

## KILNINVER AND KILMELFORD COMMUNITY COUNCIL

The meeting of the above council was held on Tuesday 9<sup>th</sup> August 2011 at Kilmelford Village Hall.

**Present:** Nigel Mitchell (NM) Chair, Antoinette Mitchell (AM), John MacLean (JM), Sarah Edwards (SE), Lucy Files (LF)

Also in attendance were Councillor Elaine Robertson, PC Jeremy Moore, 2 representatives of Lakeland Marine and 28 members of the public.

**Apologies:** Matthew Anderson , Colin Clarke.

### **Councillor Donald MacDonald**

Prior to conducting the business of the meeting NM declared a minutes silence in remembrance of Councillor Donald MacDonald who died suddenly last week whilst on holiday in North Uist. Councillor MacDonald represented the SNP for the Oban North and Lorn ward.

**Minutes of the previous meeting:** All present were given the opportunity to read through the draft minutes of the previous meeting held on 14<sup>th</sup> June 2011. The minutes were taken as a true and accurate representation of the meeting and approved. Proposed JM, seconded SE

### **MATTERS ARISING FROM PREVIOUS MINUTES**

- a) **Clachan Wind Farm:** NM advised that the planning application has not yet been submitted. The applicant is waiting for the completion of an ecology report and it is now expected that the application will be submitted in late August or early September. The applicant asked how the community council was going to assess the opinions of the local community. NM then invited opinions and ideas for garnering feedback from the community so that KKCC can put together a representation on the matter. A member of the public suggested using the Electoral Register as a basis for distributing a questionnaire to canvas opinion but NM pointed out that this might be insufficient since it is a restricted Electoral Register and, therefore, not everyone in the community is listed in it. Judith Stannard suggested using the Kilninford News Directory and Georgina Dalton suggested the circulation list for the Kilninford News which is complete and up-to-date unless anyone has moved to the area very recently indeed. NM stated that any form of canvassing of opinion/questionnaire distribution would have to be allocated to addresses so that responses could be clearly identified as coming from within the community otherwise the process could be abused. AM confirmed that she has compiled a fact sheet which is ready for distribution but that she will now change the design to include a questionnaire. The question of when to send this out was then raised and NM stated that an opinions/feedback from the community is likely to be needed by the next KKCC meeting; he also advised that community members will need to see the application once it is published and find out for themselves exactly what is proposed and involved in it. NM advised further that the application will go to a hearing and that he will ask for an extension if necessary. Fiona Wylie asked how the questionnaire is to be worded and AM responded that it would include a list of facts with a for/against response and a request to forward the completed questionnaire to KKCC in order that it might represent the community. AM then asked all attending whether everyone was happy for the answers to be forwarded to Barochreal and stressed the need for the public to respond in time for an answer to be prepared before the next KKCC meeting in October, there was no response given. NM then reiterated that the application will come out in September and warned that it will not be a five-minute read. Stuart Cannon (SC) asked whether KKCC will be summarising the application. NM responded that KKCC will not attempt to do so since the application will contain a great

deal of technical detail which people need to read for themselves so that they know exactly what they are saying yea or nay to.

Chris Liversedge, asked where planning applications are advertised and NM responded that within the community they have to be held at the Post Office. It is also possible to see planning applications at the ABC Offices in Oban. Councillor Elaine Robertson confirmed this. Georgina Dalton suggested that if the application is not out by the time of the next Kilninford Newsletter then the newsletter could be used as a means of flagging it up. NM responded that perhaps a flier could be included with the newsletter giving the application number with a request to view it and give a response but Georgina said that she was thinking that even if the application number reference number was not to be available at that point a paragraph giving pre-warning of the imminence of the application, advising where it might be viewed and requesting comment could be included in the circulation. NM advised that individuals have the right to put in their own representations and he earnestly recommended that people do this. AM advised that the drop-in sessions have already happened and leaflets have already gone out. Fiona Wylie asked if KKCC will send in a representation and NM responded that KKCC has the intention of doing this but it will need to be drafted and no representation will be made until he has spoken to all the Community Councillors.

- b) **Kilmelford Notice Boards:** Both notice boards have arrived and been erected. Many thanks to Colin Clark (CC) for putting up the board at the shop and Colin Gibson for putting up the board at the Hall. NM asked the KKCC to send a letter of thanks to KKCA for securing the funds for the boards. LF to attend to this.
- c) **Fences Around The Glebe:** NM reported that he has had no news regarding the fences and that he doubts that they will be changed
- d) **Planning Applications:**

**Melfort Pier Restaurant:** An application has been submitted for a change of status from business to dwelling house. AM has the application reference number if anyone wishes to write regarding this.

#### **Installation of Micro-Hydro scheme at Barndromin, Knipoch**

**Celtic Sea:** Application for change of use of building to a dwelling house and annexe has been permitted. This is tied in to the operation of the fish farm.

**Ardmaddy Fish Farm:** 11/01066/MFF | Relocation of Ardmaddy fish farm - comprising 12 No. 100m circumference cages plus installation of feed barge | Port Na Morachd Seil Sound Argyll And Bute Relocation of fish farm to Sound of Seil.

AM said that KKCC should have received a communication about this from the applicant, Lakeland Marine. In response to Ian Tegner's wishing to speak on the matter, AM invited him to do so. Ian drew attention to a briefing note, ( not supplied by the CC) provided on each chair for each member of the public attending the meeting. This briefing note, compiled by Ewan Kennedy, summarises the proposal and highlighted questions raised on ecological and energy grounds.

The briefing note indicates that the proposed fish farm will be much more intrusive in Seil Sound in ecological terms, sailing terms and in terms of impact on an existing fish farm round Degnish Point.

The note states that the proposal outlines plans for an installation of double the capacity of the fish farm it is to replace which is nearer to Ardmaddy. It will include a substantial 3m high structure and represents a major intrusion in the channel.

*PLEASE NOTE: Anyone wishing to read this briefing note in full could contact Mr Kennedy for a copy*

AM raised ecological concerns in particular the issue of pollution for a farm of 2500 tonnes. AM quoted information which indicated that the pollution could be equivalent to the raw sewage of 50 000 people and pointed out that this would be a matter of concern since although the tide in the area is fast the channel is narrow and shallow, and it is an area of marine conservation.

AM also raised the issue of the practice of shooting seals which would have a direct impact on tourism since the proposed farm will be near to a seal colony which attracts many tourists each year.

AM indicated that there have been many objections to the proposed fish farm and that there will probably be a hearing on the matter.

A member of the public asked if it would be appropriate for KKCC to pass a resolution to ask ABC for a full environmental assessment on the impact of the proposed fish farm, given the volume of objections and to avoid lengthy discussion at this meeting.

Angus Matheson of Lakeland Marine asked to speak. He stated that the viewpoint in Ewan Kennedy's briefing note is that the proposed fish farm will be very prominent. He also stated that he disputes this and asserted that it will not, in fact, be as visible as the existing fish farm that it will replace. The proposed farm includes 12 cages and a feed barge and the area of surface equipment will be 9500m<sup>2</sup>. The existing farm comprises 18 cages and sheds and has an area of surface equipment of 13400m<sup>2</sup>. He went on to say that there will in fact be a reduction in the area of surface equipment.

Angus Matheson raised the issue of the site causing navigation problems and stated that the maximum distance from the shore for surface equipment is set at 150m. All other equipment will be underwater and the deepest installations will be at a depth of 6m. He stated that neither the Lighthouse Board nor the Coastguard have any objections to the proposed fish farm on navigation and safety grounds.

Angus Matheson responded to the issue of pollution by saying that the statistics mentioned were not true or accurate. He stated that all the calculations for pollution are in the planning application. He stated further that SEPA would not allow an installation which would generate the aforementioned levels of pollution. He reiterated that the information stating that the proposed installation would generate pollution equivalent to the raw sewage of 50 000 people was not accurate.

Peter Stott quoted from EK's briefing note that there is permission for 6 cages 10m x 10m. Angus Matheson explained that there appears to be confusion between an existing mussel farm (which presently occupies the site for the proposed salmon farm) and the proposed salmon farm. The farm presently existing in the Seil Sound is a mussel farm which comprises 6 rafts. The proposed farm for this site is a salmon farm which will comprise 12 cages in 2 rows of 6. The proposed salmon farm is a relocation from a site at Ardmaddy which has 18 metal cages. He referred all present to a map showing diagrams and site positions.

NM observed that the diagrams still seem larger in size than what currently exists and Angus Matheson responded that the area of surface equipment is actually less. A member of the public asked if it is correct that the proposed farm will produce twice as many fish. Angus confirmed that this is the case and the same member of the public asked how this comes to be if the site is smaller. He responded that the reason for relocating the site is to secure better conditions for the fish such as deeper water and tidal conditions. It is believed that this will help increase production.

Angus Matheson was asked by KKCC to forward a clear exposition of the dimensions of the site and what is involved in terms of the new and old sites. He agreed and reiterated that that seabed mooring area does not affect navigation in the channel. He went on to explain that a series of yellow buoys are navigation markers in the Seil Sound. The mooring area is nowhere near these yellow marker buoys. Planning requirements demand that the mooring area is specified clearly in the application. Meriel Tegner enquired whether the existing farm will be removed and Angus Matheson confirmed that it would. Meriel asked whether there would be any sheds at the new site and Angus responded that there would not. There would only be a barge. NM stated that the application would go to Hearing and that he would talk to Richard Kerr the Planning Officer for an extension.

Angus Matheson was asked whether he could give a time scale for the relocation operation. He answered that he couldn't give a time scale at this time but added that he did not want to cause any problems. Christopher Liversedge asked when the fish farm would need to be relocated in the future and Angus replied that it will be up to SEPA to police this. NM observed that pollution should be monitored and Angus answered that pollution has to be monitored. PC Jeremy Moore confirmed this and said that SEPA publishes all monitoring results. PC Moore asked Lakeland Marine to attend the next meeting of Seil Community Council.

Ian Tegner asked whether KKCC is going to put in a formal request that an Environmental Impact Assessment (EIA) is carried out on the proposed fish farm. AM put this to the vote and requested a show of hands to determine whether KKCC should make this request. The result was 14 for making a formal request for an EIA and 7 against.

Peter Hammick (PH) objected that this result was not fully representative and that this motion should go to the whole community. NM responded that correct procedure had been followed and the vote to make a formal request for an EIA stood. PH objected further saying that the wider community should not be ridden roughshod over. NM said that KKCC is fully entitled to go with the vote, stated that he would talk to Richard Kerr asking about an EIA and closed the discussion.

## **CORRESPONDENCE**

1. Notice of a mast at Musdale: this really concerns Kilmore not KKCC
2. Notice of a proposed wind farm at Garraran. This primarily concerns Craignish
3. A letter sent to Angus MacFadyen by mistake, regarding Raera Forest Scoping Report . This is not a full planning application but a report concerning the removal of timber, re-planting, roads and tracks and deer fencing. Stuart Cannon (SC) asked whether this will affect our trunk roads and NM responded that it will be up to the ABC and the Roads Dept to monitor and regulate any disruption to the trunk road. AM added that we don't know enough to be able to comment about this yet. NM recommended that we do need to voice any concerns. Ian Tegner asked whether the timber extraction will be by road or sea and John Stannard observed that the access for timber haulage is at Blaren. PC Moore said that any haulage will be joining the main road from this access.
4. Community Council Elections. There has been notice that any nominations must be in by 19<sup>th</sup> August. Judith Stannard asked whether anyone was standing down but there was no response. NM clarified that there must be 10 community councillors before the matter becomes one for public elections and that there are only 6 in at present. Judith Stannard asked if there is any apportioning of representation between Kilniver and Kilmelford. NM answered that this apportioning no longer applies.
5. Beacon for the Diamond Jubilee. NM asked if anyone is interested in following this up but received no response
6. NM has received a letter from the Royal Horticultural Society about possible participation of Kilniver and/or Kilmelford in Britain in Bloom. NM asked if anyone was interested in this and again received no response.

## **ANY OTHER BUSINESS**

Fiona Wylie brought up again an issue that she described as a problem. At the end of March a letter was sent on behalf of KKCC to the Planning Officer regarding Kames Farm and a series of planning applications submitted by the owners. Fiona Wylie stated that the letter made a mistake by referring to the fact that the applications were submitted on different dates and that this was "deceitful". Fiona clarified that all the applications had been submitted on the same date but not all of them were validated at the same time. Hence the different dates appearing on the applications. Fiona was away at the time of the last KKCC meeting and, therefore, was taking the opportunity at the present meeting to put forward the suggestion that a letter of apology should be sent to the owners of Kames Farm.

NM responded that the reason no letter of apology had been written was that he had met with the Andrew Read and Anne Young the owners of Kames Farm and apologised in person on the day of the Hearing. He had also telephoned Andrew, after Fiona's continual complaints, and apologised unreservedly yet again. NM stated that he and Andrew Read had agreed that there was no need for any further discussion, the whole issue was finished. NM then said that this conversation was terminated. In response to further attempts by the floor in particular Fiona Wylie to continue debating this matter NM added that he was not willing to discuss it any further, that as Chair it was up to him to set the agenda and there would be no more discussion of this matter.

Fiona Wylie then raised the issue of the Community Council's representation of the community as a whole. NM responded that it is the duty of the Community Council to represent the majority. Fiona countered that the Code of Conduct says that Community Councillors represent the community as a whole. If an issue is carried by a very small majority she expressed the belief that both sides should be represented. She also pointed out that the opinion poll regarding the wind farm at Raera returned only a very small majority against the wind farm and said that those in favour of it were not represented at all. AM answered that the time lapse between the poll and the public hearing was nearly a year by which time opinions and the public mood had changed quite substantially and a far greater majority was against the wind farm. John Stannard gave it as his opinion that the matter of Raera Wind Farm was handled badly by the Community Council and the Councillors should not have made a judgement of opinion. NM responded that there was not time to keep on doing polls and that this is not a practicable approach. Councillor Elaine Robertson interposed saying that with all community councils it is the majority vote which decides an issue because this is democratic. Councillor Robertson stated that KKCC went with the majority but emphasised that any individual has the right to speak at a public hearing provided that the individual has submitted a written representation. Councillor Robertson added that if a group of individuals share an opinion it is usual for that group to appoint one of their number as spokesperson. Councillor Robertson stressed that a public hearing gives everyone an opportunity to express their view and concerns and she urged people to avail themselves of this opportunity. Fiona Wylie said that it is really important to be democratic and that the representation of the Community Council reflects the views of the community. Councillor Robertson commented that it is not possible to submit two conflicting votes on an issue. Judith Stannard countered that Seil Community Council had said it would have to sit on the fence because the numbers of those for and the numbers of those against were so close.

Sarah Edwards (SE) observed that KKCC should have seen the summing up. AM said that this had not been possible because, having already given the representation at the hearing, she was invited, unexpectedly, to give a summing up which she had to do "ad lib". AM then emphasised that, when delivering the representation at the public hearing, at no time did she say that the community "objected" and that she was very careful not to use the word "object". She stressed that she had said that the community had "concerns". Fiona Wylie repeated that she was requesting that any representation should reflect the whole community.

SE observed that this is an experience that we have to learn from and that she herself has learned that she needs to speak up more.

NM interjected that 2 to 4 days before the public hearing about Raera he saw a document to the Public Protective Services and Licensing (PPSL) Committee advising that it was unimportant what Scottish National Heritage or the local communities had to say and telling the PPSL to ignore the community councils as irrelevant to the application. Fiona Wylie tried to interrupt but was silenced by NM. Fiona apologised.

NM quoted from "Good Practice Guidance For Local Authorities and Community Councils" item 7 "Campaigning On Issues"

How a community council might decide which issues it will consider, and how to pursue them.

' You will be presented with a large variety of issues and problems. Some will affect a single member of the community, some the entire community and beyond. Your Community Council must try it's best to make a balanced decision on what issues it will tackle and how:

Start by applying the 'community benefit' test. Your actions should be directed towards securing the most positive results for the greatest number of local people, as long as the minority does not suffer in the process. When faced with a number of issues, give first and most attention to those that affect the most people and on which you can realistically have a positive effect.....'

NM stated that we have to go with the majority and go with it strongly. Fiona Wylie answered that she was requesting a balanced approach and said that at a public hearing views should be reflected in a balanced way. NM responded that he resented her implications.

**Grant for Kilninver and Kilmelford Community Association:** AM said that she had recently been made aware that many community associations get grants from their local councils. KKCA does not get a grant and AM asked Councillor Robertson why not. Councillor Robertson undertook to investigate this.

**Council Elections:** Councillor Elaine Robertson entreated all present to consider standing for their community council, stressing the need to maintain community councils. Councillor Robertson emphasised that a community council has a statutory right and that it is vital to keep KKCC going, pointing out that debate is good for everyone. Councillor Robertson exhorted all present to keep KKCC up to strength.

**Re-cycling bins:** ON behalf of KKCA, AM asked Councillor Robertson if it were possible for the re-cycling bins to be moved to the area near the water processing plant to free up the Village Hall car park. Councillor Robertson responded that this should be all right as long as Scottish Water does not have any problems with the bins blocking or endangering access. If Scottish Water agrees to this then ABC will move the bins accordingly.

Dorothy Bark said she felt that moving the bins to this site could block the road and cause problems and said that the bins might be better sited on the land across the road from the Village Hall which belongs to Mr Tilly. AM said she has investigated this possibility but so far made no progress with the owner of the land.

**Holes in the verge, Degnish Road:** Jenny Moody raised the matter of holes dug in the grass verge along the Degnish road about twelve months ago. One of these holes has not been filled in and the traffic cone placed to warn of this hole has disappeared. The hole has further become obscured by grass cuttings left after the verges were cut and is now quite dangerous to pedestrians. Councillor Robertson responded that ABC Roads Dept has the authority to look into this and ask Scottish Water to sort it out and undertook to pass this on to the Roads Dept. CL added that the hole needs a cap on it.

#### **DATE OF THE NEXT MEETING:**

The next meeting and the AGM of Kilninver and Kilmelford Community Council will be held in the Kilmelford Village Hall on Tuesday 11<sup>th</sup> October at 8.00pm. NM thanked everyone for attending the meeting. Georgina Dalton thanked NM. There being no further business the meeting was closed at 9.45pm.

