

# National Park Authority Planning & Access Committee Meeting

**Final Minutes of Meeting held on 25<sup>th</sup> August 2014  
Lochgoilhead Village Hall, Lochgoilhead**



Present: Owen McKee (Chair)  
Petra Biberbach (Deputy Chair)  
Colin Bayes (CB)  
Fergus Wood (FW)  
David McCowan (DMcC)  
David McKenzie (DMcK)  
Willie Nisbet (WN)  
David Warnock (DW)

In Attendance: Gordon Watson, Director of Operations (GW)  
Bob Cook, Development & Implementation Manager (BC)  
Erin Goldie, Development Management Planner (EG)  
Diana Worthy, Development Management Planner (DW)  
Claire Travis, Visitor Operations Manager (CT)  
Fiona Stewart, Natural Heritage Planning Officer (FS)  
Olivia Burns, Water Environment Adviser (OB)  
Guy Keating, Recreation and Access Adviser (GK)  
Sue Laverge, Enforcement Planner (SL)  
Sandra Dalziel, Governance Manager (SD)  
Sharon McIntyre, Committee Officer (Clerk) (SM)

Apologies: George Freeman (GF)

Contributors: Applicant, Broadland Renewable Construction Limited (Kieron Hanson (KH), Harry Driscoll (HD) and David Mosgrove (DM)  
Jean Murray, Carrick Community Trust (JM)  
Joseph F Murray (JFM)  
Carolyn Thomson (CT)

Item	Title / Discussion	Action by
1	<b>Welcome and Apologies</b>  The Chair welcomed those present to the meeting. SM advised that apologies had been received from GF.	
2	<b>Declarations of Interest</b>  There were no declarations of interest.	
3	<b>Draft minutes of meeting held on 30<sup>th</sup> June 2014</b>  The minutes were agreed as an accurate record of the meeting and were proposed by OM and seconded by CB.	

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4	<p><b>Matters Arising - NPA/PC/05/2014/01</b></p> <p>It was noted that all actions in the matters arising paper were being progressed, so they could be closed.</p> <p><b>DECISION:</b> Members noted the report.</p> <p><b>ACTION:</b> SM to close matter arising.</p>	SM
5.	<p><b>2013/0120/DET – Donich Water, Inveronich, Lochgoilhead Construction Of A Hydro Scheme (1350kw)</b></p> <p>The Chair highlighted that a site visit has taken place for this application earlier in the day. The Chair advised that the Committee first hear a presentation by the planning officer followed by verbal representations from four contributors and that each speaker the Committee would then have an opportunity to ask questions.</p> <p>EG provided a summary of the application proposals and the planning assessment, advising that the recommendation by the Authority is to approve the application subject to the conditions noted in appendix one.</p> <p>Following EG’s presentation, the Committee asked questions on the information that was submitted by the applicant for the Authority to consider the impact of the proposed abstraction on the waterfall and the Authorities assessment of this information. In summary, EG confirmed that the information was considered in detail and had been reviewed by the Authorities Water Environment Adviser and it was concluded that the visual impact on the waterfall feature as a result of the proposed hydro scheme would be discernible but not significant.</p> <p>Matters relative to the potential noise associated with the operation of the powerhouse were discussed, taking into account the distance from the powerhouse to the nearby residential properties of Inveronich. EG advised that Argyll and Bute Environmental Health Dept are satisfied that the imposition of condition 13 would adequately protect the nearby residents from adverse noise levels from the powerhouse and tailrace. The noise monitoring locations would have to be agreed and the developer would have to demonstrate compliance with the noise levels/ratings noted in the condition. The Authority would be taking advice from Environmental Health in ensuring the terms of the condition are adequately met.</p> <p>EG advised, for the avoidance of doubt, the condition would protect the amenity of external (usable garden curtilage) areas as well as habitable rooms of the residential properties of Inveronich.</p>	

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	<p>Matters relative to the effect of the development on the wildlife in the surrounding area were discussed. EG noted that all survey information and consultation responses have been considered. EG confirmed that the recommended conditions, prepared in conjunction with the Authorities Natural heritage Officer, would adequately protect wildlife and comply with the relevant European and Wildlife legislation.</p> <p>The Chair queried why the proposed development was not considered against policy ENV1 of the adopted local plan. EG advised that ENV1 did not apply to the proposed development site. ENV1 applies to designated European Sites, for example, Special Areas of Conservation (SACs) and Special Protected Areas (SPAs). EG confirmed that the application site is not a designated European Site, so policy ENV1 is not applicable in this case.</p> <p>Matters relative to the closure of the footpath during the period of construction were discussed. EG detailed the temporary diversion route. EG advised that the 'planning gain' of this application related to access. In particular, the proposed diversion would be subject to a vegetation management plan to improve the route, the vehicular access to Inveronich would be upgraded prior to construction and resurveyed post construction and any necessary repairs carried out. The 'bend' above Inveronich would also be improved.</p> <p>Matters relative to the methodology of the reporting in relation to the most suitable abstraction point were discussed. The applicant confirmed the reasoning behind the proposed point of abstraction.</p> <p>Matters relative to the lifespan of the proposed development were discussed. The applicant advised that the lease for the land was for a period of forty years, although hydro schemes of this design could have a lifespan of over one hundred years.</p> <p><u>First Contributor</u> The applicant outlined some of the main benefits of the proposed application. The applicant confirmed that a number of alternative sites for the powerhouse and the route of the pipeline were considered, but the proposals in the planning application were favoured.</p> <p>The benefit to the community was highlighted by the applicant, advising that the community could invest up to twenty per cent of the value of the development and gave examples of the returns in profit which could be generated.</p> <p>The applicant provided further clarification on the technical aspects of the</p>	

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	<p>proposed abstraction and impact on the Donich Water.</p> <p>The applicant acknowledged that access to the residential properties would be impeded during the construction of the tailrace, but explained that this would be temporary. The pipeline would be installed and the ground reinstated as a continuous process. Measures would be put in place to minimise disturbance and a temporary access would be put in place outwith construction hours. The access would be upgraded as a result of the works.</p> <p>The applicant advised that through significant surveying of the waterfall as documented in the public reports, they have concluded that the beauty of the waterfall will not be significantly impacted.</p> <p><u>Second Contributor</u> JM advised that she was representing Carrick Castle Community Trust (the "Trust"). JM advised that the Trust was in support of the proposed hydro scheme, as revenue would be generated for the local community and in the opinion of the Trust, this project would be less unsightly than the construction of wind farms in the local area. JM concluded by confirming that the Trust therefore supported this green energy project.</p> <p><u>Third Contributor</u> JFM referred the Committee to the report he had prepared and previously circulated to the Committee highlighting the impact on the level of flow from the waterfall. JFM identified that the powerhouse could be located closer to the river and not next to the residential properties. JFM referenced Policy ENV1 (designated European Sites), detailing that an alternative site should be found for this hydro scheme.</p> <p>The Committee compared the figures detailed in the report by JFM to the figures detailed in the report by EG. OB, the Water Environment Adviser for the Authority and the applicant provided clarification on the findings in each respective report.</p> <p><u>Fourth Contributor</u> CT advised that as former community counsellor in 2011 she supported the original proposals for a hydro-scheme, but she now had eighty signatures from other members of the community who are against this project. CT detailed that since the plans have been changed from the mini hydro they are no longer in support.</p> <p>Concerns raised included the effect of this proposal on local wildlife and the increased likelihood of landslides. CT also felt that there had not been proper engagement with members of the community regarding this project. CT highlighted the effect the hydro scheme would have on the Cowal Way which is a popular walk.</p>	

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	<p>The Committee questioned the type of wildlife surveys that took place. FS the Natural Heritage Planning Officer for the Authority detailed the varying species surveys and confirmed that further surveys are subject to the conditions of approval for this project.</p> <p>Matters relevant to the effect on the road to the development site were discussed. EG advised that the road will be upgraded prior to the development and resurveyed following the development. It would not be maintained for the lifespan of the hydro scheme although the developers would be responsible for any damage to the road resulting from the scheme. A letter in support of the proposed development was submitted by the Community Council.</p> <p>The Chair thanked all contributors.</p> <p>The Chair highlighted the recommendation and asked the Committee if this was supported. The Chair asked for a show of hands to confirm support for the recommendation. DW indicated that he did not support the decision to approve the recommendation.</p> <p><b>DECISION:</b> The application was approved subject to the conditions outlined in Appendix 1 of the report.</p> <p>The Chair proposed a comfort break and the meeting adjourned at 15:45hrs.</p> <p>DMcK left the meeting at 15:50hrs. The meeting resumed at 16:00hrs.</p>	
6.	<p><b>2014/0097/LBC - Former Railway Viaduct over River Dochart Resurfacing Of The Killin Viaduct (Category 'A' Listed Structure:</b></p> <p>The Chair asked the Committee if there were any concerns with the proposal or recommendation. No issues were raised or discussed.</p> <p><b>DECISION:</b> Members approved the application subject to the imposition of conditions as set out in Appendix 1 of the report and referral to Historic Scotland.</p>	
7.	<p><b>Review of the Planning &amp; Access Committee's Schemes of Delegation relative to both Planning and Access Functions:</b></p> <p>DW presented the public paper on proposed amendments to the 'Schemes of Delegation for Planning and Access'. DW advised that there was a legal requirement for the Authority to review the Schemes every five years. As the Schemes were last reviewed in 2009, a review of the Schemes had</p>	

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	<p>therefore been carried out by the relevant officers and the Authority's external solicitors, Harper Macleod LLP.</p> <p>If approved by the Committee, the updated Schemes would be presented to the Board for approval. The Planning Scheme would then be submitted for approval by Scottish Ministers, as this is a legal requirement.</p> <p>DW highlighted the key updates to the Planning Scheme of Delegation. In particular, that any applications made by a member of the Committee would not be delegated.</p> <p>CT highlighted the key updates to the Access Scheme of Delegation.</p> <p>CB queried whether it was necessary for the Committee to review evidence presented by officers regarding rights of way. CT advised that it was an appropriate matter for the Committee to determine. CT advised that the Authority had not assessed the evidence relating to a 'claimed' or 'asserted' right of way previously. The amendments to the Scheme of Delegation were therefore being proposed to ensure there wasn't a gap if this issue arose in the future.</p> <p><b>DECISION:</b> Members agreed the recommendation to:</p> <ol style="list-style-type: none"> <li>1. Agree to the proposed modified Planning Scheme of Delegation (attached as Appendix 1) for subsequent approval by the Park Authority Board and consultation with Scottish Ministers for approval; and</li> <li>2. Agree to the proposed modified Access Scheme of Delegation (attached as Appendix 2) for subsequent approval by the Park Authority Board.</li> <li>3. Agree that each Scheme of Delegation be presented as recommended to the Park Authority Board for approval prior to submission to Scottish Ministers for approval (as appropriate).</li> </ol> <p><b>ACTION:</b> SD to ensure that the Planning Scheme of Delegation and the Access Scheme of Delegation are presented to the Authority Board for approval prior to submission to Scottish Ministers for approval (as appropriate).</p>	SD
8.	<p><b>Confidential Enforcement Item:</b></p> <p>Please refer to confidential minutes.</p>	

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9.	<p><b>Any Other Business</b></p> <p>It was highlighted that the next meeting of the Committee is scheduled over the September holiday weekend and that the Authority will therefore require members of the Committee to confirm their attendance in advance to ensure the Committee was quorate.</p> <p><b>ACTION:</b> SM to confirm attendance of members of the Committee at the next meeting on Monday 29<sup>th</sup> September 2014 to ensure minimum number of five members are able to attend.</p>	<p><b>SM</b></p>
10.	<p><b>Date of Next Meeting</b></p> <p>The next meeting of the Committee will take place on Monday 29<sup>th</sup> September 2014 (provided that enough Committee members confirm attendance in accordance with item 9).</p>	

Signed \_\_\_\_\_  
**Owen McKee, Chair**