

National Park Authority

Planning & Access Committee Meeting



Draft Minutes of Meeting held on 31st August 2020, 13:30hrs
Lifesize Webcast

Present: Bob Darracott (BD) – Chair
 Claire Chapman (CC) – Vice Chair
 Willie Nisbet (WN)
 Martin Earl (ME)
 Christopher Spray (CS)
 Billy Ronald (BR)
 Graham Lambie (GL)
 David McCowan (DMcC)

In Attendance: Park Authority Staff
 Stuart Mearns, Director of Rural Development and Planning (SM)
 Bob Cook, Development Management Manager (Delivery) (BC)
 Amy Unitt, Development Management Planner (AU)
 Susan Brooks, Development Planning & Communities Manager (SB)
 Kirsty Sweeney, Development Management Planner (KS)
 Alison Williamson, Development Management Planner (AW)
 Sharon McIntyre, Committee Officer (SMcl)

Alastair McKie, Legal Clerk, Anderson Strathern LLP (AM)
 Mary Frances O'Neill, Supporting Legal Clerk, Anderson Strathern LLP (MFO)

Speakers: Agenda Item 4:
 Gene Maxwell (GM)
 Nicola Hornsby (NH)
 Andrew Bennie (AB) - Planning Consultant *available for questions only*
 Gordon McEachern (GMcE) - Architect *available for questions only*

Apologies: Diane Docherty (DD)
 Murray Lyle (ML)
 Ellen Morton (EM)
 Ronnie Erskine (RE)

Item	Title / Discussion	Action by
1	<p>Welcome and Apologies</p> <p>The Chair welcomed attendees to this virtual meeting of the Planning & Access Committee and advised that he would be chairing the meeting in the absence of EM.</p> <p>The Chair advised that the meeting was able to take place in this format as a result of:</p> <ul style="list-style-type: none"> - Board Standing Order 25 which allows for meetings in exceptional circumstances (with agreement of the Convener) to be held as a virtual meeting; 	

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	<p>- The Board in a decision by correspondence agreed that the provisions of Standing Order 25 will apply for the duration of the social distancing restrictions and that Board and Committee meetings will be held virtually during this time.</p> <p>- The Coronavirus (Scotland) Act 2020 denotes that public are to be excluded from a meeting of a local authority whenever it is likely that, if members of the public were present, there would be a real and substantial risk to public health due to infection or contamination with coronavirus. As our offices are closed at this time as a result of the Coronavirus pandemic, we hope that by providing a live webcast of this meeting allows for the public to view proceedings as they would normally without a risk to health.</p> <p>The Chair welcomed any members of the public viewing the virtual meeting and advised Members of housekeeping points required to hold a meeting in this format.</p> <p>The Chair welcomed Mary Frances O'Neill to the meeting in the role of supporting Legal Clerk. The Chair invited all of the virtual meeting participants to introduce themselves.</p> <p><i>WN left the video conference and re-joined the meeting by audio only.</i></p> <p>BD advised that apologies had been received from DD, ML, EM and RE, this was confirmed by SMcl.</p> <p>AM advised that it was competent for WN to join the meeting by audio only.</p>	
2	<p>Declarations of Interest</p> <p>CS advised that although he has a registerable interest, as his wife is an employee of Scottish Natural Heritage, she has had no involvement with the proposed application in agenda item 4 therefore this does not translate into having a declarable interest with regard to the consideration of agenda item 4.</p> <p>BR advised that although he has a registerable interest with regard to agenda item 6, as a close relative has shares in Scotgold, this does not translate into having a declarable interest with regard to the consideration of agenda item 6.</p> <p>AM confirmed with CS and BR that they were able to participate in agenda items 4 and 6 respectively.</p>	
3	<p>Draft minute of meeting held on 25th May 2020</p> <p>The minute was proposed for approval by CS and seconded by CC.</p>	

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	<p>For clarity, the Chair then took a roll call of the decision and confirmed his position. DMCC advised that as he was not present at the last meeting he would withhold from approving the minute. All other members present were in agreement to approve the minute.</p> <p>DECISION: As no competent amendment was tabled, the minute was therefore approved by the Committee.</p>	
4	<p>2018/0051/DET - Land Adjacent To Dundarroch, Brig O Turk, Callander, Stirling</p> <p>The Chair introduced the agenda item advising Members that an updated version of the report was circulated inclusive of Figure 8. Figure 8 was referenced although omitted from the original report issued.</p> <p>Consideration of Item</p> <p>Planning Officer (AU) presented the planning application noting that it is considered that this application should be determined by the Planning and Access Committee in accordance with the scheme of delegation given a statutory consultee, Trossachs Community Council, have formally objected and the officer recommendation is to approve.</p> <p>Ten representations, from four households and one organisation, all in objection were received with regard to this proposed application. Following publication of the report, Trossachs Community Council provided a further written representation raising the omission of Figure 8 from the report resulting in the recirculation of the report inclusive of Figure 8 as the Chair advised.</p> <p>AU put forward the recommendation of the Director of Rural Development and Planning, to approve the application subject to the imposition of the conditions set out in Appendix 1 of the report and the conclusion of a section 75 agreement/planning obligation incorporating the Heads of Terms summarised in Appendix 2.</p> <p>Members discussed extensively the flood risk issue at the site which related to the access road, the involvement of the statutory consultees Stirling Council Transport Development Department, Stirling Council Flood Prevention, Scottish Water and Scottish Environment Protection Agency (SEPA) in the application and the enforceability of the proposed section 75. It was specifically noted that there was no objection to the application from these statutory consultees subject to the conditions proposed by Stirling Council which were reflected in Appendix 2 to the Report.</p>	

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The Chair advised that although the applicant is not speaking the following representatives were available should Members have any questions:

- Mr Andrew Bennie - Planning Consultant,
- Mr Gordon McEachern – Architect.

No questions were asked at this stage.

SPEAKER: Mr Gene Maxwell who was speaking on behalf of Trossachs Community Council was then invited to address the Committee. He did so in objection to 2018/0051/DET.

Members asked questions of Mr Gene Maxwell and officers. Discussion took place regarding the proposed application and the level of flood risk in the local area.

SPEAKER: Ms Nicola Hornsby who was speaking on behalf of herself and Crispin Hault was then invited to address the Committee. She did so in objection of the application 2018/0051/DET.

Members asked questions of Ms Nicola Hornsby, officers and the applicant's representatives AB and GMcE. Discussion took place regarding the proposed application, holiday lets in the area and the Community Action Plan (CAP).

AM provided clarification on terms of the proposed section 75 and its enforceability.

Following substantial discussion the Chair requested a proposer and seconder Officer's recommendation.

MOTION: DMcC, seconded by WN proposed to approve the application subject to the imposition of the conditions set out in Appendix 1 of the report and the conclusion of a section 75 agreement/planning obligation incorporating the Heads of Terms summarised in Appendix 2.

AMENDMENT: ME proposed an amendment to refuse the application, on the basis that the applicant has failed to satisfy that flood risk can be properly managed and that this is not a matter that can be satisfactorily controlled through a section 75 agreement.

CS seconded the amendment.

AM advised that Members would now vote on the amendment against the motion. For clarity a roll call vote was taken with the Chair also confirming his position.

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	<p><u>Voting</u></p> <p>For the amendment: To refuse the application, on the basis that the applicant has failed to satisfy that flood risk can be properly managed and that this is not a matter than can be satisfactorily controlled through a section 75 agreement.</p> <p>4 votes were received.</p> <p>For the motion: To approve the application subject to the imposition of the conditions set out in Appendix 1 of the report and the conclusion of a section 75 agreement/planning obligation incorporating the Heads of Terms summarised in Appendix 2.</p> <p>4 votes were received, one of which was the Chair’s vote.</p> <p>DECISION: As a result of the Chair’s casting vote, the motion became the decision of the Committee.</p> <p><i>ME left the meeting and therefore did not participate in agenda item 5.</i></p>	
5	<p>Local Development Plan Scheme and indicative Regional Spatial Strategy</p> <p>Consideration of Item</p> <p>KS presented the Local Development Plan Scheme and SB presented the indicative Regional Spatial Strategy.</p> <p>Members discussed the report.</p> <p>ACTION: The key strategic challenge of the ‘climate and ecological emergency’ should be referenced as two separate topics in the indicative Regional Spatial Strategy.</p> <p>The Chair invited a proposer for the motion of the officer’s recommendation.</p> <p>MOTION: WN, seconded by GL proposed that Members had:</p> <ul style="list-style-type: none"> a) Considered and approved the updated timescales to prepare the next Local Development Plan that are set out in the Local Development Plan Scheme (Appendix One) and b) Considered and approved the identified draft strategic themes proposed for inclusion in a draft indicative Regional Spatial Strategy and 	KS/SB

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	<p>c) Delegated any final minor changes or corrections to the Local Development Plan Scheme and the indicative Regional Spatial Strategy to the Development Planning and Communities Manager.</p> <p>For clarity, the Chair then took a roll call of the decision and confirmed his position. All members present were in agreement with the motion of the officer's recommendation.</p> <p>DECISION: As no competent amendment was tabled, the above motion became the decision of the Committee.</p> <p><i>ME re-joined the meeting for agenda item 6.</i></p>	
6	<p>Cononish Update</p> <p>Consideration of Item</p> <p>AW presented the update report.</p> <p>AW put forward the recommendation of the Director of Rural Development and Planning, that Members note the updates on the development.</p> <p>The Chair invited questions from Members and then asked for a proposer for the motion of the officer's recommendation.</p> <p>MOTION: CS, seconded by GL noted the updates on the development.</p> <p>For clarity, the Chair then took a roll call of the decision and confirmed his position. All members were in agreement with the motion of the officer's recommendation.</p> <p>DECISION: As no competent amendment was tabled, the above motion became the decision of the Committee.</p>	
7	<p>Any Other Business</p> <p>SM provided an update on the operation of the planning service given the current Coronavirus pandemic and informed Members of a recent enforcement case.</p>	
8	<p>Date of Next Meeting</p> <p>The date of next meeting of the Planning & Access Committee is Monday 28th September 2020.</p>	

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	<i>Afternote: This meeting was cancelled as no committee business was required.</i>	
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Signed _____
Bob Darracott, Chair