

KILNINVER AND KILMELFORD COMMUNITY COUNCIL

Amended by NM after the meeting of 14th August.

The meeting of the above council was held on Tuesday 12th June 2012 at Kilmelford Village Hall.

Present: Nigel Mitchell (NM) Chair, Antoinette Mitchell (AM) Planning Officer, Lucy Files (LF) Secretary, Matthew Anderson (MA), Vice Chair & Treasurer, Stuart Cannon (SC) Assistant Vice Chair, Sarah Edwards, John MacLean, Colin Clark

Also in attendance were Argyll and Bute Councillors Louise Glen-Lee (LG-L Cllr ABC) and Iain Macdonald (I M Cllr ABC), Fergus Murray, Development Policy Manager ABC, Adrian Jackson-Stark Planning Officer ABC, PC Andrew Simpson (Community Police Officer) Mr John Tilly, Mrs Veronica Tilly, Mr Nick Tilly and 30 members of the public.

Apologies: Councillor Elaine Robertson (ABC), Cllr Duncan MacIntyre (ABC), Peter Hammick

Not Present:

Minutes of the previous meeting: All present were given the opportunity to read through the draft minutes of the previous meeting held on 10th April 2012. The minutes were taken as a true and accurate representation of the meeting and approved. Proposed MA, seconded CC

Building land on The Glebe

L G-L (Cllr ABC) reported that MacLeods have consented to do something to tidy up the land designated for future housing between the two existing developments on The Glebe. The Heras fencing is to come down and the land is to be levelled. The Enforcement Officer is involved and has also stated that the verges along the main road need to be cut now. L G-L is awaiting a full report.

Beach Clean

SC is in the process of moving detritus and cleaning the beach in the area of his fish farming business. He stated that he is in a dilemma regarding disposal of a raft and rubbish from a mussel farm unconnected with his own business and also a keep raft that belonged to a fisherman but was no longer used. L G-L (ABC) suggested that he gather up all the items for disposal and then contact either herself or Iain MacDonald (Cllr ABC) to arrange removal. SC advised that this would be a big job involving forklifts and cranes.

Clearing of Degnish Road

Colin Clark was advised that the clearing of Degnish Road does need ABC permission but when the need is urgent he can let ABC know retrospectively. CC could be recompensed for any clearing work that he does. He is to phone Graham Stone of ABC.

Declaration of Interest

No conflict of interest or involvement with any items on the Agenda was declared.

Christopher Liversadge (CL) asked that if Nigel Mitchell Had applied for the PDA around the hall that he should stand down when this item came up for discussion as he had a personal interest in that particular item. Mr Mitchell stated he had no financial interest. Mr Christlieb then started to speak and the chair then reminded him that he was not allowed to address the CC until a letter of apology had been received from him for past remarks made to previous CC.

(CL) then made a request that any community councillor with a personal interest in developing the land around Kilmelford Village Hall should declare themselves. He clarified that he meant any community councillor who would benefit from developing the land around the Village Hall. The Chair (NM) responded that the declaration of interest refers specifically to a personal financial interest in a matter. EK repeated that he requested that "those who are personally keen on developing the land around the Hall should identify themselves." No declaration was made.

MATTERS ARISING

1. Ardmaddy Fish Farm

NM advised that the planning application is still in abeyance.

2. Clachan Wind Farm

NM advised that no date has yet been set for the public hearing.

3. Community Action Plan (CAP)

The Chair stated that nobody has come forward to action this.

Ewan Kennedy voiced concern that the community is not being passed accurate information and referred specifically to an overview of the CAP compiled by AM and distributed throughout the community. (A leaflet had been compiled by AM with all the CC's approval & sent to every dwelling within the community. A similar article in the Kilninford news made no reference to the number of Renaissance areas.) The overview stated that "Kilmelford was to be one of only 6 Renaissance areas in Argyll and Bute" but EK stated that this was incorrect and that 26 areas had been selected; he reiterated that he had concerns about the accuracy of information passed from KKCC to the community and the fact that this information was misleading. Ewan Kennedy requested that a letter correcting this should be sent to the community ..

As author of the piece in question, AM responded that she is not a professional and she has not had any training, she is a volunteer trying to do her best for the community. Regarding the overview of the CAP she stated that she wrote that document in good faith

drawing from the best information available at the time. AM apologised for any mistake she might have made but asseverated that it was a genuine mistake and that it had never been her intention to mislead the community in any way. Fergus Murray ABC stated that 26 settlements had been listed for consideration as Rural Renaissance Settlements and that a shortlist was to be drawn from these. He clarified that there are 6 potential Rural Renaissance Settlements in the Lorne Area and suggested it was these 6 settlements that AM had meant to refer to in her article. NM averred that the CAP is nothing to do with Kilmelford's status as a proposed RRS and emphasised that the KKCC cannot be involved in forming the CAP. The only responsibility of the KKCC is to try to get members of the community to undertake the task which was why AM wrote the article in question.

4. Kilmelford Speed Limit

Advertisement in The Oban Times of the proposed reduction of the speed limit is awaited. It is advisable for those who want this reduction to write in and support it.

PLANNING APPLICATIONS

12/01179/pp Land east of Hill House Arduaine Dwellinghouse
12/00934/pp Extension to Shepherds Cottage Kilhinver
12/00814/pp Dwellinghouse land south west of Glenmore Farm Kilmelford

LAND AROUND KILMELFORD VILLAGE HALL – PROPOSED PDA DESIGNATION

The Chair welcomed Mr John Tilly, Mrs Veronica Tilly and Mr Nick Tilly and thanked them for coming to speak about their proposals for the development of the land adjacent to the Kilmelford Village Hall. He also welcomed Mr Fergus Murray Development Policy Manager ABC and Mr Adrian Jackson-Stark Planning Officer ABC and thanked them for attending to answer any planning queries.

Nick Tilly (NT) then spoke as follows:

In 1982 his family bought the Home Farm at Melfort and then in 1984 they bought land and property in the village including the land around the Hall. Over the years they had a number of requests from the community regarding land for use as a playing field then, in 2005, they were approached by KKCC requesting land for a recycling area. The Tillys asked KKCC if the community still wanted a playing field which led to discussion and then a meeting in the Hall in March 2007. Following these discussions, Robin Asbury, Neil Manchester, John Tilly and Nick Tilly came up with a scheme similar to the proposal under consideration now. The Tillys wanted to be sure that there was support for the scheme and KKCC said that there was local support for it. Thereupon, plans were drawn up and, in due course, plans were submitted. That process was a joint scheme between the landowners and the community – a joint enterprise.

The Tilly's architect then advised that if the application were to be submitted in the name of the KKCC rather than by the Tillys themselves the fee for the application would be 50% less. This advice was followed and thus the planning application was submitted under the name of KKCC but the scheme was a joint enterprise. The planning application was refused but the planners suggested that if the scheme was to move forwards representation should be made by KKCC to have the land zoned as a PDA (Potential Development Area) and included in the LDP (Local Development Plan). The representation would propose that the land in question was suitable for community use if supported by enabling development (a form of development where some of the proceeds pay for a community facility). The suggestion was only that the land be zoned as a PDA which is not conclusive or final.

The issue of ownership of the land was clarified by Mr Nick Tilly. The land is owned by Brackenburn Holdings but the Tilly Family owns this company.

Ewan Kennedy pointed out;

That the plans went to the Reporter who recommended that the land should stay as open country.

That the approach of the Tilly's architect had been misleading

That there should be an explanation of how community benefit from this development is to be secured regardless of who might own the land.

John Tilly (JT) responded that the request to have the land zoned as a PDA was applied for by the Tillys/Brackenburn Holdings and was considered by a Reporter. He went on to point out that in 2002 the Consultative Draft Plan (CDP) identified the land in question as a possible PDA without any planning application being made. There was a debate within ABC who took it out of the CDP. The Tillys then applied to have it put in.

Ewan Kennedy voiced concern that no one can guarantee what a planning committee will do.

Sarah Edwards requested clarification of the financial side of the scheme and how the land transfer would work.

NT responded that at this stage a planning application is not being discussed. The proposal is to make a representation to the planning department to zone the land for future strategic development. Subsequently a deal can be worked out that all parties are happy with a planning application would be submitted on that basis. At this the proposal is to get the land zoned before moving on to the wider application.

JT added that if the land is zoned the community will have benefit. This is tied into the zoning.

Peter Stott (PS) stated that there is no obvious demand for a playing field and said that a large number of people in the community have reservations.

Fergus Murray (FM) ABC clarified that this application is wrapped up in the new Local Development Plan. It comprises community zoning with an enabling housing development. The Planning Dept is proposing to put forward potential sites for inclusion in the LDP for a 6 week consultation period to garner opinion and gauge reactions of communities.

Alasdair Oatts (AO), a former KKC Councillor, pointed out that over the years a great deal of work has gone into this project and in his view it should go forward. Christopher Liversedge (CL) enquired who owns the land either side of the burn and NT responded that it is all within the ownership of Brackenburn Holdings and is all included in this concept as a woodland walkway area.

Jenny Moody (JM) reiterated SE's request for clarification of the financial side of the enterprise and NM commented that his reservation about the whole development is concern that if the PDA is granted the community still has to wait an appreciable time for funds and asked when funds would become available. FM stated that the area would deliver community facilities with enabling housing and that a Section 75 agreement would be put in place to ensure that this happens. JT corroborated that a Section 75 binds the land.

EK returned to his assertion that community councils were set up to deal with planning applications and opined that those with a personal interest should declare themselves. NM responded that the CAP should be the vehicle to take this scheme forward.

Stuart Cannon referred to AO's comments and agreed that huge effort had gone into this project over the years and it represented a long-term vision for the community. The previous KKCC thought that it would be a good idea to secure the land around the Hall for the use of the children and teenagers of the village and area. He stressed that this is only a representation for a PDA and stated that he wants to see it taken forward for the future.

NT confirmed that his family are the sole share holders in Brackenburn Holdings. Peter Stott then asked the Tillys to give the land to the community.

LF questioned whether EK meant that she should declare a personal interest in the proposed development since it is well known that she has four children and it would undeniably benefit her family if this went ahead? She then emphasised that she was speaking for the many families with children in the village and surrounding area who find it difficult to attend KKCC meetings and pointed out that it is a misapprehension that there is no need for a playing field or recreation facility. She stated that there is a very palpable need for facilities both for the younger children and the teenage population and referred to the existing play area as inadequate and demonstrably unsafe having a substation juxtaposed to it adding that this has been raised as a safety issue at previous KKCC meetings. LF stated that there is a demand for this development.

Peter Cross (PC) pointed out that the community is acquiring a developable piece of land and a fund with which to develop it. He asked how else such a facility can realistically be funded unless there is a payback from housing and commented that the village is standing still. Chris Liversedge stated his belief that the village already has a football field.

EK asked for a definite proposal of what is envisioned for this joint enterprise and stressed that an independent group should draw up and manage this, not the KKCC. An independent body is needed to take this forward. Stuart Cannon responded that KKCC gets the point, an independent body must be brought together to do this. NM asked if Fergus Murray would make a recommendation whether an independent body is needed at this stage? FM was reluctant to advise and stated that ABC simply wants to know at this point whether the land goes into the LDP.

Louise Glen-Lee (L G-L Cllr ABC) reiterated emphatically NM's earlier suggestion that the CAP is the vehicle to take this forward.

NT repeated that at the moment the primary issue is whether there is representation to include this land as a PDA on the LDP. The LDP will have a lifetime of a number of years. If a representation to include the land on the LDP were to be successful it would mean that at any point a planning application could be made and, if made, would be looked on with more favour than if the land was not a PDA in the LDP. If there is no representation to include the land as a PDA a planning application is less likely to be successful. This means that, in future, if local opinion is strongly in favour of developing this land and there is no PDA, the community could find itself stymied. In summary NT said the community does not have to act on a PDA but the community has nothing to lose by making a representation for a PDA. FM advised that the run time of the LDP is to be 20 years with a review every 5 years.

FM outlined the representation process as follows:

We are at the stage of making a representation to the Area Committee to designate the land as a PDA

Then:

Consultation
Back to Area Committee
Reporter
Full Council
Full LDP drawn up and advertised for 3 months
Reporter
LDP finalised

FM after a representation to the Area Committee the proposal will be advertised for a 6 week consultation period to enable the community to have input.

MA queried why the Tilly family could not support the application for a PDA. FM responded that the Tilly's cannot do this. The representation must come from the KKCC.

NM put forward a motion that the proposal be advertised for 6 weeks in order to gain public opinion again.

KKCC voted as follows:

In favour	-	SC, JM, CC, AM, LF	(5)
Against	-		(0)
Abstentions	-	MA, SE	(2)

Chris Liversedge objected that there is no business plan in place and FM responded that this is not a planning application but a representation for PDA designation that will now go out to a special 6 week consultation.

LF asked for repeat clarification of the motion just voted upon for the purposes of absolute accuracy in the minutes.

KKCC just voted to put this proposal forward to a special 6 week consultation process as outlined by Fergus Murray ABC. Then the proposal will come back to KKCC with the opinions garnered and KKCC will vote on whether to proceed with representation for the land around the Hall to be designated as a Potential Development Area in the Local Development Plan. The 6 week consultation will enable a true representation of opinion in Kilmelford to be gathered. The views that are submitted in the course of this consultation will be accepted as a true and genuine representation of community opinion.

Police Issues

PC Andrew Simpson, standing in for PC Jeremy Moore reported 55 incidents since 1st April. Most of these have been speeding offences on the road past Kilniver Primary, there have also been incidents involving cattle and sheep. SE asked whether the police will continue to monitor speeding. PC Simpson confirmed that this is ongoing and will continue. He said that the police are also willing to monitor speeding in Kilmelford.

Deidre Campbell-Gibson asked if it would be possible to have a temporary one-way system in place whenever there is a funeral at Kilniver Church because the parking situation on the roads around the church building is chaotic. Karen Liversedge stated that more drivers need to obey the speed limit in Kilniver/Kilmelford and asked if it would be possible to install the flashing speed limit signs that give a smiley face for obeying speed limits. L G-L Cllr ABC said this suggestion would need to go to Transerve. Cubby MacKinnon reported that drivers regularly overtake within the restricted area of Kilmelford Village and that it is only a matter of time before there is a bad accident. PC Simpson advised that solid lines are needed but that this is a matter for the Roads Dept ABC. It was generally agreed that solid white lines are needed right past the Degnish Road end.

Correspondence

A form from Vodafone in connection with the Femto Trials requires completion. NM asked for a volunteer to undertake this. SE volunteered

DATE OF NEXT MEETING

The next meeting of Kilniver and Kilmelford Community Council will be held at Kilmelford Village Hall on Tuesday 14th August 2012 at 8.00pm. The Chair (NM) thanked all present for attending. There being no further business to discuss the meeting closed at 9.53pm