



Draft Minutes of Meeting Held at 13:30hrs on 28th June 2021 – Live webcast

Agenda Item: 3

Planning and Access Committee

30th August 2021

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Present

Bob Darracott (BD) Chair
Claire Chapman (CC) Depute Chair
Martin Earl (ME)
William Nisbet (WN)
Diane Docherty (DD)
Murray Lyle (ML)
Chris Spray (CS)
Bobby Good (BG)

In Attendance – National Park Authority staff

Stuart Mearns, Director of Place (SM)
Bob Cook, Development & Implementation Manager (BC)
Amanda Muller, Development Planning Assistant (AM)
Kirsty Sweeney, Development Planner (KS)
Simon Franks, Trees & Woodland Advisor (SF)
Yvonne Christie, Legal Adviser to National Park Authority (YC)
Douglas Smith, Board and Committee Manager (DS)
Lesla Hartland, Personal Assistant (LH)

Also In Attendance

Chris Devlin, Legal Clerk, Anderson Strathern LLP (CD)
Ryan Smith, Anderson Strathern LLP (RS)
Bob Hay (BH)
Nick Wilson (NW)
Paul Houghton (PH)
Doreen Carter (DC)
William Gorel (WG)

Apologies

Ronnie Erskine (RE)
David McCowan (DM)
Shonny Paterson (SP)

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 apologies had been received from RE, DM and SP.

CD confirmed this meeting was quorate.

2. Declarations of Interest

No declarations of interest raised.

3. Draft minute of meeting held on 26 April 2021

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

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

The Chair took a roll call of the decision and confirmed his position. For clarity, DD was not present for the last meeting and therefore could not approve. All other members present were in agreement to approve the minute.

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

4. 2020/0321/DET – Permission sought for Extension to boat storage area, upgrade of existing slipway and jetty and siting of two storage containers (retrospective) and extension to boat workshop to form office, shop and changing facilities (north bay); Formation of new boat storage area, screen fencing and erection of staff hut (retrospective) (south bay)

The Chair noted that the applicant (BH; NW) and three objectors (PH; DC; WG) were present for the consideration of this item. PH, DC, and WG would make short presentations in objection to the planning application. The applicant would be available to answer any questions put by Members.

Consideration of Item

BC presented the planning application to the Committee noting that he was doing so in substitution of Vivien Emery, the Planning Officer who prepared the Report.

BC put forward the recommendation of the Director of Place that the planning application be approved subject to the planning conditions contained in Appendix 1 of the Report.

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

Following the Members' discussion of the Report, the Chair introduced the first of the three objectors who was permitted to make a representation to the Committee. The Chair invited PH to make his presentation and explained procedure.

PH confirmed he was a planning consultant making this opposition on behalf of FLORRA (the residents/owners association) on behalf of 20 owners. PH introduced his grounds of opposition to the planning application.

The Chair invited members to ask questions and this opposition was discussed with answers to questions also provided by NW.

The Chair introduced the second of the three objectors who was permitted to make a representation to the Committee. The Chair invited DC to make her presentation and explained procedure.

DC confirmed she was a resident/owner of a lodge adjacent to the application site for 19 years. DC introduced her grounds of opposition to the planning application.

The Chair invited members to ask questions and this opposition was discussed with answers to questions also provided by NW.

The Chair introduced the last of the three objectors who was permitted to make a representation to the Committee. The Chair invited WG to make his presentation and explained procedure.

WG explained that he was Chairman of the residents association (FLORRA). WG introduced his grounds of opposition to the planning application.

The Chair invited members to ask questions and the Report was discussed with answers to questions also provided by NW.

Members asked SM and BC in particular about the nature of the proposed planning conditions, and the potential for these to regulate certain matters that have been raised by the objectors, such as site management. BC noted that as a planning application deals with only the physical use of land he considered that there are

restrictions on what can be done on imposing conditions on site management and such issues. SM confirms that one must consider what is reasonable for planning to consider and what is enforceable. CD noted that, in this particular circumstance, he would not add anything further to what BC and SM have stated.

The Chair indicated that he would like it minuted that BH and NW, as applicants, are aware of the concerns of the lodge owners and as a committee, while it is difficult to impose planning conditions for this type of application the committee will be looking for an improved application site to meet the genuine concerns from their neighbours.

MOTION: CC, seconded by ML, proposed to approve the application subject to the imposition of the planning conditions set out in Appendix 1 of the Report.

For clarity, the Chair then took a roll call of the decision and confirmed his position. WN could not participate due to not being present for the whole discussion of this agenda item. All remaining members were in agreement with the motion.

DECISION: As no competent amendment was tabled, the motion became the decision of the Committee.

5. Drymen Tree Preservation Order

DD confirmed that she would be leaving the meeting and would not participate in further deliberation.

Consideration of Item

SF presented the Report in respect of the tree preservation order. SF noted that there was typographical error at s.4.2 of the Report in which it incorrectly states 165 trees rather than 166 trees.

SF put forward the recommendation to:

- a) Note the making of the TPO on the 14th January 2021– issued with approval of the Chair of the Planning & Access Committee (Reference: 2020/0001/TPO)
- b) Approve the recommendation to confirm the TPO without modification

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

MOTION: CS, seconded by ML, proposed to approve both parts of 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.

6. Local Development Plan Monitoring

Consideration of Item

AM presented Report in respect of the Local Development Plan Monitoring.

AM put forward the recommendation to Consider and Note the publication of the Local Development Plan Monitoring Report 2020 in Appendix 1.

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

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

For clarity, the Chair then took a roll call of the decision and confirmed his position. WN could not participate due to not being present for the whole discussion of this agenda item. All remaining members were in agreement with the motion.

DECISION: The motion became the decision of the Committee.

7. Any Other Business

SM updated the Committee in respect of three matters as follows:

- Update in respect of EIA matters and the Wards Estate footpath
- Update in respect of West Riverside pre-application consultation
- Update in respect of Loch Long fish farm pre-application consultation

8. Date of Next Meeting

The date of next meeting of the Planning & Access Committee is scheduled for 30 August 2021.

ME enquired if there is to be a further meeting on the 26th July. SM confirmed that if an enforcement issue arises then a further meeting will be required but only in that event.

Signed
