

Agenda Item 3: Draft Minutes of Meeting Held at 13:30hrs on 24 February 2025 at Carrochan, Balloch

Planning and Access Committee

30 June 2025

Paper for approval

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Attendees

Members

Claire Chapman (CC) Chair

Shonny Paterson (ISP)

William Sinclair (WS) Depute Chair

Chris Spray (CS) [from item 5]

Richard Johnson (RJ)

Martin Earl (ME)

Colin Lee (CL)

Ronnie Erskine (RE)

In Attendance – National Park Authority staff

Stuart Mearns, Director of Place (SM)

Alison Williamson, Planning Officer (AW)

Bob Cook, Development Manager (BC)

Julie Gray, Planning Officer (JG)

Dougie Smith, Corporate Performance Manager (DS) – Governance Clerk and Minutes

Annie Fitzpatrick (AF) – Governance and Information Advisor

Also In Attendance

Chris Devlin, Legal Clerk, Anderson Strathern LLP (AM)

Apologies

Hazell Sorrell (HS)

Davy Fettes (DF)

David Mackie (DM)

Items and Actions

1. Welcome and Apologies

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

The Chair welcomed the members of the public attending in person.

The Chair invited all participants to introduce themselves.

The Chair advised that Hazel Sorrell, David Fettes, David Mackie were not in attendance and had submitted their apologies. Chris Spray was not present.

DS clarified that any Member not present at the beginning of an agenda item is not able to participate in the decision making process for that item, but can participate in any future items for which they are present from the beginning.

CD confirmed that this meeting was quorate.

2. Declarations of Interest

None.

3. Minutes of Previous Meeting:

Meeting held on 25th November 2024:

CC clarified four 'typos' which have been updated in the minutes and published online:

- Spelling of 'Amended'
- Spelling of River 'Teith'
- Updated reference to 'Mollands' Estate
- Ronnie Erskine added to list of attendees

Decision: RJ, seconded by RE, proposed the approval of the minutes of the meeting of 25th November 2024. The minutes were approved unanimously by a show of hands of those present.

CD confirmed the decision of the committee.

4. 2024/0323/DET - Change of use of land for the siting of a mobile snack van – at Luss Car Park, Luss

AW presented the officer's report, alongside a PowerPoint presentation.

Question from Members followed and focused on:

- Position of the site in relation to the existing conservation area
- Status of the planning permission as temporary for 12 months
- Confirmation that Roads Department at Argyll and Bute have not raised concerns
- The consideration of community concerns in reaching the planning decision
- The use of electricity to power the internal equipment of the van
- Enforcement process should electricity not be used to power the internal equipment of the van
- The role of planning permission and licencing permissions

CD outlined planning guidance on temporary permissions.

SM clarified that a further application for permission would be separate and handled on its own merits.

Ian Gillespie, spoke on behalf of Luss Village Shop in objection to the application.

Question from Members followed and focused on:

- Enforcement process
- Clarification that there is not through-traffic at the proposed site
- The role of Argyll and Bute in determining the site location

CD advised Members that Informative Number 3 makes clear that the licensing matters are for Argyll and Bute Council and separate to the Planning Permission process undertaken by the Committee.

Further Questions from Members followed and focused on:

- NPF4 Policy 1 relating to emissions and climate change
- Purpose of planning vs licensing
- The 'hierarchy' of policies being applied relating to planning considerations

- Local Place Plan references to Ice Cream Vans and visitor management.
- The need to take advice from Argyll and Bute as the Roads Authority relating to safety; no concerns have been raised

RE indicated his desire to propose an amendment to the motion to ensure that the internal equipment of the proposed snack van be powered by electricity.

CD outlined the content of Planning Circular 4 1998, which includes Scottish Government guidance on conditions and enforceability.

CD raised the possibility of difficulty in the practical enforcement of such an amendment.

A vote was taken to adjourn the meeting to allow a competent amendment to be formed with advice from the Legal and Governance Clerks.

The meeting readjourned. No proposer or seconder was identified for the original motion.

CD READ ALOUD THE AMENDED MOTION:

APPROVE the application subject to:

1. the imposition of the conditions set out in **Appendix 1** of the report, and
2. **Subject to a suitable legal agreement being entered into between the Applicant/Operator and the National Park Authority where the Applicant/Operator undertakes to exclusively use batteries to power the internal equipment of the snack van.**

AMENDED MOTION: RE, seconded by WS, proposed to approve the amended recommendation as above.

DECISION: The **amended motion** became the decision of the Committee by unanimous decision.

CD confirmed the decision of the committee.

5. 2024/0296/DET - Change of use of land for the siting of mobile sauna cabin and storage shed (retrospective) - at land adjacent to Boathouse, Pier Road, Luss

[CS entered the meeting]

JG presented the officer's report, alongside a PowerPoint presentation.

Question from Members followed and focused on:

- The risk of flooding at the site
- How the policies relevant to this application are weighted in the decision-making process, including the consideration of the National Park Aims
- Clarity on the retrospective nature of the planning application
-

Kieran Izzet and Conlon Nimmo, spoke as the applicants in support of the application.

Question from Members followed and focused on:

- Evidence of mental health benefits associated with use of the site
- User numbers and profiles
- Car parking
- Toilet/changing facilities
- Anti-social behaviour
- Access to the site

Angela McCracken, spoke as an individual in support of the application.

Question from Members followed and focused on:

- Wellbeing impact
- Anti-social behaviour; litter
- Land use

David Henderson, spoke as an individual in objection to the application.

Question from Members followed and focused on:

- Car parking
- Anti-social behaviour

Further Questions from Members followed and focused on:

- The feasibility/legality of approving permission for 12 months with conditions
- Clarification that the business has been in operation since July 2024
- The process of retrospective planning application
- The professional assessment of the Open Space planning policy
- How the policies relevant to this application might be weighted
- The community's Local Place Plan

CD: clarified that granting temporary permission would be possible from a legal perspective.

RE indicated his desire to propose an amendment to the motion to approve the application subject to conditions.

CS indicated his desire to propose an amendment to the motion to approve the application for a temporary period of 12 months subject to conditions.

A vote was taken to adjourn the meeting to allow competent amendments to be formed with advice from the Legal and Governance Clerks.

The meeting readjourned. No proposer or seconder was identified for the original motion.

CD READ ALOUD THE AMENDED MOTIONS:

Amendment 1: APPROVE the application for a temporary period of 12 months subject to appropriate planning conditions to be determined by delegation to the Chair of the Planning and Access Committee, receiving appropriate professional advice from planning officers.

Amendment 2: APPROVE the application subject to appropriate planning conditions to be determined by delegation to the Chair of the Planning and Access Committee, receiving appropriate professional advice from planning officers.

Amendment 1 was proposed by CS and seconded by WS. CS spoke to the Amendment, outlining the fine balance of policies involved in the decision, praising the officer's report and stating that the policy principles of National Planning Framework 4, Policy 30 (Tourism) was key to his position.

Amendment 2 was proposed by RE and seconded by ISP. RE spoke to the Amendment, outlining the fine balance of policies involved in the decision, praising the officer's report and stating that the policy principles of National Planning Framework 4 (NPF4), Policy 30 (Tourism) was key to his position, alongside NPF4 Policy 23 (Health and Safety) as it relates to health and wellbeing. RE stated that he did not consider that should the application be approved on temporary basis for 12 months that any fundamentals of the policy reasoning would have altered and therefore his amendment did not include temporary permission.

The Chair asked all Members to state their vote for the record, including the relevant planning grounds considered, in line with standing order 48 of the committee.

RJ voted for Amendment 2, citing NPF4 Policy 30 (Tourism)

WS voted for Amendment 1, citing reasonable judgement on planning grounds

CS voted for Amendment 1, citing NPF4 Policy 30 (Tourism)

ISP voted for Amendment 2, citing NPF4 Policy 23 (Health and Safety) as it relates to health and wellbeing

CL voted for Amendment 2, citing NPF4 Policy 23 (Health and Safety) as it relates to health and wellbeing

RE voted for Amendment 2, citing NPF4 Policy 30 (Tourism)

ME voted for Amendment 1, citing NPF4 Policy 30 (Tourism)

CC voted for Amendment 2, citing NPF4 Policy 30 (Tourism)

Amendment 2 became the decision by a majority vote [5 votes to 3 votes]

AMENDED MOTION: RE, seconded by ISP, proposed to approve the amended recommendation as follows:

That Members:

APPROVE the application subject to appropriate planning conditions to be determined by delegation to the Chair of the Planning and Access Committee, receiving appropriate professional advice from planning officers.

DECISION: The **amended motion** as detailed above became the decision of the Committee by unanimous decision.

CD confirmed the decision of the committee.

6. 2017/0254/MIN – Cononish Gold Mine, Tyndrum – Annual Update

[CS declared interest in relation to his position as a Board Member of the Countryside Trust, who are financial beneficiaries.]

AW presented the officer's report, alongside a PowerPoint presentation.

Question from Members followed and focused on:

- Financial guarantee relating to bonds
- The review of the Greater Cononish Glen Management Plan
- The status of the July – December 2024 reports
- Outstanding money owed to the National Park Authority
- Update to wider Board to be made at March 2025 meeting

MOTION: RJ, seconded by ME, proposed to approve the recommendation as follows:

That Members:

NOTE the updates on the development.

DECISION: The **motion** became the decision of the Committee by unanimous decision.

CD confirmed the decision of the committee.

7. Any Other Business

- None

8. Date of Next Meeting

31 March 2025 – business dependant

Signed _____