



Draft Minutes of Meeting Held at 14:00hrs on 30th August 2021 – Live webcast

Agenda Item: 3

Planning and Access Committee

30th August 2021

Paper for information

Attendees.....	1
Apologies	2
Items and Actions	4
1. Welcome and Apologies	4
2. Declarations of Interest.....	4
3. Draft minute of meeting held on 28 June 2021	5
4. 2020/0260/DET – Formation of new footpath and installation of lookout structures, Trossachs Pier Up To The Roderick Dhu Watch Tower, Trossachs Pier, Loch Katrine	6
5. 19/02544/PP (Consultation by Argyll and Bute Council) – Creag Dhubh Windfarm consultation response	9
6. Planning Performance Framework 10 2020/21	10
7. Any Other Business	10
8. Date of Next Meeting	10

Attendees

Members

Bob Darracott (BD) Chair

Claire Chapman (CC) Depute Chair

Martin Earl (ME)

David McCowan (DM)

William Nisbet (WN)

Ronnie Erskine (RE)

Chris Spray (CS)

Shonny Paterson (SP)

In Attendance – National Park Authority staff

Bob Cook, Development & Implementation Manager (BC)

Vivien Emery, Planning Officer – Development Management and Enforcement (VE)

Amanda Muller, Development Planning Assistant (AM)

Catherine Stewart, Development Support Manager (CSt)

Douglas Smith, Board and Committee Manager (DS)

Susan Brooks, Communities and Place Planning Manager (SB)

Alan Bell, Natural Heritage Programme Manager (AB)

Elaine Brewer, Media & Campaigns Manager (EB)

Fiona Stewart, Natural Heritage Planning Advisor (FS)

Emily Buxton, Moderator (EB)

Lesla Hartland, Personal Assistant (LH)

Also In Attendance

Alastair McKie, Legal Clerk, Anderson Strathern LLP (AM)

Chris Devlin, Anderson Strathern LLP (CD)

Ian Bray, Nature Scot (IB)

James Fraser, The Steamship Sir Walter Scott Trust (JF)

Gene Maxwell, Trossachs Community Council (GM)

Apologies

Diane Docherty (DD)

Murray Lyle (ML)

Bobby Good (BG)

Items and Actions

1. Welcome and Apologies

The Chair welcomed attendees to this virtual meeting of the Planning & Access Committee

The Chair advised that the meeting was able to take place in this format as a result of:

- Board Standing Order 25 which allows participation of Members in meetings by video and/or audio link.
- The Board agreed at the 14th September 2020 Board meeting that the provisions of Standing Order 25 continue to apply, and Board, Committee, and Local Review Body meetings will continue to be held virtually, until government restrictions on physical distancing are lifted such that in person meetings can be held safely.
- 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.

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. The Chair requested that members of public turn off cameras and microphones until item 4 for Committee decision purposes.

The Chair invited all of the virtual meeting participants to introduce themselves. Chair confirmed that members must be present for item to be able to participate in the decision.

The Chair advised that DD, ML, and BG were not in attendance.

AJMC confirmed this meeting was quorate.

2. Declarations of Interest

No formal declarations of interest raised although the following to be noted:

- CS indicated that his wife is employed by Nature Scot but has not had any involvement in respect of Agenda Item (4).
- CC indicated that she is employed by Scottish Water, who is a major landowner at Loch Katrine regarding Agenda Item (4).

AJMC confirmed that neither of the above declarations prevented participation in the discussion and decision-making in respect of Agenda Item (4).

3. Draft minute of meeting held on 28th June 2021

The Chair introduced the minutes and asked for comments. None was made.

The minute was proposed for approval by CC and seconded by CS without amendment.

The Chair took a roll call of the decision and confirmed his position. Only CC, CS, WN, ME and BD participated in this decision, on the basis that only those Members were present at the 28th June 2021 Committee. All five Members participating in this decision voted to approve the minutes without amendment.

DECISION: As no competent amendment was tabled, the minute was approved by the Committee.

N.B. this item was considered and decided upon after consideration of Item 4 below.

4. 2020/0260/DET – Formation of new footpath and installation of lookout structures, Trossachs Pier Up To The Roderick Dhu Watch Tower, Trossachs Pier, Loch Katrine

Site Visit

The Chair noted that a site visit had been undertaken by the Committee on the morning of 30th August 2021. The Members had formally agreed to hold and attend a site visit prior to discussion of this Agenda Item by written correspondence. The following members attended the site visit: CS, S P, C C, W N, M E, D M, R E, B D. AJMC confirmed that only these Members who had attended the site visit would be allowed to participate in the discussion and decision in respect of this Agenda Item.

Speakers

The Chair noted that the applicant (JF) and a supporter (GM) were present for the consideration of this item. JF and GM would make short presentations in support of the planning application and would be available to answer any questions put by Members. JF and GM both applied late to speak at this Committee but the Chair and Stuart Mearns (Director of Place) used their discretion (exceptional circumstances applying) under the Committee's standing orders to permit JF and GM to speak.

The Chair also noted that Nature Scot were represented at this Committee by IB, who would be available to answer any questions put by Members.

Consideration of Item

VE presented the planning application, with input from AB, to the Committee. In particular, it was noted as part of the presentation that:

- The site is within a Special Area of Conservation (SAC).
- This designation engaged the Habitats Regulations, and Habitats Regulations Appraisal was undertaken.
- Both the Park Authority's specialist officers and Nature Scot have considered the potential impact of the proposed development on the SAC.
- Nature Scot does not object to the planning application.
- The Park Authority's officers object to the planning application.

VE put forward the recommendation of the Director of Place that the planning application be refused for the reasons contained in Appendix 1 of the Report.

The Chair invited members to ask questions and the Report was discussed with further contributions from AB and IB. AJMC provided advice to the Committee in respect of the application and importance of Regulations 48 and 49 of the Habitats Regulations to its decision making, including the case of *Sweetman v An Bord Pleanala (C-258/11)* which had been referred to by Nature Scot.

Following the Members' discussion of the Report, the Chair introduced JF to make a representation to the Committee. The Chair invited JF to make his presentation and explained procedure. JF confirmed that he was representing the applicant, the

Steamship Sir Walter Scott Trust. JF delivered his presentation in favour of the planning application. The Chair invited members to ask questions.

The Chair introduced GM to make a representation to the Committee. The Chair invited GM to make his presentation and explained procedure. GM confirmed that he was representing the Trossachs Community Council. GM delivered his presentation in favour of the planning application. The Chair invited members to ask questions.

The Committee proceeded to discuss the planning application at length, including the Habitats Regulations and the meaning of the judgement in the *Sweetman* case referred to above.

The Chair put the planning application to a vote, and asked for a proposer and a seconder for the original recommendation of the Director of Place to refuse the planning application for the reasons contained in Appendix 1 of the Report. Upon the Chair seeking a proposer and a seconder for this original recommendation, ME proposed an amendment to approve the planning application subject to planning conditions, which proposal was seconded by RE.

Following the proposal of an amendment, the Committee adjourned at 16:38 to enable ME and RE to convene separately to take advice from AJMC, VE and BC on the terms of an amendment to be put before the Committee. CD was also in attendance.

The Committee resumed at 17:15. An amendment in the following terms was proposed to the Committee:

Martin Earl moves an amendment to approve the application 2020/0260/DET for the following reasons. It is seconded by Ronnie Erskine.

The application will not result in an adverse impact on the integrity of the Trossachs Woods SAC. In forming this opinion regard has been had to NatureScot's position that they no longer object to the application. Accordingly, the SAC and SSSI will not be adversely affected.

The Principle of development is consistent with the development plan as below; the development is subject to appropriate conditions to mitigate impacts and is acceptable in terms of its ecological and landscape effects and the archaeological effects can be mitigated through an appropriate pre-commencement planning condition.

The application is consistent with the Park Authority's Local development plan and in particular policies

National Park Local Development Plan (2017 - 2021):

OP1 – Overarching Policy 1: Strategic Principles

OP2 – Overarching Policy 2: Development Requirements

VE1 - Visitor Experience Policy 1: Location and Scale of new development

VE2 – Delivering a World Class Visitor Experience

TP2 - Transport Policy 2: Promoting Sustainable Travel and Improved Active Travel Options

NEP1 - Natural Environment Policy 1: National Park Landscapes, seascape and visual impact

NPE2 – Natural Environment policy 2: European Sites

NPE3 – Sites of Special Scientific Interest, National Nature Reserves and RAMSAR Sites

NEP4 - Natural Environment Policy 4: Legally Protected Species

NEP5 - Natural Environment Policy 5: Species and Habitats

NEP8 - Natural Environment Policy 8: Development Impacts on Trees and Woodlands

NEP 9 - Natural Environment Policy 9: Woodlands on or adjacent to development sites

Delegate to the Director of Place and/or his Depute in consultation with the Chair to impose appropriate planning conditions for the construction and operation of the development.

MOTION: As noted in the amendment, ME proposed to approve the planning application for the reasons given in the amendment and subject to the terms of the above amendment. RE seconded ME's motion.

The Chair took a roll call in respect of the amendment and confirmed his position. CC, WN, SP, ME, and RE voted in favour of the amendment. CS, DM, and BD voted against.

For clarity, the Chair then took a roll call in respect of the motion which was in favour of the original recommendation of the Director of Place that the planning application be refused for the reasons contained in Appendix 1 of the Report. CS, DM, and BD voted in favour of the original recommendation. CC, WN, SP, ME, and RE voted against.

AJMC confirmed that, by a majority of Members, the amendment was approved by the Committee.

DECISION: A competent amendment was tabled. Upon voting in respect of the amendment, the amendment became the decision of the Committee and the application was approved subject to appropriate planning conditions for construction and operation of the development to be imposed by the Director of Place and/or his Depute in consultation with the Chair.

5. 19/02544/PP (Consultation by Argyll and Bute Council) – Creag Dhubh Windfarm consultation response

Consideration of Item

AM presented the Report containing the Park Authority's proposed windfarm consultation response to the Committee.

AM invited the Members adopt the recommendation of the Director of Place in the Report such that Members:

APPROVE the contents of the report and its submission to Argyll and Bute Council as the National Park Authority's consultation response on the planning application. The response concludes that the National Park Authority **objects** to the proposal for the following reasons:

- The proposal will result in a significant adverse effect on the Special Landscape Qualities of the Argyll Forest area of the National Park by introducing a new built landscape feature to the Landscape Character Type (LCT) of Steep Ridges and Mountains.
- The proposed development will have a significant adverse effect on visual amenity affecting views from the Arrochar Alps, Ben Donich and Beinn Bheula and the Cowal Way Long Distance Route approaching this gateway into the Park.

The Chair then invited members to ask questions and the Report was discussed.

MOTION: WN, seconded by ME, proposed to approve the recommendation.

For clarity, the Chair then took a roll call of the decision and confirmed his position. All members were in agreement with the motion.

DECISION: The motion to approve both parts of the recommendation became the decision of the Committee and the Committee agreed to object to the proposal in terms of the recommendation.

6. Planning Performance Framework 10 2020/21

BD indicated to Members that he considered that there are a number of issues with the Report to be presented under Agenda Item (6). BD has spoken to the Director of Place in respect of this matter and it has been agreed that the Committee shall have an informal session at a future date in respect of the Planning Performance Framework. CSt would still present the Report, however, for noting by the Committee.

Consideration of Item

CSt presented the Report in respect of the Planning Performance Framework 10 (2020/21).

CSt invited the Members adopt the recommendation of the Director of Place in the Report such that Members:

- Consider and note the content of the Report.

The Chair then invited members to ask questions and the Report was discussed.

MOTION: CC, seconded by DM, proposed to approve the recommendation.

For clarity, the Chair then took a roll call of the decision and confirmed his position. All members were in agreement with the motion.

DECISION: The motion became the decision of the Committee and the recommendation to consider and note the Report was approved.

7. Any Other Business

None.

8. Date of Next Meeting

The date of next meeting of the Planning & Access Committee is scheduled for 27th September 2021.

Signed
