

Meeting of the Kirkhill & Bunchrew Community Council

Minute of Online Meeting, 7:30pm; 5th May 2020

Present

Yvonne Brown, Fred Geddes, Cameron Kemp, Alisdair MacNeil, Lindsey Stout.

In attendance

Councillor Emma Knox.

Daniel Coulson, John Watt, residents of Ladystone Road.

1. Apologies	<u>Actions</u>
Apologies from Karen Young and Judith Rumbold.	
2. Minutes of Meeting of 10th March 2020 The minutes of the last meeting were circulated online, with acceptance proposed by Ally MacNeil and seconded by Yvonne Brown.	
<p>3. Matters Arising of Meeting of 10th March 2020:</p> <p>3. A.O.B. of Minutes of 28th January 2020:</p> <p>Emma Knox has been in contact with Charles Stephen to add a link for our minutes to the Community Councils page on the Highland Council website.</p> <p>6. A.O.B. of Minutes of 10th March 2020:</p> <p>Daniel Coulson was able to report that the concern from another resident about refuse collections on Ladystone Road has now temporarily been resolved. Someone has made an attempt to fill in the potholes and the bin lorry is now able to come up Ladystone Road to empty residents' bins. Councillor Emma Knox had asked for refuse collection to resume as the potholes in the track have been filled in. Daniel Coulson commented that the immediate problem has been resolved but the issue of road maintenance and access when the road is in poor condition still exists.</p> <p>Councillor Emma Knox was able to report that the gravestone replacement at Wardlaw Mausoleum is on the list of snagging works but has been delayed by the current Covid 19 Lockdown.</p> <p>Fred Geddes did not make an application regarding the £500 grant because of lack of information.</p>	



4. Police Report

No police report was received, nor expected during Lockdown.

Ally MacNeil said that some people were driving to the rural Aird area to walk their dog. The Highland Council and Police Scotland have released advice that is widely available that you should not drive anywhere to exercise your dog and should be limited by areas you can walk to. This advice has also been shared on our Facebook page and in the local area. Councillor Emma Knox commented that some of the English newspapers have released (leaked) guidance to the English police on enforcement which was not meant to be released for public consumption which is confusing the issue.

<https://www.scotland.police.uk/about-us/covid-19-bulletins>

<https://www.highland.gov.uk/>

<https://www.facebook.com/highlandcouncil/>

Kirkhill & Bunchrew Community Council on Facebook



5. Planning

Planning Ref. No. 20/01442/PIP

Formation of house plot (in lieu of Plot 2 (17/05112/PIP) Land Between the Heights and El Palomino, Ladystone.

Representation was received from Ladystone residents Daniel Coulson and John Watt in relation to the most recent application in Ladystone.

Cameron Kemp said that he had put in a holding email to David Mudie saying that this would be discussed tonight. John Watt explained that the application had begun in 1996 and had had approval since 2010, which had lapsed and been resubmitted. Two plots were given approval at the same time. This plot is alongside Wolves Den. The plot has been for sale for over twelve years.

The grounds for objection are not the same as for a new planning application because the application already has planning approval. A significant number of mature trees were cleared in advance. Planning approval was also given with access via Leachkin Brae, which as discussed regarding other planning applications is not the access that is used by residents.. Traffic for sites with approval to go via Leachkin Brae always use Ladystone Road due to the better condition and ease of access to road connections.

John Watt said that both previous Community Council meetings were unanimous in terms of residents' opposition to new development on Ladystone Road. John said that it is likely that there will be a number of planning applications in this area after land is sold from Ladystone Farm. Network Rail are clear that they do not want any more traffic to access Ladystone Road over the Network Rail bridge for reasons of infrastructure and safety. SSE upgraded the high level unsurfaced track along to the public road network at Leachkin Brae in 2018 but the condition of the road has already deteriorated.

Daniel Coulson stated that his concern is that a planning application should be considered on its own merit and that this application is worthy of being considered afresh in terms of historic applications in the Ladystone Road area. There has been no clear statement of policy from Highland Council for this area in light of planning having been historically refused for the same reasons. Daniel Coulson said that he has done some research and that all the applicants have a link to a business, MGL Contractors. Allowing the applicants to withdraw three times and reapply as a separate application equips the applicants with the skills to defeat the planning process and is designed to wear down opposition. The four planning applications are linked and mature trees have been lost in a violation of policies but no action has been taken. The application under discussion in moving Plot 2 refers to it as the Manager's House (the same as in the 2018/2019 application). Grant Stuart, the Forestry Officer, is objecting to this application because of the destruction of mature trees, particularly felling trees then seeking permission after the event.

Mr Coulson was concerned that if the Council capitulates in this application, which has links to a business, the policy will change in the hinterland for all applications which follow and exacerbate the current infrastructure issues. Mr Coulson said that he wanted an audit by the Planning Department of previous planning applications in relation to this



application and did not have confidence in the current process.

Fred Geddes commented that the process of an application being controlled by one person in the Planning Department at present during the Covid 19 outbreak is very concerning. Councillor Emma Knox commented that several Councillors are not happy with the delegated powers to Planning Officers because Planning Committees should be able to meet online, as other committees are.

The Community Councillors were unanimous that an objection on behalf of the Community Council should be prepared. Cameron Kemp will carefully consider an objection and circulate it to the Community Councillors for comment and approval. Fred Geddes proposed that the Community Council address any objection to the highest level (Malcolm Macleod and the Chief Executive) as it is too important, as clearly evidenced in the objectors' letters, to be dealt with by delegated powers (and that therefore it should be dealt with publicly at an open committee meeting, even if that meant a delay until such a time as this is possible).

Planning Reference No. 20/00846/FUL

Grid Reference 258104 843904

Description of Works Erection of house

Location of Works Land 50M East Of Westcroft Acres, Lentran, Inverness, Mr Don MacIver

C.K.

Fred Geddes stated that permission for the proposed house was granted contrary to the Guidance for Housing in the Countryside, in particular the loophole therein which allows potential for the subdivision of existing garden ground, where in bullet point 6.3 it clearly states that "land shall be defined as garden ground only...when it is not separated from the house by a burn...". A burn is clearly shown on the current application. This mistake, which has been acknowledged by a senior planning official, could lead to the proliferation of development in the countryside contrary to The Highland Council's Policy 35.

The Community Council noted that the current proposal is for a house out-with garden ground by the Council's own definition and in what was an area of mature upland birch woodland and long established woodland of plantation origin, and that therefore an objection should be submitted. It was noted that Grant Stuart, the Forestry Officer, had objected strongly to this application and we agreed to support his case.

The parallel was drawn between this application, where mature forestry has been cut without consent, and the recent unauthorised development in land west of No. 6 Newtonhill, planning ref. 19/03750/FUL, where very substantial earthworks were carried out without permission. The Community Council were very grateful that enforcement proceedings had been instigated by The Highland Council in the latter case and that remedial works were satisfactorily carried out to reinstate the land. The Community Council would hope that the same process would apply in the case under consideration.

It was noted that very substantial earth-moving, drainage and forestry works (felling and stump removal) had been carried out in the block of land west of Westcroft Acres, including access to the proposed site, and it was agreed that the enquiry should be made



<p>of the Planning Authority as to whether consents were granted or required for any or all of this work.</p> <p>Planning Reference No. 202/0500/FUL Beauly</p> <p>Fred Geddes explained that on the opposite side of the road to Barnyards, Beauly is a large agricultural building in white. Application for change of use as a light industrial unit was made after the application was granted for agricultural use. The same issue as the other two applications is that a change of use was made after the application was granted. Although this is not in our community council area, Mr Geddes suggested that we support Beauly Community Council in their objection because a precedent is being set. Ally MacNeil declared an interest and could not comment. Lindsey Stout and Yvonne Brown supported this action and Cameron Kemp is to circulate a draft response to the other Community Councillors.</p>	<p>F.G./ C.K.</p>
<p>6. A.O.B.</p> <p>Covid 19 Community Response</p> <p>Cameron Kemp will forward any emails about Covid 19 grants to the local group of volunteers running the Community Cupboard (Hub) from Kirkhill Community Centre under the umbrella of the Trustees of Kirkhill Community Centre and have been receiving regular donations of food and groceries. Lindsey Stout said that she had already been relaying grant information from Highland Council's Facebook page but that they had been taking opportunity to apply for all the grants available. Councillor Emma Knox mentioned that, budget-wise, the whole year is ahead. Monetary support from the Community Council was discussed. Councillor Emma Knox said that she has been keeping in touch with the Trustees and that at this point in time no money is required. The Community Council might need to provide monetary support in the future, during the recovery period.</p> <p>Since the meeting, a spokesperson from the Trustees of Kirkhill Community Centre has been in touch to amend the minute to highlight that the Trustees are using their capacity to operate as a Community Hub for the distribution of Scottish Government funding being distributed by Highlands & Islands Enterprise. Aird Community Trust does not exist yet (see previous minutes).</p>	<p>C.K.</p>



5. Dates of Meetings:

23rd June, 25th August, 6th October, 24th November 2020.

Meetings will be online until further notice. Anyone wishing to air a concern should contact Kirkhill and Bunchrew Community Council by email or by private message on our Facebook page. If the item requires discussion they will be invited to join the next meeting. It's inevitable that some Community Councillors and members of the public will find it difficult to join meetings online because of broadband connectivity issues.

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Kirkhill & Bunchrew Community Council on Facebook

The next meeting is on Tuesday 23rd June 2020 at 7:30pm online

