

## **KILNINVER AND KILMELFORD COMMUNITY COUNCIL**

A meeting of the above Council was held on Tuesday 8<sup>th</sup> April 2003 at Kilmelford Village Hall.

**Present:** Community Councillors: Angus MacFadyen (Chairman), Colin Clark (Vice-chairman), Neil Manchester (Secretary), Jayne Brown (Treasurer), Dorothy Carmichael, Stuart Cannon, Jamie Mellor

Also in attendance were Argyll and Bute Councillors Alan Macaskill and Duncan MacIntyre, Constable Kevin Moffat and twenty-eight members of the public.

### **1 Apologies:**

Apologies were received from Elisabeth Asbury, and Kate and Lindesay Robertson. Additional apologies were also received from Marilyn Henderson and Kit Leyman of Avich and Kilchrenan Community Council.

### **2 Minutes:**

The minutes of the meeting held on Tuesday 11<sup>th</sup> February 2003 were approved and signed. Cllr Macaskill repeated that he felt that he was due an apology from the Kilninford Newsletter for an earlier misrepresentation. The secretary advised that the newsletter team were separate from the community council, and that the matter should be taken up with the editor.

### **3 Matters Arising:**

#### Melfort Pier & Harbour

The chairman requested that he be allowed to read out a series of correspondence from Melfort Pier and Harbour in response to previously agreed action by the community council regarding the planning application for a laundry and store.

The chairman read out the following letters:

- a) Letter dated 28<sup>th</sup> February 2003, addressed to Angus Gilmour from Neil Manchester, as secretary of the community council, detailing the objections to the application that had been agreed at the community council meeting held on 11<sup>th</sup> February 2003.
- b) Letter dated 6<sup>th</sup> March 2003, addressed to Neil Manchester from Michelle MacFadyen on behalf of Melfort Pier Holidays, in which Neil Manchester was accused of acting out with the agreement of the community council and out with his remit as secretary to the community council, and threatening Mr Manchester with action for damages over the matter.

The chairman stated that due process had been followed at each stage, and that the original letter of objection had been sent with the full authority of the community council. The chairman also reported that he had discussed the issue with John Christlieb of Melfort pier Holidays, and had refused a request to retract the letter of objection.

- c) Letter dated 13<sup>th</sup> March 2003, addressed to Angus Gilmour from John Christlieb of Melfort Pier Holidays, in which Mr Christlieb stated that it had been established that Mr Manchester was not authorised to write on behalf of the community council, and that discussions with the chairman of the community council were underway to obtain an immediate retraction of the letter of objection.

The chairman again noted that Mr Manchester had acted with the full authority of the community council, and had merely written the letter as agreed at the previous community council meeting.

- d) Letter dated 14<sup>th</sup> March 2003, addressed to Angus MacFadyen, copied to Colin Clark, Adrian Laycock, Alan Macaskill and Duncan MacIntyre, from John Christlieb of Melfort Pier Holidays, in which Mr Christlieb repeated the threat of legal action against Mr Manchester unless the letter of objection was withdrawn immediately. Mr Christlieb's letter also contained accusations and personal insults regarding Mr Manchester.
- e) Letter dated 14<sup>th</sup> March, addressed to Angus MacFadyen, copied to Colin Clark, Adrian Laycock, Alan Macaskill, Duncan MacIntyre and Angus Gilmour, from John Christlieb of Melfort Pier Holidays, in which Mr Christlieb claimed that Mr Manchester had written the letter of objection without any authority from the community council, and furthermore had been unlawful in discussing the issue as, in Mr Christlieb's opinion, Mr Manchester had a pecuniary interest in the matter. In addition, Mr Christlieb requested that Mr Manchester be barred from any further discussions or communications over Melfort Pier Holidays.
- f) Letter dated 5<sup>th</sup> April 2003, addressed to Angus MacFadyen, copied to Colin Clark, Neil Manchester, Alan Macaskill and Adrian Laycock, from John Christlieb of Melfort Pier Holidays, in which Mr Christlieb claimed that due process had not been followed over the meeting at which the planning application had been discussed, that Mr Manchester had not acted within the law, and threatened the community council with action if any 'further irregularities' are noted at meetings. Mr Christlieb also demanded that a public retraction of the letter of objection be issued.

The chairman said that since these letters expressed criticism of members of the community council, he wished to invite comments from the floor on the matter.

Robin Asbury noted that John Christlieb was not a director of Melfort Pier Holidays, and wished to know on whose authority he was acting. Michelle MacFadyen responded on behalf of Melfort Pier Holidays, and stated that John Christlieb was a member of Melfort Pier Holidays and was thus entitled to write on their behalf.

The chairman stated that the community council had a right and a duty to consider all planning applications, and that he had investigated the matter and was adamant that due process had been followed at each stage.

Robin Grey noted that there had been no dissent at the last meeting when the letter of objection was discussed; indeed there had been many objections to the application expressed at the meeting. Jane Rentoul agreed that the letter represented the full consensus of the last meeting. Michelle MacFadyen asked whether the decision to object had been unanimous. Cllr MacIntyre stated that no one had supported the application at the last meeting, and no one had voiced

dissent therefore the decision was unanimous. Stuart Cannon agreed the point of principle on the definition of unanimous.

Cllr Macaskill advised that the community council was a statutory consultee in the planning process, and was legally entitled to object. Cllr MacIntyre noted that the minutes of the last meeting clearly showed that the decision had been unanimous and lawful.

Cllr Macaskill stated that it was clear that Mr Manchester did not have any pecuniary interest in the matter of Melfort Pier Holidays, and was perfectly entitled to discuss the matter at community council meetings. Robin Asbury noted that Mr Manchester had not voiced an opinion over the planning application at the last meeting, but as secretary had a duty to write the letter as agreed at the meeting.

Cllr Macaskill advised that the community council should not feel threatened by such letters, and that it was essential that the operation of the community council on planning matters and all other issues be allowed to continue without such threats. Cllr Macaskill then reported that the planning application had been granted, and that the community council should move on.

Georgina Dalton felt that Mr Manchester was due an apology from John Christlieb of Melfort Pier Holidays. Robin grey supported this, as he felt that the content of the letters were a threat to both Mr Manchester and to the community council.

It was unanimously agreed that the accusations against Mr Manchester were unfair, that the threats and insults to Mr Manchester were totally unacceptable, and that an immediate letter of apology be demanded from Mr Christlieb.

Fiona Wyllie stated that if details had previously been requested from Melfort Pier Holidays (such as the environmental impact assessment and long term development plan) then it should be insisted upon, regardless of whether the application had been approved or not. Michelle MacFadyen advised that both documents were available for inspection on request.

Michelle MacFadyen stated that the application had been for a laundry and store, and that Melfort Pier Holidays do not have a policy of applying for subsequent change of use after permission has been granted. Mike Brown advised that he understood that this was a strategy adopted by Melfort Pier Holidays, and that a review of past applications might prove this. Cllr MacIntyre consulted a list of previous planning applications by Melfort Pier Holidays, and noted that changes of use had been applied for in the past. The chairman agreed that this had been the case in his recollection.

The chairman stated that it had been unanimously agreed that a letter of apology to Mr Manchester be requested, and that he would be writing to John Christlieb immediately after the meeting.

Planning Issues: the secretary reported a reply from Angus Gilmour declining an invitation to address the community council, but advising that questions in writing would be answered.

Road Safety at Kilninver School: The chairman reported that the 30mph speed limit was now in place. Constable Moffat advised that spot checks on speeding motorists would take place in all speed limit areas. The chairman thanked everyone involved in the campaign for a speed limit for his or her efforts over the years.

Blaran Road End: Peter Menzies noted that works had not been carried out, and that the height of the road at the Blaran access had risen over the years. Cllr MacIntyre advised that the work would be completed when the Oude hill work was undertaken, sometime during this financial year. Peter Menzies also noted that the telegraph poles were still in a dangerous location, and some had even been renewed without relocation. Cllr MacIntyre advised that this was solely a BT issue, and Argyll and Bute Council cannot force BT to move the poles. Cllr Macaskill suggested that the community council write to BT to complain.

Local Minister: Georgina Dalton advised that an advert had been placed and that it was hoped that an appointment would be made soon.

#### **4 Planning Applications**

##### Loch Avich/ Inverliever Wind Farm

Cllr Macaskill advised that the application would be decided by two area committees combined, with consideration planned for June and July. Cllr Macaskill felt that it was likely that a public hearing would be held, where supporters and objectors could present their case, but with no cross examination.

The chairman noted that the community council had not acted until now. The secretary read out a letter from Marilyn Henderson, of Avich and Kilchrenan Community Council where the support of this community council in objecting to the application was requested. Stuart Cannon asked whether we could just adapt the views of other community councils, but the chairman felt that this community council should make its own decision. Robin Grey asked at what point would objections be considered. Cllr Macaskill advised that objections are taken into account at the hearing, and objectors may be invited to address the meetings.

Robin Grey proposed that the community council should object to the planning application. Roger Dixon-Spain asked what constituted a valid objection, or is just stating an objection sufficient. The chairman felt that any objections must be valid, but accepted Robin Grey's proposal that the community council should object.

Fiona Wyllie proposed that the community council do not object. This was seconded by Judith Stannard.

The chairman decided that a vote should be taken, and that since the issue was very emotive, a secret ballot would be held.

Georgina Dalton spoke against wind farms, and asked that consideration be given to the impact on the Loch Avich residents.

A secret ballot was taken among members of the electoral register in Kilninver and Kilmelford, with all non-residents excluded. The results were as follows:

Those in favour of objecting to the wind farm application-	10
Those against objecting to the wind farm application-	11
Abstentions	3

In light of the result of the vote, it was agreed that the community council should not object to the Loch Avich/ Inverliever wind farm application.

In addition Dorothy Carmichael reported the following planning application:

Medlock Communications: installation of radio mast on land east of Beinn Chaorach, Arduaine, Kilmelford. There was some confusion over the exact location of this application, and it was agreed that Dorothy Carmichael would identify the location on the community map to allow further discussion.

## **5 Whelk+ Leader Programme**

The secretary advised that an environmental task force had been set up by AIE, with grant funding of £42,236 plus materials @ £200 per week to carry out community projects. It was agreed that an application for support funding under the above programme should be submitted as soon as possible.

It was agreed that the projects that should be submitted would be:

- a) Scammadale Glen passing places
- b) Lay-bys at Arduaine and Loch Feochan
- c) Historic site at Kilninver

## **6 Correspondence**

The secretary drew attention to a range of documents, leaflets, various minutes and agendas available for public review.

## **7 Any Other Business**

The chairman reported on a request from Avich and Kilchrenan Community Council to support an application for a path from Dalavich to the west end of Loch Avich under the Core Paths Network. Christine Metcalfe advised that the current situation was that they were waiting for the Forestry Commission to agree to provide land for the route, and that when the community council assistance was required she would notify the chairman.

Fiona Wyllie highlighted that the access to the mussel farm at Arduaine was in a dangerous location. Constable Moffat agreed to look into this. Cllr Macaskill advised that the access met all criteria, and that the roads department had offered no objections at the time of the application.

Jamie Mellor advised that the Argyll and Bute Local Biodiversity Partnership has recently gained funding for community projects, and that the local officer should be invited to address the next meeting.

Jane Rentoul asked that anyone wishing to sign up for broadband should access the Argyll and Bute website to do so. Fiona Wyllie agreed to put an article into the next newsletter. Cllr Macaskill advised that while the Argyll and Bute Council supported broadband, it was up to communities to demand it.

Fiona Wyllie asked if planning permission for fish farms had changed from the Crown Estate to the planning department. Cllr Macaskill advised that this was likely to be the case in the next session of the Scottish Parliament.

Michelle MacFadyen asked how copies of the minutes could be obtained. The secretary advised that minutes were approved at the subsequent meeting, and were available after approval.

Fiona Wyllie asked what the situation was over notice boards. The secretary advised that one had been ordered but had not been delivered.

Peter Menzies commented on a strange roadside structure at Blaran. It was thought to be a weather station, but had no power supply as yet. Peter Menzies agreed to investigate and report at the next meeting.

Cllr MacIntyre advised that there would be community consultation on the West Highland Hospital Project, with local meetings planned soon.

### **8 Date of Next Meeting**

The next meeting of Kilninver and Kilmelford Community Council will be held in Kilmelford Village Hall on Tuesday 10<sup>th</sup> June 2003 at 8.00pm, and will be followed by the Annual General Meeting.

There being no further business, the chairman closed the meeting at 10.02 pm

Neil Manchester  
Secretary

Signed as approved:

Angus MacFadyen

Date:

Chairman