

KILNINVER AND KILMELFORD COMMUNITY COUNCIL

The meeting of the above council was held on Tuesday 12th April 2011 at Kilmelford Village Hall.

Present: Nigel Mitchell (NM) Chairman, Antoinette Mitchell (AM), John Maclean (JM), Matthew Anderson (MA), Sarah Edwards (SE) Sheila Whitlow (SW).

Also in attendance were Councillor Elaine Robertson, Councillor Neil Mackay, Councillor Duncan Macintyre, Councillor Donald Macdonald and 18 members of the public.

Apologies: No apologies.

Minutes of the previous meeting: The minutes of the meeting held on 14th February 2011 were discussed and Jane Rentoul asked for the minutes to be amended to include the following on the third page. – Jane Rentoul commended AM and NM on their fairness in their involvement. With this amendment, the minutes were taken as a true and accurate representation of the meeting and approved. Proposed AM, seconded Duncan Macintyre.

Matters arising from previous meeting:

- a) **Raera Wind Farm:** No appeal is to be made, so this will now be removed from the agenda.
- b) **Clachan Wind Farm:** NM had received two emails from Rory Young. There will be drop in sessions at Easdale and Kilmelford. Rory Young will let NM know the dates and NM will send the dates to the Community Councillors and advise as many members of the public as possible. Rory Young wants to make the application in the summer and it will fall under normal 21 day planning procedures. The application will be in the Oban Times. NM hoped that there would be a few changes to the original application.
- c) **Kilmelford Notice Board:** The funds are now in place. NM thanked Argyll and Bute council for the grant. The noticeboards are being made in France and NM is waiting for a delivery date. The notices in the Kiln inver notice board were wet but the board is not thought to be leaking.
- d) **Fences around the Glebe:** The Harries fencing is to be discussed at the planning meeting on the 13th April. ref DM
- e) **Setting up a Trust fund:** NM thanked Ewan Kennedy for all his help in investigating the options. If a fund were to be set up at the moment it would cost money. Community Bodies would only be appropriate if going for charitable status. Ewan Kennedy offered to distribute the details by email to anyone who is interested in them. There are different types of legal entities and in each case there would be a standard form of documentation. A decision would need to be made as to which would be appropriate. The Trust could not be set up by the Community Council. It would need to be set up by a few people in the community. The Trust Fund is to be taken off the agenda.
- f) **Land around the Village Hall:** The Community council has applied for the area around the hall to be a PDA. The 5 house plots and a financial figure of £75,000 has been discussed with the planners. Copies of the application are available on line. Concerns were expressed that there had not been extensive discussions at previous C.C meetings . NM explained that it had been discussed at many previous meetings. There will be a nine week consultation process beginning in May and the application can be withdrawn if the Community Council decides to do so. NM offered to try to get further public opinion before the next C.C meeting and before the process is finalised . NM suggested that putting together a leaflet rather than a petition would be preferable.

Another Kames development is also on a PDA list. NM would like a fair decision based on views. NM asked how anyone with an opinion would like to proceed. The phone around option was discussed and a postal vote was suggested rather than phone calls.

SE felt that a meeting to discuss the issue would be dominated by those against the application.

Ewan Kennedy (EK) wanted to make a point of order. He was very concerned that a Community Council can make a decision after only consulting a couple of dozen people and referred to the Community Council Code of Conduct. He referred to the previous Land around the Hall planning application which went on for four years and was rejected.

Margaret Cross pointed out that not everyone has internet access and consultation needs to be fair for those without internet access.

EK asked those who had read the detailed application to raise their hand. 7 hands were raised. The draft plan is a five year plan starting in 2014 and EK was concerned if it is based on the views of a small number of people attending the meeting. EK felt that there would be no way of absolutely guaranteeing that the money will come back to the community in the future.

Duncan Macintyre referred to previous meetings when he complimented the community council on their due diligence. Duncan referred to previous meetings where votes were made on two or three previous occasions and the consensus of the meeting supporting the application for the land around the hall was in a full room. Duncan doesn't feel that there is a more democratic community council in Lorn area.

Neil Mackay explained that he was present at the planning meeting on the 11th March. Neil wanted it to be noted that Danny Kelly had asked whether everybody had had a fair hearing and the applicants, and objectors had agreed. Neil was present at the meeting in Kilmelford when the project was discussed. Neil Mackay had put the previous application for 7 houses forward but it was found to be incompetent. An application for up to 5 houses is medium scale. If the earlier application had been reduced from 7 to 5 houses it would have been held to be competent. The DCI policy limits it to medium scale. The community council were the applicants and the community were very much in support. Neil Mackay explained that it is an unusual application as the applicant is one of the statutory consultees. The strategic planners have offered to come along to a Community Council Meeting.

Matthew Anderson asked for a PDA to be defined and this was defined as a Potential Development Area. MA explained that he has a field that has a PDA, but it doesn't mean that it will be developed on. In MA's view it ceases to be a presumption against development but not a presumption for development and MA feels that there is a huge difference.

Neil Mackay explained that if it is granted PDA status as a neighbouring development it cannot be changed from 5 houses. It has to conform to the policies.

There were concerns expressed that PDA status changes the land from being classed as agricultural land.

Duncan Macintyre referred to a discussion 12 years ago for a sports field over on the other plot. In his view, there was a democratic process and a vote and the view of the community five years ago was in favour. If attitudes have now changed then it needs to be discussed but he felt that it cannot be said that the community council did not have a mandate then.

Jane Rentoul referred to the straw poll discussed at the December meeting from young mothers in the village. SE confirmed that there was no real feeling either way.

NM was asked whether the Community Council has a binding legal agreement with the landowner if the PDA goes ahead. NM explained that at the moment there is no new agreement. The query was raised as to who is mandated on the community council to liaise with the landowners and whether the Community Council has sufficient legal status to act.

NM closed the discussion and said that it will go ahead to the next meeting for discussion. There will be a meeting to put in a submission for the community council for the local plan. The first meeting will be for the Community Council members to look at the plan before going to a public meeting for members of the community.

MA explained that his greatest concern is the apathy of the general community, other than those present at the meeting.

Elaine Robertson referred back to the minutes of the last meeting giving suggestions for ways of getting the opinion of the community, such as postal questionnaire and a mailbox.

Duncan Macintyre said that the Community Council had discussed this extensively in the past and if there is a change of thinking it will come out at the next consultation.

Neil Mackay suggested that the strategic planners could come along to discuss this further. NM has spoken to Adrian Jackson Stark, Richard Kerr and Fergus Murray to get everyone involved.

Planning Applications:

AM confirmed that there were 5 applications and didn't feel that any of them would be of contentious interest to the community.

1. 11/00452/PP Degrish Farm, Kilmelford 20KW Wind Turbine. 27 metres to tip height. –Pending.
2. 11/00497/PP Cuan Chalet, Arduaine. Removal of condition 2 relating to planning permission- Pending.
3. 11/00390/PP Land North of Braglanbeg. Erection of dwelling house. –Pending.
4. 11/00120/PP Land West of Shed , Kilmelford Yacht Haven . Installation of air source heat pump. – Permitted.
5. 11/00208/PP Lagganbeg, Kilninver. Erection of extension to dwelling house and demolition of outbuilding. – Permitted.

AM queried why it stated that for reasons of confidentiality Argyll and Bute council may choose not to display certain planning applications. It was thought that this may be for reasons of national security.

Kames Development- There were concerns that SEPA had not been involved with the application for a bore hole and concerns regarding the sea level.

Neil Mackay explained that any individual can write to the planning department to find out about any planning application.

Correspondence

1. NM had been contacted by Alison Robertson the Convenor for Luing Community council. They had decided to purchase a seat for the Pheonix Cinema support campaign. The cost would be £200.00 and NM asked if the community council would be interested in also purchasing a seat. It was explained that there was a deadline for the end of the week for a bid to go into Santander and that the auction had

been delayed. MA asked for a show of hands to support buying a seat. There were no objections and it was agreed to purchase a seat.

2. An email had been received from Mr Stott making his opinions clear to the council concerning The Land around the Hall.
3. A petition regarding the PDA application- Ewan Kennedy was very concerned about PDA status and that the Community council had only held discussions with a couple of dozen people. He explained that until two years ago he was unable to attend the meetings due to work commitments. The question was raised as to who will own the field? Would it be Mr Tilly or Brackenburn Holdings? MA suggested some form of survey for the community to gather the opinion of the community. EK took the view that it was incompetent for the community council to apply as an applicant when they are a statutory consultee. EK had put up the petition to seek the views of the community. He had concerns regarding the telephone survey method and the inclusion of many people who may be working away. MA supported EK in feeling that the Community Council should not have made a planning application. The possibility of a Community body had been discussed previously. MA wanted to clarify however that the application for a PDA is not a planning application. On the Kames PDA two houses were approved and there is no more development under the PDA . The question was raised as to whether it is safer to leave it as a PDA with restrictions? Neil Mackay suggested that it may be best for the Strategic Planners to advise. The petition was not on the agenda and was not discussed. It was suggested that the next meeting on June 14th could be a consultation meeting.
4. MA asked whether an objection made by a community council is seen as a single objection. The Pulpit Rock application was referred to, where there had been 80 objections from individuals. There had also been an objection from Loch Lomond and Trossachs Country park. Duncan Macintyre explained that the Community Council is a statutory consultee. Neil Mackay said that as a Statutory Consultee their objections are taken on board and are very important. Neil Mackay also explained that the training given for those sitting on planning committees is very intensive to ensure that everything is done fairly to reach a fair decision.
5. NM has updated the K.K.C.C website
6. NM has had the Argyll Planning website updated to show that all the 5 houses at Traighuaine are now under Kilninver and Kilmelford C.C.

Any other business

1. Margaret Anfield from the North Argyll Volunteer car scheme, was unable to attend the meeting but had asked for any volunteers who may be interested in being drivers for the scheme to contact her.

Date of the Next meeting

The next meeting of Kilninver and Kilmelford Community Council will be held in the Kilmelford Village Hall on Tuesday 14th June at 8.00pm. NM thanked everyone for attending the meeting. There being no further business the meeting was closed at 9.27pm.