

KILMUN COMMUNITY COUNCIL

Facebook - @shoresweepersandKCC Website - www.kilmuncc.co.uk

MINUTES OF MEETING

14 th May 2024 @ 7.30PM.

Younger Hall Kilmun

Meeting Start -7.30pm

The secretary asked the audience if there were any last-minute items to be added within the agenda. None were submitted.

PRESENT; Diane Nicholson (Convenor), Janet Holm (Secretary), Graham Reville, Lachlan Macquarie, Mandy Grout, Peter Hunter Douglas, Mark Borland, Lyndsey Greer Phillips, and Kerris Bone

Also Present: Councillor G. Blair, Councillor William Sinclair, Gordon Holm, Tracey and Joe Whitfield, Steve Lawson, Jeannie Tong, Marion Bowen, Sandra Marshall, Samatha Marshall, Mike Burke, Geoff Evans, and other residents.

APOLOGIES: Lindsey McKenna (Vice Convenor), Russell Humphreys (Treasurer), Councillor Y McNeilly, Bruce Marshall, Steve Abbott, Malcolm Bird, Graham Thompson, Jean Thompson, Fraser Macdonald (Forestry Land Scotland).

This session was recorded for the minutes.

2. DECLARATION OF INTEREST:

None

3. MINUTES OF LAST MEETING:

The 9 h of April 2024 minutes were:

Proposed: Mark Borland

Seconded: Lachie Macquarie Carried

4. TREASURER'S REPORT

Carried forward £3347.37

Income

Expenditure

Defibrillator expenses £750.00

£308.32

Blairmore Hall expenses £100.00

Gardening £194.26

Totals.

General fund £2280.50

Gardening and Shore Sweepers. - £147.54

SSE grant -£223.08

Overall total £1910.26

JH said that we had a lot of difficulty opening the online account with the RBS, but they have given us a compensation of £350. An online bank account should be set up soon.

5. POLICE REPORT

No report was received.

6. PLANNING APPLICATIONS

- Erection of single storey extension to front elevation (retrospective) - Woodbine Cottage Shore Road Strone. Approved

9. COMMUNITY MATTERS

The Shore Sweepers / Graham's Point

DH said that we have had no contact with ACHA re Grahams Point.

JH said the Shore Sweepers have done the work at the bottom of Stone Brae with the help of Frank Glover. It has been recommended to source stones to put over the plastic cover to prevent the weeds coming through further. The Shore Sweepers requested that the extra money we received as compensation from the bank could be used to cover this cost. This was agreed by KCC by a unanimous vote. From the report from Highgate Hall funds (later in report) we may receive funding from the Highgate Halls and can then do further work.

Hole in right of way path / Flooding issues

Mark Borland reported on work he has been doing on this issue over the last month.

Mark was contacted by Fraser Macdonald FLS and Mark sent him a detailed map showing the site. Fraser came onsite on the 26 th of April and had a tour of the area. Mark showed him the culvert and detailed what was happening. He took pictures and mapping and looked at the land just up from the culvert, Fraser said that he had found an old boundary which may not be on FLS maps, and he will check this out. He also said that if it was found that there was problem with a part of the culvert, they

would only be responsible for that part and work would not extend to the collapsed drains, the hole in the right of way. Fraser came back out on Friday 10 th May with a member of the estates team, and

they are going to look at the historic data and mapping to see where the actual boundaries are situated and report back to Mark.

Mark asked the ABC councillors how their investigations are proceeding on land ownership. Gordon said that in discussion with Mr Dalglish and Jocelyn (right of way) they considered by looking at the landownership register that the responsibility lies with the forestry commission. Gordon thinks that it may be an idea to have all parties ABC, FLS, the 2 ABC councillors and Mark as Community Councillor to all make a visit to look at the situation. If a date can be organised Councillor Blair and Sinclair can work through the Area Committee to facilitate this meeting.

Mark said that since one of the residents has put up a temporary bridge over the hole there has been a real uptake of residents/walkers using the path.

Caroline Munro spoke about the difficulties they had had at the tea caddy houses with flooding in November and it would seem that FLS are not keeping the culverts clear of branches and debris.

Defibrillator(s) / Training

DN highlighted that the expenses to maintain the defibrillators will not be able to be maintained out of the community council funds and that we will need to look at additional funding. We have 2 defibrillators, one at Kilmun Hall and another at the Strone Inn. Another defibrillator is outside Blairmore Hall which was privately donated, and a request was made for KCC to take on the maintenance of this defibrillator. KCC committee voted in favour of this.

Gordon Blair said that the cost of maintaining defibrillators could be looked at committee and he is going to ask if they could contribute towards the maintenance. William Sinclair also said that there are other areas of funding that could be researched. JH said that Steve Abbott is proactive in looking for areas of funding.

Bus Timetables

This still ongoing with this issue being discussed at the Transport Forum on the 18 th of June. Kerris thanked Mark Borland for preparing for preparing a spreadsheet of the survey results.

Highgate Hall

An email was received from the Highgate Hall Trustees which stated.

The Highgate Hall trustees met on Friday and agreed on the way forward. I have drafted the attached summary which is being sent to all the applicants but may be of interest to those attending the KCC meeting.

Highgate Hall Trust Fund- update for KCC

We received 16 qualifying requests for grants from the whole area from Ardentenny to Kilmun. The requests covered a wide range of projects indicating the diverse needs in the area. Unfortunately, the sum of all of the applicants was twice the money we have in the Trust Fund. The Trustees have agreed that all applications were well founded and will benefit the local communities. Therefore, we will give grants to all applicants. In order to stay within budget, we have set an upper limit with all projects below that limit receiving the full amount requested whilst those applications for larger amounts will be restricted to receiving the limit only. Currently we are looking at a £5,500 limit.

We are now in the process of seeking permission to proceed from OSCR, which may take 10 weeks, but hopefully much less.

The Trustees will shortly be contacting the applicants to discuss how their projects will move forward where the grant does not cover the amount applied for.

Tyneshandon/Stables at Dunselma

The Stables at Dunselma are now reported, and Councillor William Sinclair gave the reference for it. An officer from Structures will be going out to inspect this building. Councillor Sinclair said that he has also referenced that Strone Primary is right next to the building.

Councillor Sinclair discussed the issue of right to buy for Tyneshandon. Mark Borland said that he spent some time looking at the issues and the processes that need to be undertaken. Mark will pass the documents onto the Kilmun Community Council members. Councillor Sinclair said that support can be given by the community right to buy team.

10. DISCUSSIONS A&BC LOCAL COUNCILLOR AND NATIONAL PARK REPRESENTATIVE,

Argyll & Bute Council

Councillor Blair said that there had been a change in the administration of ABC, and he would like to see more engagement and partnerships between the Area Committee and the Community Councils and to look at duplications across the different departments.

William Sinclair shared a letter to Cal Mac re the connection between the CalMac ferry connect to Dunoon and the train to Glasgow. This is copied below.

“Dear Stewart,

There is now anger in the communities of Cowal and Dunoon that having to wait 26 minutes for a Train to Glasgow (virtually every Train) is ridiculous.

It is now on virtually every Community Councils agenda and being raised at the Cowal Transport Forum /Bute and Cowal Area Committee / Bute and Cowal Community Planning Partnership.

I have spoken at length to the Chair of Dunoon Community Council and He absolutely rejects your claim that they were asked to comment as consultees.

Furthermore, other Community Councils are asking to be involved “Why is it only Dunoon?”.

I was last night at a community Council meeting in Glendaruel (CoGlen) and they will be writing to The Transport Minister / MP/ MSP / Councillors/ Scotrail / CalMac.

I do not think you realise the discontent here and the use of over £3m of public money to operate a

ferry that does not work for commuters with onward journeys, also the jobs market over the water is greater than in Cowal but waiting times are restrictive.

I will always make myself available for any meeting that can resolve this ferry / train debacle.”

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He said that this issue needs to be resolved for the young people and to help residents with gaining work in the Glasgow/ Renfrewshire areas.

Loch Lomond and Trossachs National Park Representative

William Sinclair said that as it is coming into the holiday season and the focus in the National Park is water safety.

JH asked what the view of the National Park was around possible future windfarm planning applications. Councillor Sinclair said that the National Park has objected for years to wind farms and on those that are on the outer edge of the National Park. Councillor Sinclair will check this enquiry with the planning officers.

Forestry and Land Scotland – Fraser MacDonald

No change from last month. Report from Mark Borland

Strone Primary School and Strone Primary Parent Council

Report given by Kerris Bone

Participation in the Scottish Opera for Vikings! Before a main performance for families in the afternoon. The Vikings performance was the P5-7 class and was a joint performance with the other Cowal rural schools so a chance for pupils to get to know each other.

Local residents continue to support children with reading which is they really enjoy.

We welcomed Miss McChesney the Music teacher from Dunoon Grammar School this week to give a taster lesson to our P7 pupils as part of the transition experience. We also had a workshop from Heartstart where our P5-P7s learnt all about CPR and heart health. A huge thank you to all our visitors for giving such fantastic input.

Creative play to embark on a magical carpet ride. Focusing on literacy skills to create a story all about the adventure!

Weekly fiddle lessons with Abigail Pryde and their music skills are really coming along.

The children were tasked with a Lego coding challenge, to construct bikes that travel uphill. The children built and programmed them in class, being mindful to consider that they will need to take the extra strain of moving uphill!

Staffing wise can say delighted to have Mrs Julie Fish back and a big thanks to Acting Head Mrs Lorraine Fisher who is now supporting Strachur Primary.

The Parent Council has provided funds for equipment and supplies to support the Wee Class in a new initiative: making and sharing toast 3 times a week to nurture social interactions. In addition, the

PC has subsidised the Benmore Transition trip for our four P7s and will co-fund the leaving event being planned for the end of term, again with the other rural schools.

A planned seed planting event with the Parent Council and KCC unfortunately had to be postponed but the two organisations are keen to find a new date and will focus on helping the children to freshen up the raised beds they planted last June - one containing edible plants and the other with pollinator-friendly blooms.

Unfortunately, our Parent Council Chair Andrew Smith has stood down. We thank Andrew for all his hard work and wish him and his family all the best. We will elect a new Chair when possible.

Lastly, Highgate Hall funding application is pending for Strone primary.

Younger Hall

NTR

Blairmore Hall
NTR
Historic Kilmun

GH said that this year Historic Kilmun is open from Tuesday to Sunday.

11 CURRENT ISSUES

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Giants Burn Wind Farm

DH said that that KCC was impartial at present until the community decided how this should be taken forward. She said KCC had invited Statkraft to do a presentation and question and answer session at the meeting in June.

Mark suggested that we provide questions ahead of time to the company.

Mike Burke, who was heavily involved in the previous windfarm application on the same hill in 2009, suggested that we should instead, as the members of the community present had adverse views of the possible proposal, cancel the visit in June and arrange a meeting at a later date. It was agreed that as a community we have our questions prepared and then arrange this company come to answer these concerns. Thus, the decision was made to cancel the visit and arrange the meeting at a later date. This was unanimously agreed by the KCC committee, and all the residents present. SSE power lines Dunoon 132kV Overhead Line rebuild Project.

NTR.

DGFAG – Dunoon – Ferry Group

The community councils of the Cowal have established a group so that the ferry situation can be discussed together. Mark and Diane are attending a meeting at the end of the month about the ferries and will report back at the next full community council meeting. Dunoon Community Council have initiated a survey. The link is included below.

<https://forms.office.com/Pages/ResponsePage.aspx?id=DQSIkWdsW0yxEjajBLZtrQAAAAAANAANAafuGoFBUQ1NCOE5PRFJWVkdOR0NWVzRFNTRFRWFRRQy4u>

Dunoon CC and Innellan CC are driving this and have asked if the community councils could contribute £50 to cover expenses. The KCC committee agreed to this donation.

Any other competent business

A resident said that the lamppost at the bottom of Strone Brae has been down for several months. JH will make sure this is reported.

Meeting end: 9.10 pm.

Next Meeting:

Tuesday June 11th @ Younger Hall @ 7.30pm. NOTE: Change of venue.

Meetings held Second Tuesday each month alternating between Younger & Blairmore Halls.

Kilmun Hall – January, March, May, July (Recess) September, November

Blairmore Hall – February, April, June, August, October, December

Update from FaLS on Flooding Issue, Strone Brae

14 th May 2024

Fraser MacDonald from Forestry & Land Scotland visited the site on Friday 26 th April 2024. I gave him a tour of the affected area and showed the culvert / cundy, broken drain and hole in the path / road.

Fraser took a lot of pictures and indicated that he could see that the culvert posed a problem. He also took GPS readings of the culvert location and explored the land further up from the culvert.

He suggested that the culvert may not be on FaLS land due to him finding a fence that

may have been a boundary line for FaLS land. He was going to check this with his colleagues.

Fraser did also state that, should the culvert be on FaLS land then they would only be responsible for resolving any issues on their land. This would not include the collapsed drainage under the public right of way nor the ever-expanding hole in the lane that was put in as an interim remediation and has in and of itself become an issue.

Fraser returned to the site on Friday 10 th May 2024 with a member of his estates team. The estates person going to look at historic data and mapping, deeds/ land registration etc to see where actual boundaries are.

Fraser will contact me with any results of the estates investigation. If I don't hear back in a week or so I will chase up.

The Stables, Dunselma & Tynshandon – Community Right to Buy

Information provided through Community Ownership Support Service (COSS) website and with reference to the following legislative acts:

- Land Reform (Scotland) Act 2003
- National Forest Land Scheme 2005
- Scottish Government/ COSLA Community Empowerment Action plan 2009
- Disposal of land by Local Authorities (Scotland) Regulations 2010
- Changes to the Scottish Public Finance Manual (SPFM) 2014
- Community Empowerment (Scotland) Act 2015
- Land Reform (Scotland) Act 2016

Community Empowerment Act

"The Community Empowerment Act does a number of things including extending the community right to buy, making it

simpler for communities to take over public sector land and buildings, and strengthening the statutory base for

community planning. Crucially it can help empower community bodies through the ownership of land and buildings

and strengthening their voices in the decision and services that matter to them" - Scottish Government

Link to Community Empowerment Act information from COSS Website

As The Stables Dunselma and Tynshandon are private and not classed as public sector land and/or building, this is

not an appropriate route or supportive act.

Community Right to Buy

Options

There have been a number of developments in the last 25 years with land reform and community ownership. As a

result of this legislation, there are now three different Community Right to Buy (CRtB) options for communities:

- Community Right to Buy - Community bodies who successfully register a community interest in a site, have the

first option to buy when the registered site is offered for sale.

- Community Right to Buy, Abandoned, Neglected & Detrimental - Community bodies have a right to compulsorily purchase land which is wholly or mainly, abandoned or neglected or the use or

management of the

land results in or causes harm to the environmental wellbeing of the community.

- Community Right to Buy, Furtherance of Sustainable Development - Community bodies have a right to

compulsorily purchase land for the purposes of sustainable development that will deliver significant benefit to the

community.

Based on the two properties in scope for this discussion, the “Community Right to Buy, Abandoned, Neglected &

Detrimental” option seems the most applicable to the current situation.

Definition

Part 3A of Land Reform Act - Abandoned, Neglected or Detrimental land

The Community Empowerment (Scotland) Act 2015 introduces a new Part 3A into the Land Reform (Scotland) Act

2003 which allows qualifying community bodies to apply to buy land (including buildings) which is either:

- wholly or mainly abandoned or neglected.
- being used or managed in a way that results in or causes harm to the environmental wellbeing of a relevant community.

If an application is successful, then the existing landowner is required to sell the land to the community body on terms

set out in the Act.

In other words, the sale to the community is not contingent on the landowner deciding to put the land or buildings on

the market as with the existing Community Right to Buy but is effectively a compulsory purchase.

The legislation does not give a definition of ‘abandoned or neglected’, with it being for the community body making the

application to justify why they consider the land to qualify.

What land is eligible?

Certain land is excluded from the scope of the legislation, including:

- Land on which there is a building that is an individual’s home (except where it is occupied under a tenancy), and land pertaining to any such home.
- Eligible croft land, or any croft occupied or worked by its owner or a member of the owner’s family.
- Land which is owned or occupied by the Office of Queen’s and Lord Treasurer’s Remembrancer (QLTR)

Who can apply?

This right is open to the same types of community groups as the existing Community Right to Buy, namely:

- Companies Limited by Guarantee, the articles of association of which meet the criteria set out in the legislation.
- Scottish Charitable Incorporated Associations (SCIOs), the constitution of which meets the criteria set out in the legislation.
- Community Benefit Societies (BenComs), the registered rules of which meet the criteria set out in the legislation.

What needs to be done before an application can be made?

For an application to be successful, a number of criteria must be satisfied, including being able to demonstrate that:

- The purchase of the land by the community body would be in the public interest and would further the achievement of sustainable development, whereas continued ownership by the current owner would not.
- There is community support for the proposed purchase (demonstrated by means of a ballot of the whole community);
- The community body has first tried to negotiate the purchase of the land from the landowner.
- The same (or similar) group must not have been offered the land in the previous 12 months; and
- Where an application is made on the basis that the management or use of the land is causing harm to the environmental wellbeing of the community, the community has first approached any relevant regulator to take action to address this. A relevant regulator might be, for example, SEPA.

Link to Community Right to Buy information from COSS website. COSS Introduction to Community Right to Buy will

be attached to this document and Kilmun Community Council Minutes.

Note: Community Right to Buy was the same process used in the failed bid to acquire Toward Castle a few years back.

Funding

Most information on funding available on Argyll & Bute Council's website pertains mainly to Community Asset Transfers, which, as stated above, do not apply in this situation.

Where funding is available, the Council website links to other resources and websites as well as their GrantNet system. While I have had a cursory review of some of these resources, it would take a significant amount of time to perform a deep dive into each to see which would be applicable and are still open to application. Whether an investigation into these possible funding options is a viable use of time is dependant on whether the community council and wider community is in favour of pursuing this Community Right to Buy route and the volume of work required to set up the various community bodies and perform the required community engagement activities.

A very quick review of the GrantNet website was conducted as part of collating this document and, using the filters available on the site, narrowed the options down to approximately 35 grant schemes available for purchase and renovation of old and abandoned buildings, further detailed review of each would be required as the wording in the grant summary is open to interpretation as to whether the grant would apply. Again, this is dependant on the purpose for which any community group intended to use the property should the right to buy application be undertaken and successfully conclude with a compulsory purchase order.

It is not clear, either from GrantNet or Argyll and Bute Council's website, however, whether there is funding available to support the effort required to undertake a community right to buy and there would need to be further engagement with elected members, Argyll & Bute Council and COSS to see what, if any, options are available with regards funding for this part of the process. Again, dependant on the views of the community council and wider community regarding the options going forward.

Access to COSS Booklet

<https://mail.google.com/mail/u/0/?tab=rm&ogbl#inbox/p4?projector=1>