommended response to the Scottish Government's Energy Consents and Deployment Unit Section 36 consultation regarding the proposed Sheirdrim Renewable Energy Development. The Major Applications Team Leader spoke to the terms of the report. In Scotland, any application to construct or operate an onshore power generating station, in this case, a wind farm, with an installed capacity of over 50 megawatts requires the consent of Scottish Ministers under Section 36 of the Electricity Act. 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 consultee along with various other consultation bodies. This site is part of the Achaglass and Gartnagrenach Estates and is located at the northern end of the Kintyre Peninsula, near the villages of Clachan and Whitehouse. The proposed development is within a mixture of Rural Opportunity Area, Countryside and Very Sensitive Countryside and would comprise 19 wind turbines, 16 up to 149.9m tip height and 3 up to 135m tip height and other elements as detailed in Appendix A of the report of handling. At the time of writing the report, public representation stood at 50 of which 46 are objections and 4 in support. Objections had also been made by Historic Scotland Environment, Scottish Forestry, National Air Traffic Services and East and West Kintyre Community Councils and South Knapdale Community Council. This report reviews the policy considerations applicable to this proposal and the planning merits of the development, the views of bodies consulted by the Scottish Government along with consultation undertaken by the Council, and third party opinion expressed to the Scottish Government. Officers conclude that the proposed development does not accord overall with the relevant provisions of the Scottish Planning Policy and the Argyll and Bute Local Development Plan and that there are no material considerations which would justify anything other than the Council objecting to this proposal for the reasons detailed in the report. Should any of the objections raised by Historic Environment Scotland, Scottish Forestry and National Air Traffic Services be withdrawn, then it is also recommended that the Council no longer objects on these grounds, and that the Energy Consents Unit should treat these aspects of the Council's overall objection as withdrawn. In addition it is also recommended that out of the two access options, the existing Cour access is identified as the Council's preference and that the Scottish Government be notified accordingly.

Motion

To agree to object to this proposal for the reasons outlined in the report of handling subject to including reference to the proposed development having an adverse landscape and visual impact on the villages of Clachan and Whitehouse, and that the Scottish Government be notified accordingly.

Moved by Councillor David Kinniburgh, seconded by Councillor Sandy Taylor

Amendment

To agree to continue consideration of this Section 36 consultation.

Moved by Councillor Rory Colville, seconded by Councillor Lorna Douglas

A vote was taken by calling the roll.

Motion

Councillor Robin Currie
Councillor Mary-Jean Devon
Councillor David Kinniburgh
Councillor Jean Moffat
Councillor Alastair Redman
Councillor Sandy Taylor
Councillor Richard Trail

Amendment

Councillor Gordon Blair
Councillor Rory Colville
Councillor Lorna Douglas
Councillor George Freeman
Councillor Roderick McCuish

The Motion was carried by 7 votes to 5 and the Committee resolved accordingly.

Decision

The Committee agreed to object to this proposal for the reasons outlined in the report of handling subject to including reference to the proposed development having an adverse landscape and visual impact on the villages of Clachan and Whitehouse and that the Scottish Government be notified accordingly.

Reference: Report by Head of Development and Economic Growth dated 6 May 2020, submitted)

- 5. SPECIALITY DRINKS LIMITED: ERECTION OF DISTILLERY WITH ASSOCIATED MALTINGS AND VAULTED MATURATION WAREHOUSE, VISITOR'S CENTRE AND SHOP, RESTAURANT AND MEETING FACILITIES, TASTING LODGE AND ASSOCIATED INFRASTRUCTURE INCLUDING: SEWAGE TREATMENT PLANT AND PUMPING STATION, NEW JUNCTION, ACCESS ROADS, CAR PARKING, TANK FARMS, SUDS POND, RESERVOIR AND SEA WATER INTAKE: LAND SOUTH AND EAST OF FARKIN COTTAGE, PORT ELLEN (REF: 19/02555/PP)**

The Area Team Leader spoke to the terms of the report. The proposal is to erect a distillery on the south-coast of Islay east of Port Ellen. The location is considered countryside as per the adopted Local Development Plan. Policy LDP DM1 makes provision for all scales of development subject to an exceptional case and Area Capacity Evaluation (ACE). In this instance the Applicant has demonstrated that this site offers the only available viable location with sufficient water supply and land to offer scope for the development type. An ACE has been completed and is detailed at Appendix of the report. It concludes that the change to the landscape character may be considered to have a neutral impact upon the quality of the receiving landscape character.

The findings of the ACE were unanimously endorsed by the Committee at this point.

There are no objections to the proposal from consultees other than from Islay Community Council and conditions are proposed to secure access improvements, landscaping, biodiversity enhancements, residential amenity and archaeology. There have been a total of 21 separate objections to this application with a further petition with 148 names. Of these 4 people have signed the petition and submitted separate individual representations. Two letters of support have been submitted. In this instance the volume of representations would suggest that Members should consider the need for a hearing. However the majority of representations do not raise issues material to the determination of this application. They raise wider ranging concerns such as impact on ferry travel, condition of road infrastructure etc. Landscape impact is a consistent theme, which is material. This has been covered at length by the Applicant's LVIA and Officer's ACE and Officers to do not consider that a discretionary hearing would add value in this instance. It is recommended that the Committee approve the application subject to the conditions and reasons set out in the report of handling.

Motion

To approve the application subject to the conditions and reasons set out in the report of handling.

Moved by Councillor David Kinniburgh, seconded by Councillor Rory Colville

Amendment

To agree to hold a discretionary pre-determination hearing at the earliest opportunity and if it has not been possible to hold this hearing by August 2020, given the ongoing situation regarding the coronavirus (COVID-19) pandemic, to bring this matter back to the PPSL Committee in August to decide how the hearing would proceed.

Moved by Councillor Robin Currie, seconded by Councillor Alistair Redman

A vote was taken by calling the roll.

Motion

Councillor Rory Colville
Councillor George Freeman
Councillor David Kinniburgh
Councillor Jean Moffat
Councillor Richard Trail

Amendment

Councillor Gordon Blair
Councillor Robin Currie
Councillor Mary-Jean Devon
Councillor Lorna Douglas
Councillor Roderick McCuish
Councillor Alastair Redman
Councillor Sandy Taylor

The Amendment was carried by 7 votes to 5 and the Committee resolved accordingly.

Decision

The Committee, having earlier endorsed the findings of the Area Capacity Evaluation agreed:-

1. to hold a discretionary pre-determination hearing at the earliest opportunity; and
2. if it has not been possible to hold this hearing by August 2020, given the ongoing situation regarding the coronavirus (COVID-19) pandemic, to bring this matter back to the PPSL Committee in August to decide how the hearing would proceed.

(Reference: Report by Head of Development and Economic Growth dated 8 May 2020, submitted)

6. EXTENSION OF STATUTORY SERVICE PLANS FOR REGULATORY SERVICES

A report seeking approval to extend the current statutory service plans across Regulatory Services to 31 December 2020 as a result of the COVID 19 pandemic was considered.

Decision

The Committee agreed to the extension of the statutory plans detailed in section 4.4 of the report to the 31 December 2020 and that further reports be brought forward in this period to ensure Members are kept up to date.

(Reference: Report by Interim Executive Director with responsibility for Development and Economic Growth dated 7 May 2020, submitted)

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

A report summarising a decision by the Scottish Ministers to 'call in' a planning application for determination was before the Committee for information.

Decision

The Committee noted the contents of the report.

(Reference: Report by Head of Development and Economic Growth, submitted)