

**Meeting:** Monday 4th September at 7.30pm. Avoch Primary School.

**Present**

**Members:** Sarah MacDonald-Taylor (SMT), Derek MacIver (DM), Hamish MacLean (HM), Tim Phillips (TP), Kathy Taylor (KT), Claire Weaver (CW).

**Councillor:** Cllr. Sarah Atkin (SA).

**Members of the Public:** Andy MacLeman (AM), Sandy Mitchell (SM).

**1. Welcome and apologies**

Apologies were received from Mike Armitage, PC Arnott, Helen Baillot, Jenni Carmichael, Emma Matheson, Lesley Patience, and Mary and Stuart Smyth.

**2. Minutes of last meeting**

Pending minor amendments from SA, the previous minutes were proposed by DM and seconded by SMT as an accurate record of the June meeting.

**3. Police briefing**

The police reported very few call-outs, and those reported were not major. The fact that the police report did not reflect all incidents known to have occurred in the area was raised and attendees questioned whether this was due to under-reporting (dealing with incidents within the community) or whether police were not following up on reports. It was suggested to follow this query up at the next “Coffee with a Cop” session.

**4. Highland Council Update**

**i) Roads**

Several residents have contacted the community council re. the current state of the Avoch to Killen road, with recent pot holes repairs already degrading. SA advised that this stretch of road was still a priority route for resurfacing and that funds were earmarked for this work.

**Action:** SA to clarify timescale for resurfacing work with THC.

The introduction and initial impact of village 20mph speed limits was discussed. SA advised that, in line with national policy, this is a pilot project for THC and that consultation would be part of the process over the next 18 months.

SM highlighted broader road safety issues with a lack of road markings and cats eyes on both major road links to the A9 from Avoch. TP advised that work was currently underway on renewing road markings.

**Action:** to review road markings in advance of next meeting, to identify necessary improvements.

**ii) Drainage**

A formal reply to the joint statement on drainage issues has now been received (see Appendix). There was general consensus that the reply does not fully acknowledge all concerns i.e. water on road, or suggest a strategic way to improve matters across the whole affected area. KT raised possibility of accepting response and its limited promise of action, which SA agreed with. Other signatories to the joint statement would need to be consulted.

**Action:** to schedule a second meeting of all organisations who collaborated on the statement to decide how to proceed on this issue (KT). To liaise with Lynsey Third, Avoch Primary HT, on additional recent communications received by the school (CW). SA will re-read THC's response and come back at our next meeting. KT to approach a local resident for professional opinion.

**5. Community Council Matters**

**i) Finance update**

SMT advised that, since the last meeting of the community council, there had been £907.46 received in income. Expenditure has totalled £1,813.68, most of which has been spent on public toilet expenses, The total at bank on 04.09.23 is £2,216.23. Organising finances and accounts to cover the public toilets has been slow and time consuming. It is hoped that TP can take over the financial reins once two more accounts are settled.

**ii) Sharing Shed**

Thank you to Jo Graham, new associate member, for taking on the coordinator role for the Sharing Shed. The last of The Highland Council Cost of Living Grant was spent at the end of June on stock to specifically help families through the school summer holidays. Alongside regular deliveries from Fareshare and generous donations from the Fortrose Masons, this has allowed the Sharing Shed to stay well stocked, without the need to dip into Scotmid vouchers.

**iii) Public Toilets**

A sincere thank you to the following for their generous contributions to fundraising efforts for the Avoch Public Toilets:

- Lodge Rosehaugh
- Avoch Community Rowing Club
- Harbour Fish & Chips
- Gabi's
- Many individual members of the community.

Between direct donations and the Crowdfunder page, over £1,000.00 has been raised. Sadly, on the door donations are poor (currently averaging under £2.00 per day) so cannot be relied on as a substantial source of funding. KT has applied to the Ward Discretionary Fund for £1,000.00 and a Scotmid community grant application for just under £500.00 has been successful.

The toilets are currently running smoothly, after a substantial blockage was sorted. Long-term, the facility needs a pipe upgrade as the small size of pipes is prone to blockages. Estimates for this work range from £3,000 to £5,000. KT has submitted an expression of interest in the Community Regeneration Fund, which would fund both these repairs plus an interior and exterior repaint.

Thank you to SA and Stuart Smyth for volunteering their time and DIY skills to improve the toilets and to Roddie MacPherson, who will take over as key holder to give SMT a break. Grateful thanks also to Martin from AIM Plumbing who has so generously donated his time and expertise.

**iv) BICC and the Local Place Plan**

SMT reported that there will not be a BICC meeting until later in September. An update for the Local Place Plan was held at Killearnan's recent community council meeting, to which all BICCs were invited (SMT was unable to attend). A draft outline of the LPP has been shared with members via email and members were agreed that this covers substantial and ambitious aims. Concerns over ownership of the finalised plan were raised, which is echoed by other BICCs. Further community consultation events are being held on the 15th and 16th of September, which have been advertised across the area and on social media.

**Action: SMT to share minutes from Killearnan's update meeting via email when available.**

**v) Tourism and Proposed Visitor Levy**

SMT asked whether the community council would undertake the consultation on the proposed visitor levy, as requested by Scottish Government and THC emails. CW emphasised that the format of the consultation would make it very hard to complete as an organisation. Subsequent discussion revealed a diverse range of opinions from attendees re the levy so individual responses were deemed the best way to proceed.

**vi) Railway Line Maintenance**

Further communications have been received on the current state of the railway line with concern over the path and overhanging trees. SM advised that he had a potential tree surgeon contact who might undertake work.

Action: SMT to write to F&RCC about creating a comprehensive list of concerns and the possibility of an action plan/maintenance group.

**vii) Community Council Elections**

Community Council elections will be held shortly with nominations open from 4th September. SMT will not be standing again which leaves the secretary role vacant. AKCC will need to advertise to fill this role, to prevent the council from going into abeyance. If uncontested, the community council must dissolve on 10th October.

Action: SMT to forward nomination papers via email to all members and to liaise with other BICCs on job specs and a joint recruitment drive. All members to actively recruit through social media and word of mouth.

**7. AOCB**

AKCC members paid thanks to both Avoch Community Rowing Club and Avoch Amenities Association for their hard work in organising the joint Regatta & Fun Day for the village.

- KT said Avoch Community Rowing Club regatta had been very successful, despite the weather challenges. Funding applications continue.
- AM of Avoch Amenities Association said that the Fun Day had been very profitable, as well as hugely enjoyable, and that lessons had been learned for future events. AAA will hold its AGM later this month and is looking for new committee members.

**Date of next meeting: Monday 2nd October at 7.30pm, Avoch Pavilion**

## APPENDIX

From: **Customer Resolution & Improvement Team** <[customerresolution@highland.gov.uk](mailto:customerresolution@highland.gov.uk)>  
Date: Thu, 31 Aug 2023 at 14:01  
Subject: Collective statement - Avoch - concerns re drainage  
To: [avochandkillencommunitycouncil@gmail.com](mailto:avochandkillencommunitycouncil@gmail.com) <[avochandkillencommunitycouncil@gmail.com](mailto:avochandkillencommunitycouncil@gmail.com)>

Dear Sir/Madam

I refer to your correspondence that was received on 12 June 2023 in relation to concerns over drainage issues within Avoch.

As requested a copy of the approved drainage is enclosed for your information along with a copy of the S75 for the development. I have also attached the Factoring Agreement, which includes maintenance of the drainage network within the housing development.

With respect to the Section 75 Agreement, this covered the provision of affordable housing, in accordance with the planning authority's developer contributions guidance that was in place that the time planning permission ref 09/00090/FULRC (Erection of 22 house plots and eight affordable house plots) was determined. Development under ref 09/00090/FUL did not commence. The site was built out as affordable housing under two separate consents ref 17/0598/FUL (Erection of housing development 34 units) and 19/03521/FUL (Erection of housing development 12). The planning authority dealt with an application ref 21/03211/S75D at the request of Cairn Housing Association to discharge the Section 75 Agreement in September 2021.

All of these documents are available to view through Public Access using the attached link and inserting the relevant planning application reference number.

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

The council does not commission reviews of drainage in response to requests from third parties but rather in instances where there are known issues or concerns.

The Flood Team have indicated that they consider it unlikely that the new housing development at Mansfield Place to be the cause of the drainage issues as it is apparent that the flooding problems have been encountered here for a long period of time prior to the houses being built here. They have further advised that since Mansfield Place has been built the number of complaints they have received in relation to flooding within this area has in fact reduced. It is possible that there may have been a culvert blockage due to siltation given that the culvert which runs alongside the playing field has a very flat gradient and silt in the flow from the Manse Burn may have settled within the culvert.

A review of aerial mapping for the Avoch Burn shows it has been historically straightened and diverted from its original route over time which was a toe-of-slope ditch alongside the school's grass play area with a culvert running along it below ground. As you are aware the entire grass playing field at Avoch Primary School sits within a SEPA designated floodplain for the Avoch Burn and is mapped as being susceptible to flooding. Accordingly, retaining a playing field here is likely to require increased maintenance of the ditch and culvert and it must also be acknowledged that the playing field will become unusable from time to time.

Regular maintenance of the ditch and culvert which is the responsibility of Education/ Estate Services is likely to improve the situation. The Estates Team have advised that the main culvert does not appear to have been cleared out after a 2021 inspection, accordingly they will arrange to have the ditch and culvert checked and cleared which may relieve some of the onsite problems. To assist with this the Flood Team have agreed to include the culvert in the forthcoming programme of CCTV inspections which are scheduled to take place in September.

Under Common Law , if there is a claim of actions by a party which have resulted in loss of enjoyment or use of a piece of land by another party, it would be a civil case between the two affected parties. It is not clear from your submission whether the suggested action would be against the Council, Cairn Housing Association, Newton Property Management as Factors for the housing association. The burden of proof that one party has caused harm would be on the party raising the claim. As such it would be up to the Community Council/ Avoch Primary School Parent Council and/or Avoch Amenities Association to commission a review of the drainage to make such a case. Thereafter, the sharing of the report would be down to the party commissioning the report.

Should you continue to be concerned regarding a foul smell this is a matter that requires to be raised with Scottish Water who are responsible for the public foul drainage network.

I trust this clarifies the position.

Dafydd Jones  
Area Manager North Highland