

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE**  
**held ON A HYBRID BASIS BY ATTENDANCE IN THE COUNCIL CHAMBER, KILMORY,**  
**LOCHGILPHEAD OR REMOTELY BY MICROSOFT TEAMS**  
**on WEDNESDAY, 17 AUGUST 2022**

**Present:** Councillor Kieron Green (Chair)

Councillor John Armour	Councillor Fiona Howard
Councillor Jan Brown	Councillor Willie Hume
Councillor Amanda Hampsey	Councillor Andrew Kain
Councillor Daniel Hampsey	Councillor Liz McCabe
Councillor Graham Hardie	Councillor Peter Wallace

**Attending:** Fergus Murray, Head of Development and Economic Growth  
Patricia O'Neill, Governance Manager  
Peter Bain, Development Manager  
Tim Williams, Area Team Leader – Oban, Lorn and the Isles  
Howard Young, Area Team Leader – Bute & Cowal/Helensburgh & Lomond  
Arlene Knox, Senior Planning Officer  
Norman Shewan, Planning Officer  
Fiona Scott, Planning Officer  
Steven Gove, Planning Officer

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Audrey Forrest, Mark Irvine, Paul Kennedy and Luna Martin.

**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 22 June 2022 at 10.30 am was approved as a correct record.
- b) The Minute of the Planning, Protective Services and Licensing Committee held on 22 June 2022 at 2.00 pm was approved as a correct record.
- c) The Minute of the Planning, Protective Services and Licensing Committee held on 22 June 2022 at 2.30 pm was approved as a correct record.
- d) The Minute of the Planning, Protective Services and Licensing Committee held on 22 June 2022 at 3.00 pm was approved as a correct record.

**4. MACKENZIE WELDING: ERECTION OF STORAGE SHED (PART RETROSPECTIVE): PLOT 1, NANT PARK, TAYNUILT (REF: 19/02300/PP)**

The Area Team Leader advised that this application had been withdrawn by the Applicant on 16 August 2022 and would not require consideration by the Committee.

## Decision

The Committee noted the withdrawal of the planning application.

(Reference: Report by Head of Development and Economic Growth dated 1 August 2022, submitted)

**5. THE SCOTTISH SALMON COMPANY: RELOCATION AND ENLARGEMENT OF EXISTING MARINE FISH FARM (CURRENTLY COMPRISING; 8 NO. 100 METRE CIRCUMFERENCE CAGES) BY RE-EQUIPMENT WITH 14 NO. 120 METRE CIRCUMFERENCE CAGES AND EXTENSION OF MOORING GRID FROM 60 METRES TO 75 METRES TO ACCOMMODATE THE ADDITIONAL PENS. INCREASE IN BIOMASS FROM 1198 TONNES TO 2070 TONNES: ARDYNE FISH FARM, LOCH STRIVEN (REF: 19/02539/MFF)**

The Senior Planning Officer spoke to the terms of the report. Ardyne was granted planning permission by the Scottish Government on 13 June 2011 for 8, circular 100m circumference cages for Atlantic Salmon. The existing site is located in the Sound of Rothesay, to the south of Loch Striven. There have been marine aquaculture operations at the existing site location for over 34 years.

The application site is located approximately 356m south of the existing site. The proposal involves the removal of all pens at the existing site and replacement of them with 14 x 120m circumference pens in a 75m mooring grid at the application site. The replacement pens would be linked to the shore-based fed system associated with the existing site. The application has been subject to 29 objections, 1 representation and 16 expressions of support.

The recommendation on this application has been guided by the conclusions of the Supporting Information, advice of Statutory Consultees, and relevant material considerations raised by third parties. The proposal has been assessed against the policies of the adopted Local Development Plan with particular regard to the criteria-based approach of the aquaculture supplementary guidance policy AQUA 1 as well as other material considerations and policies within the Plan.

It is considered that the proposal complies with the Local Development and it is recommended that planning permission be approved subject to the conditions detailed in the report of handling.

## Decision

The Committee agreed to grant planning permission subject to the following conditions and reasons:-

### Standard Condition

1. The development shall be implemented in accordance with the details specified on the application form dated 27<sup>th</sup> November 2019 and the approved drawing reference numbers:

Plan Title.	Plan No.	Ref.	Version	Date Received
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Location Plan – Figure 1	1 of 9	-	17/12/19
Location Plan – Figure 2	2 of 9	-	17/12/19
Net Plan – Title: 120m x 10m + 1.3m DEEP 24 VERTICALS, 12 SEGMENT BASE 2.1 mm SSP MBX NETTING	3 of 9	-	17/12/19
Cage Layout & Waterline Plan Title: Ardyne T4502D120/48 c/w Bird Net Poles	4 of 9	-	17/12/19
Cage Ring Elevation/Bird Net Poles Title: T450 2 Ring 120m Pen 48 U/R cw 5m Bird Net Poles	5 of 9	-	17/12/19
Mooring Plan Title: 14 x 120m cages, in 16 pen 2 x 8 pen 75m x 75m grid'	6 of 9	-	17/12/19
Net Plan Title: 120m TOP NET UTILISING RABBIT KONSULT 6m POLE SYSTEM	7 of 9	-	17/12/19
Admiralty Chart Extract Proposed – Figure 3	8 of 9	-	17/12/19
Site Plan/Grid Co-ordinates Title: Site Plan Proposed, Figure 4	9 of 9	-	17/12/19

unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

*Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.*

### **Removal of Redundant Equipment**

2. In the event that the development or any associated equipment approved by this permission ceases to be in operational use for a period exceeding three years, the equipment shall be wholly removed from the site thereafter, unless otherwise agreed in writing by the Planning Authority.

*Reason: In the interest of visual amenity and to ensure that redundant development does not sterilise capacity for future development within the same water body.*

### **Redundant Equipment/Equipment Failure**

3. In the event of equipment falling into disrepair or becoming damaged, adrift, stranded, abandoned or sunk in such a manner as to cause an obstruction or danger to navigation, the developer shall carry out or make suitable arrangements for the

carrying out of all measures necessary for lighting, buoying, raising, repairing, moving or destroying, as appropriate, the whole or any part of the equipment.

*Reason: In the interest of visual amenity.*

### **Lighting**

4. All lighting above the water surface and not required for safe navigation purposes should be directed downwards by shielding and be extinguished when not required for the purpose for which it is installed on the site.

*Reason: In the interest of visual amenity.*

### **Equipment Colour**

5. The finished surfaces of all equipment above the water surface including surface floats and buoys associated with the development hereby permitted (excluding those required to comply with navigational requirements) shall be non-reflective and finished in a dark muted colour unless otherwise agreed in advance with the Planning Authority.

*Reason: In the interest of visual amenity.*

### **Environmental Management Plan**

6. All prescriptions, as detailed within The Scottish Salmon Company's amended Environmental Management Plan, dated December 2020 must be implemented by the Applicant in the manner and timings specified and any subsequent approved variation thereof. The EMP should be reviewed and updated if required following the adoption by Scottish Government of any new policy framework relevant to wild salmonid interactions. Any proposed amendments to the EMP shall be submitted to and approved in writing by the planning authority prior to the changes being implemented.

*Reason: In the interests of nature conservation.*

### **Drift nets, vertical static nets or gill nets**

7. There shall be no use of drift nets, vertical static nets or gill nets to recapture escaped fish.

*Reason: In order to avoid putting marine birds, including guillemots, shags, divers and others at risk.*

### **Nuisance during Construction**

8. Identification and assessment of all potential sources of nuisance, including noise vibration, dust, and any temporary lighting provided, which may cause disturbance to nearby residents during the construction should be undertaken by the applicant. This should include consideration of intended hours of operation, movement of vehicles, use of plant and storage of equipment and materials on site. For all potential sources of nuisance, the applicant will be required to provide a management plan with details of suitable control measures to be put in place so as to ensure that construction does not cause loss of amenity to local residents and/or statutory nuisance.

*Reason: In order to avoid sources of nuisance in the interest of amenity.*

### **Operating Hours during Construction**

9. In order to minimise, as far as necessary, the level of noise and/or vibration to which nearby existing residents will be exposed during the construction process the hours of operation of the site should be restricted to 08.00 to 18:30 Monday to Friday and 08.00 to 13.00 on Saturdays. There should be no operation on Sundays or Bank Holidays.

*Reason: In order to avoid sources of nuisance in the interest of amenity.*

### **Operating Noise**

10. The Noise Rating Level attributable to the operation of the approved scheme and its associated activities shall not exceed background noise levels by more than 3dB(A) at 3.5m from the façade of any residential property measured in accordance with BS4142:2014.

*Reason: In order to protect the amenity of the area from noise disturbance.*

### **Traffic Management Plan**

11. No development shall commence until, a Traffic Management Plan has been submitted for the written approval of the Planning Authority in consultation with the Roads Authority. The Plan shall include positive measures to be put in place to minimise impact from the development on the road network especially at peak times. The Plan shall include the construction and operational phase of the proposal with detailed timing of all HGV traffic. Once approved the development shall be implemented in accordance with the duly approved Traffic Management Plan and no collection/deliveries shall take place outwith the agreed hours unless otherwise agreed in writing with the Planning Authority.

*Reason: To address abnormal traffic associated with the development in the interests of road safety.*

### **Acoustic Deterrent Devices**

12. Notwithstanding the details contained within the Predator Control Plan, no Acoustic Deterrent Devices (ADDs) shall be deployed at the site hereby approved.

*Reason: In the interests of nature conservation. This planning application has been determined on the basis that ADDs will not be used and on this basis it has been determined that there would be no likely significant effects on cetaceans.*

### **Communications and Monitoring Plan**

13. Prior to the first use of bath medications being administered on the fish farm hereby approved, a Communications and Monitoring Plan shall be submitted to and approved in writing by the Planning Authority. Thereafter the development shall be carried out

wholly in accordance with the Communications and Monitoring Plan unless otherwise agreed, or varied, in writing with the Planning Authority.

The Communications and Monitoring Plan shall include:

- (a) A Communications Plan detailing the method by which other marine users shall be informed of general safety information that should be considered by water users when in the vicinity of the fish farm, including when bath medications are being actively use at the site. The Communications Plan shall be informed by the conclusions of the Supporting Information "Assessment of the Potential Risk to Human Health Following Use of Azamethiphos, Deltamethrin and Hydrogen Peroxide; WCA; Dec 2021";
- (b) A Monitoring Plan to investigate the dispersal and dilution of Hydrogen Peroxide following its use in bath treatments on the site and the use of these findings to review and update the conclusions in the aforementioned Supporting Information, and the Communications Plan. The Monitoring Plan shall include provision for reporting the findings to the Planning Authority and securing its written approval for any resultant amendment that may be proposed to the Communications Plan.

*Reason: To inform marine users of potential risks to human health in the vicinity of the fish farm.*

### **Predator Control Plan**

- 14. The site shall be operated in accordance with the Predator Control Plan, Ardyne, Sound of Rothesay rev A1 dated 17<sup>th</sup> Jan 2019 with the exception of any proposed actions contained within these documents limited by other conditions on this planning permission. Any subsequent updates of these documents shall be submitted to and approved in writing by the planning authority.

*Reason: In the interests of nature conservation.*

### **Entanglement/Entrapment**

- 15. The proposal shall be undertaken strictly in accordance with the following:

- (a) A daily record of entanglement / entrapment shall be maintained using a standardised proforma (which can be supplied by NatureScot) which shall be submitted to the planning authority and copied to NatureScot at 6 monthly intervals or other specified period to be agreed in writing with the planning authority in consultation with NatureScot. The first proforma shall be submitted 6 months after the development is brought into use unless otherwise agreed in writing with the planning authority in consultation with NatureScot.
- (b) In the event of any significant entrapment or entanglement of gannets, and any other SPA interests identified as relevant to a particular fish farm (e.g., involving three or more birds of any named species in any one day and / or a total of ten or more birds in the space of any seven-day period and / or repeat incidents involving one or more birds on four or more consecutive days), the operators shall immediately notify both the planning authority and NatureScot;

- (c) Adaptive management approaches should be agreed in writing with the planning authority in consultation with NatureScot in advance of these being implemented.

*Reason: To ensure that there are no significant effects on the qualifying interests of the Ailsa Craig Special Protection Area. Gannet in particular have an extensive range and would have the potential to become entangled in nets.*

### **Escapes Contingency Plan**

16. The site shall be operated in accordance with the Escapes Contingency Plan, Ardyne, Sound of Rothesay except for any proposed actions contained within these documents limited by other conditions on this planning permission. Any subsequent updates of these documents shall be submitted to and approved in writing by the planning authority. The development shall comply with the Technical Standards as referred to in the Escape Contingency Plan for Ardyne.

*Reason: In the interests of nature conservation.*

### **Wild Fisheries Sea Lice Monitoring Strategy**

17. The Wild Fisheries Sea Lice Monitoring Strategy shall include monitoring of the juvenile freshwater population of Atlantic Salmon, in the Endrick Water Special Area of Conservation. The final monitoring plan shall be submitted to the Planning Authority and agreed in writing with all relevant parties, including NatureScot, prior to the site being stocked.

*Reason: In the interests of nature conservation.*

### **Waste Management Plan**

18. Prior to the commencement of development a Waste Management Plan shall be submitted to and approved in writing by the planning authority. This shall include details of the arrangements for the storage, separation, and collection of waste from the site including proposals for uplift from areas where fish farm equipment has become detached from the site.

*Reason: To ensure that waste is managed in an acceptable manner.*

(Reference: Report by Head of Development and Economic Growth dated 4 August 2022, submitted)

### **6. MR PAUL RODGER: DEMOLITION OF DETACHED DWELLINGHOUSE, ERECTION OF 3 DETACHED DWELLINGHOUSES AND FORMATION OF VEHICULAR ACCESS: PEAT KNOWE, BACK ROAD, CLYNDER, HELENSBURGH (REF: 21/01943/PP)**

At the Committee meeting on 22 June 2022, Members agreed to continue consideration of this application to their next available meeting in August 2022 and instructed Officers to request that the Applicant provide by the end of July 2022, an engineering report on the

ground engineering works required to ensure stability of the slopping ground to prevent any slippage or flooding onto neighbouring properties.

The Planning Officer spoke to the terms of supplementary reports which advised of the Applicant's progress and intended deadlines for the submission of a Civil Engineering Report and also the detail of a representation submitted by Councillor Mark Irvine on behalf of local residents, received subsequent to the June PPSL Committee meeting. The details of this representation along with photographs were available for inspection on the Council's planning portal.

It is recommended that consideration of this planning application be continued to the September PPSL Committee to allow the Applicant the extended opportunity to prepare and submit the Civil Engineering Report requested.

## **Decision**

The Committee:

1. agreed that consideration of this planning application be continued to the September PPSL Committee to allow the Applicant the extended opportunity to prepare and submit the Civil Engineering Report requested; and
2. noted that Planning Officers would undertake to carry out any further investigations required in response to concerns expressed by local residents and report back to the next available PPSL Committee.

(Reference: Report by Head of Development and Economic Growth dated 8 June 2022, Supplementary Report number 1 dated 4 August 2022 and Supplementary Report number 2 dated 16 August 2022, submitted)

### **7. KILBOWIE DEVELOPMENT COMPANY LTD: ALTERATIONS TO INCREASE ROOF PITCH OF DWELLINGHOUSES: 1-7 KILBOWIE SHORE, GALLANACH ROAD, OBAN (REF: 22/00231/PP)**

The Planning Officer spoke to the terms of the report and to supplementary report number 1 which advised of 2 late representations. Planning permission is sought for the increase in the pitch of the roof of two existing terraces of dwellinghouses at numbers 1 to 7 Kilbowie Shore, Gallanach Road, Oban. Due to the current zinc roof failing, and remedial works to rectify the problem having failed, the current application seeks to replace the flat roof with a steeper hipped roof. The proposed changes results in an overall increase in height of 1.57 metres.

The determining factors in the assessment of this application are whether the increase in the roof pitch is an appropriate design change to the dwellinghouses and whether it will have a significant adverse impact on their appearance within the site and wider landscape or give rise to any privacy or amenity issues with neighbouring properties.

In this instance the proposed change is considered to be an acceptable alteration to the dwellinghouses and will have no significant adverse impact on the appearance of the dwellinghouses or their setting within the wider landscape at this location, nor will the change give rise to any privacy or amenity issues with neighbouring residential properties.



It was recommended that planning permission be granted subject to the conditions and reasons detailed in the report.

## Decision

The Committee agreed to grant planning permission subject to the following condition and reason:

1. The development shall be implemented in accordance with the details specified on the application form dated 03/02/22, supporting information and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan No.	Ref.	Version	Date Received
Location/Site Plan	100		A	31/03/22
Proposed Roof Plans	101		A	31/03/22
Existing Roof Plans	102		**	04/02/22
Proposed West Elevations	103		**	04/02/22
Terrace 1 – South East & North Elevations	104		**	04/02/22
Terrace 2 – South, East and North Elevations	105		A	31/03/22
Terrace 1 – Section AA	106		**	04/02/22
Terrace 2 – Section AA	107		**	04/02/22
Terrace 2 – Section BB	108		**	04/02/22
Terrace 2 – Section CC	109		**	
Existing West Elevations Terraces 1&2	110		**	31/03/22
Roof Report – 3 PAGES				
Report on Design Alterations				07/07/22

*Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.*

(Reference: Report by Head of Development and Economic Growth dated 2 August 2022 and supplementary report number 1 dated 16 August 2022, submitted)

## 8. MR PAUL DAVID BARKER: APPLICATION FOR DISCHARGE OF SECTION 75 OBLIGATION RELATIVE TO PLANNING PERMISSION 97/01526/DET: MELDA HOUSE, KILFINAN, BY TIGHNABRUAICH (REF: 22/00921/PP)

The Planning Officer spoke to the terms of the report. The Bute and Cowal Area Committee granted Planning permission (97/01526/DET) on 7 April 1998 subject to a Section 75 obligation. There are two principal restrictions contained in the First Clause of the Section 75. The first provides that the dwellinghouse, office and shop shall not be owned, leased or otherwise occupied independently from the existing fishing venture and the second restriction is the declaration that the dwellinghouse, office and shop shall in all time coming be conveyed, leased or otherwise disposed of as a single unit, along with the fishing venture, held under one title.

An application has been submitted seeking to discharge this Section 75 obligation. The Applicant has advised that he did attempt to continue with the fishing venture after his purchase of Loch Melldalloch and its associated land in 2002. However, due to the combination of factors that he has set out in his supporting statement summarised at Section P of the report, the business did not prove viable.

Over the last 10 years or so, the use of Section 75 obligations as an appropriate mechanism to underpin support for housing required in association with crofting, agricultural employment, and other rural businesses has been phased out.

Given the reality of the situation that the fishing business no longer exists and taking account of advice of the Chief Planner, Scottish Planning Policy and Circular 3/2012; and appeal decisions made in recent years, it is considered reasonable to accede to the request for the discharge of the Section 75 obligation.

### **Decision**

The Committee agreed that the Section 75 obligation relative to Planning Permission 97/01526/DET be discharged.

(Reference: Report by Head of Development and Economic Growth dated 28 July 2022, submitted)

## **9. PROPOSED PROGRAMME OF PLANNING TRAINING FOR MEMBERS**

Over the past 9 years a series of short training sessions or occasionally workshops/site visits have been delivered for all elected Members with an aim to improve knowledge of the planning system on a wide range of issues. A report seeking endorsement of the training programme from October 2022 to June 2023 was before the Committee for consideration.

### **Decision**

The Committee:

1. agreed to continuing an ongoing programme of planning related training for Members of the PPSL Committee, and that it be open to any other Members not currently involved in planning decision-making; and
2. endorsed the initial subject areas for training and the provisional dates for delivery, on the understanding that the programme may be varied to take account of any additional training requirements Members may wish to identify, along with any other particular training needs identified by Officers as a consequence of matters emerging during the course of the year.

(Reference: Report by Head of Development and Economic Growth dated 2 August 2022, submitted)

## **10. SERVICE ANNUAL PERFORMANCE REVIEW 2021/22 - DEVELOPMENT AND ECONOMIC GROWTH SERVICE**

A paper presenting the Planning, Protective Services and Licensing Committee with the Service Annual Performance Review and Scorecard 2021/22 for the Development and Economic Growth Service was considered.

### **Decision**

The Committee reviewed and approved the Service Annual Performance Review and Scorecard 2021/22 as presented prior to publishing on the Council website.

(Reference: Report by Executive Director with responsibility for Customer Support Services dated 13 July 2022, submitted)

Councillor Daniel Hampsey joined the meeting during consideration of the foregoing item.

The Committee resolved in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the press and public for the following item of business on the grounds that it was 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.

## **11. REQUEST FOR TREE PRESERVATION ORDER**

A report providing background on a request for a Tree Preservation Order was considered.

### **Decision**

The Committee agreed the recommendations in the report.

(Reference: Report by Executive Director with responsibility for Development and Economic Growth dated 17 August 2022, submitted)