

# **RHU AND SHANDON COMMUNITY COUNCIL**

**SEPTEMBER 29<sup>th</sup> 2021**

## **PAPERS FOR ZOOM MEETING**

**1. APOLOGIES:** Ahead of meeting from Mark Fitzsimmons, Olivia Birch, John McGall, Derek Hall

**2. DECLARATIONS OF INTEREST**

**3. GUEST REPORTS:**

- a. Police Scotland: Appendix 1 to follow
- b. HMNB Clyde Updates: Posted on website

**4. NO CONSIDERATION OF THE MINUTES OF THE LAST MEETING.**

**5. PLANNING MATTERS:**

**a. Invergare: 21/01248/PP and 21/01404/PP**

At the PPSLC meeting on 22<sup>nd</sup> September, 21/0128/PP for building work was approved and 21/01404/PP for a Change of use from Residential to short Rental was rejected.

In the meantime the property is still being used for short term lets. The day after the decision, the house was let for a long weekend with 11 cars present.

**b. Duneira, Pier Road Planning Ref: 19/01573/PP**

Duneira House is at the foot of Pier Rd. The owners moved away to England some years ago but continue to actively use the property for AirBnB type short term lets for up to 14 people at a time. It has also been advertised as a "Wedding Venue " and has parking for 12 cars.

The above planning application was for a "Change of Use" from a dwelling house to a residential training centre for up to 20 people plus staff.

As a Statutory Consultee, the CC lodged an objection to the change of use in support of local residents concerns for loss of amenity within a conservation area.

The application was granted "Conditional Approval " by planners.

These conditions have never been met and Training Centre activities do not appear to have started however, AirBnB short term letting has continued on a commercial basis with no owners present.

A recent enquiry to planners has confirmed that since the conditions attached to the planning approval for change of use have never been met then the property continues to be designated as a "residential dwelling house" in planning terms. Therefore it is not authorised for its current commercial activities.

**c Lagarie Planning Application 20/01382/PP**

The CC has supported local residents in their objection to the above planning application which is for a proposed house in grounds between Lagarie House and Lagarie Cottage off Torwoodhill Rd.

As a Statutory Consultee the CC submitted a formal objection to the plan. The status of the application is recorded in the planning website as "awaiting decision"

**d 21/01540/PP: Erection of 2 dwelling houses on Land South West Of Tigh Geal, Station Road, Rhu.**

Will this impact the traffic on Pier and Station Road?

**6. OTHER MATTERS:**

- a. Forestry Report: from Fiona Baker

**Letrault and Stuckenduff** plans were approved by the Council including use of Station and Pier Road. The consultation was extremely poor and the Council and Forestry Scotland paid scant attention to representations. The plans were revised to have more

native planting and to open up the riparian sections and soften the visual impact of the blocks of conifer. However, monoculture conifer is still too close to Whistler's Glen / Aldonwick and Aldonaig designated ancient woodlands and there is likely to be an impact on the ancient woodlands over time. Sitka Spruce is now banned in Norway as it is so invasive and damages native woods. The Scottish Woodlands proposal for creating a track across to the Blackhill, which would have removed the whole timber lorries through Rhu issues, has disappeared from the proposals and any questions about it have been unanswered. Our suggestion for a designated walking, horse riding and mountain biking trail that linked native woodlands and provided a wildlife corridor as well as community and economic benefit to the area has been completely ignored.

Bottom line is Forestry Scotland and the forestry industry is self-policing and can apparently do what they like and A&B C look at the economic picture above any concerns about the natural and historic environment, landscape impact, impact of logging on community safety, or long term carbon capture. Landscape designations and SF and A&B C reports and guidelines on preferences for where commercial conifer can and cannot be planted appear to be pretty worthless.

**b. Aldonaig.**

2020 saw numerous complaints from residents about incessant hours of scramble bike noise. Large gatherings of the Scottish Afghan Society took place during the Covid lockdown restrictions resulting in lots of litter and damage to the land by the creation of off road tracks.

The SSPCA made several visits regarding welfare of the abandoned feral ponies and chickens and issued notices.

The ponies were eventually signed over to the care of Horse Rescue Scotland and a grazing agreement was signed with the tenant Mr Waheed Totakhyl. The owner Mr Al Taghi lives in Canada. This agreement included a clause that the rubbish and litter was removed from the site. The fees for grazing were contributed by local residents. Hundreds of volunteer hours were put in by local residents supporting Horse Rescue Scotland and the Community Payback Team assisted with the final removal of derelict caravans and horse boxes that were too big and difficult for the local volunteers to cut up and remove. Rhu resident Brian Murdoch also assisted with moving large items.

One pony, Larry, died after being poisoned by eating unsecured chicken food left in a derelict caravan, which has been relocated to a field to create a chicken coop. The surviving four ponies have now been removed for their own safety due to the unstinting efforts (and at personal expense) of local people working with Horse Rescue Scotland.

The scramble bike noise issue has not been a problem during the summer of 2021.

During April and May the SFRS were called out to Aldonaig on eight separate occasions to deal with hill fires deliberately set by Mr Totakhyl / his associates. This occurred outside the permitted muirburn season and were burning bracken, a lot of it under the designated ancient woodland. A lot of the ancient woodland was damaged and trees burnt. The bracken thrived on being burnt so it is unlikely it would be burned again as Mr Totakhyl will have learned that burning bracken does not eradicate it but fertilises it. It would not be surprising for poison to be used in future if it is still his intention to try and eradicate bracken. Given the environmental damage and lack of concern for animal welfare it seems unlikely that any future attempts to control bracken would be done in accordance with protection of watercourses, wildlife etc. Scottish Power were also on site during these burning activities due to electrical supply poles also being burnt.

SFRS will be using the burning incidents at Aldonaig as a training example of how to deal with hill fires. Reported on the front page of the Helensburgh Advertiser in July.

The Police were asked how many times they had been called out to Aldonaig by our MSP Jackie Baillie. They said five times. The reality is many more times than that but it seems that if the call to the police was from another address the incident is logged at that address rather than at the site of the problem.

Following the long running noise nuisance, litter and environmental damage, fires, and animal welfare concerns the land owner Mr Al Taghi was contacted by the CC. Mr Taghi required Mr Totakhyl to answer these allegations with a letter signed by ten witnesses stating that nothing untoward would happen in the future or he would be evicted. Mr Totakhyl sent a letter claiming essentially that all of the burning, litter etc were all lies and he was a model tenant. A response to this letter to be sent to the landowner Mr Taghi and Mr Totakhyl was drafted that made clear the CC knew the reality of the situation but hoped better relations etc could be established going forward and the CC would wish to assist with this. It was not sent and Mr Totakhyl was permitted to deny all his misdemeanours to the landowner. The environmental pollution continues but the noise issue does appear to have been reduced to an acceptable / occasional occurrence.

Knotweed along the railway line is being disturbed by bottle digging activities at the old coup.

Mr Totakhyl has said he has planning permission for people to set up static caravans on the site and live there permanently (nothing found to back this up on A&B C planning portal). He has said he wishes to create an off road driving facility and farm the land....who knows. It is still used for gatherings of the Scottish Afghan Society.

Mr Totakhyl is the President of the Scottish Afghan Society. Recently according to Skye News and various newspapers, he has voiced his support for the Taliban. Afghan refugees who have come to Scotland following the Taliban's return to power have called for him to be deported and, considering they were evacuated for supporting the western armies, are concerned for the safety of their relatives still in Afghanistan. Mr Totakhyl says he will be returning to Afghanistan now the Taliban are back in power. He left 20 years ago via Saudi Arabia to Syria to the UK and his brother is a Taliban commander in Kabul. The news item was circulated to CC members. It might be considered a matter of concern to have someone who publicly supports the Taliban, and publicly called for American soldiers to be killed, to be holding property so close to Faslane.

Current situation – the ponies have been removed to safety, a massive environmental clean-up has been completed with tons of rubbish removed from the site by local volunteers and the Community Payback Team. There is local interest in a community buy-out of Aldonaig and forming a Community Development Trust to acquire Aldonaig for community benefit.

Helensburgh Mountain Bike Meet Up group reached an agreement with Scottish Woodlands about building and using mountain bike trails in Highlandman's Wood. This has included erection of fencing to divert the bikers from walking paths / areas of forestry operation. The bike trails have been vandalised on more than one occasion.

Planted ancient woodland (PAWS) on **Torr Farm** was subjected to felling earlier this year that far exceeded the permitted felling allowed and was done without a licence. Forestry Scotland came to inspect the site and were very upset at what they saw on the ground. This includes a large cleared area that looks like it is cleared for development and the access track has been upgraded and now has a locked gate. FS said they would be issuing a replanting order to the landowner, Anne Ferguson from near Stirling, niece of Nan and Janey Colquhoun of Torr Farm, and they also asked A&BC to issue emergency TPOs to protect the remaining ancient woodland and PAWS including Aldonaig, I asked if it could be extended to include Aldonwick / Smugglers Glen below the railway line. There has been no further response from A&BC or FS on this. It appears no replanting order was issued but a discussion took place with the landowner. If FS had decided to enforce the regulations and fine the landowner for the cubic meters of woodland felled without permission the cost would have been c. £500,000. Emma Jane at A&B C was dealing with it. **Recommend the CC write to A&B C requesting this TPO is implemented.**

#### **c: Future of the Bowling Club site.**

Rhu and Shandon Community Council  
September 29<sup>th</sup> 2021

With the demise of the Rhu Bowling Club, the site has somehow become the personal legal ownership of two former Trustees of the Club, Mr Leonard Prow and Mr Joe Carr. The CC made several attempts to engage with them with the objective of having the site returned to community ownership without success.

More recently The CC has been working closely with the Helensburgh Men's Shed organisation on a plan for the former Rhu bowling green site.

That plan being for the Men's Shed to purchase the site, and create a community garden, allotments and a facility for the Men's Shed organisation.

Negotiations with the two private owners have been very protracted and sadly now appear to have come to an end. It would appear that the owners have no plans for using the site for community benefit.

#### **d: Marina and RNCYC**

The RNCYC has provided an update on developments regarding their proposed relocation to Rhu Marina.

The proposal is for the Club to sell its existing site to a developer and build a new RNCYC clubhouse at Rhu Marina on land roughly to the west of Pier Rd. The club has recently gained control of that land through its acquisition of Rhu Marina Developments Ltd., which owns the land.

The club is working with a developer and has advanced design plans for a new clubhouse at the marina.

The whole marina site is designated as a Potential Development Area (PDA) in planning terms and requires a Masterplan to be approved prior to submission of any formal planning application. The CC has had asked for and received assurances from RNCYC and Quay Marinas, the marina operators, that the CC and the local community will be kept up to date and consulted with on any proposals for a masterplan before any formal planning application process is started. I understand that discussions on a masterplan are currently ongoing between all the parties involved and I will report further on any progress I am made aware of.

### **7:CONSULTATIONS. To consider whether the CC should respond officially to any of these.**

#### **a. Helensburgh to Garelochhead Cycle path. Closes:10<sup>th</sup> October**

The Engineer present at the consultation event which took place on September 9<sup>th</sup> favoured the view that from the outskirts of Rhu to Garelochhead, the cyclepath would run on the hill side of the current A814 in a dedicated cycleway through the existing class. Past the church he suggested that negotiations were ongoing to have access through the grounds of RNCYC. He did not seem to have a proposal of for the stretch from Ferry Road to the Offsite Centre. He accepted that the route had to be as direct as possible to persuade cyclists to use it and agreed that was one of the problems with the current route.

#### **b. SEPA Flood Risk Closes:31<sup>ST</sup> Oct**

You will recall that there was a consultation on this earlier. The documents are too large to post on our website but this [LINK](#) gives you all the information you need

#### **c Event Engagement Survey: Closes 31st March 2022**

Police Scotland we want to hear from those who have attended or experienced events in Scotland recently.

By 'event', they mean a gathering of people who come together for organised social, cultural or entertainment purposes such as festivals, concerts, sports or parades, or to engage in activity to express views or show support for a cause important to them (sometimes people call these protests or demonstrations).

They also want to hear from people who experience events but are not attendees. For example, you may live close to where an event takes place and are able to provide feedback.

There is clearly no urgency for a response on this but it would be useful, if, over the next 6 months, residents collate information about events which have affected them so that they can give feedback. I have not checked whether multiple submissions to the survey are possible, but it is probably best to assume not.

#### **d Licensing of short-term lets: Closes 29th October**

The Local Government, Housing and Planning Committee will be laying draft laws before the Scottish Parliament requiring local authorities to introduce a licensing system for short-term let accommodation.

### **8. TREASURER'S REPORT**

**Cash in Bank £5545.30**

(with a £200.00 withdrawal pending)

Made up of

Community Council Funds	£4465.67	
Remainder of Covid Grant.	£ 229.63	(£254.27 spent)
Well Being Grant	£ 850.00	(Zero spent)

### **9. CORRESPONDENCE.**

In addition to the regular correspondence which is circulated as it arrives, there have been three requests from residents. From the Scouts for advice on the erection of a sign for their newly acquired defibrillator, from a childminder asking when the swing would be returned to the play park and from a resident who wished to adopt a bench in memory of her son. Initial enquiries on the latter took on a circular nature with both ACHA and A&B denying ownership of the bench. At one point it was intimated that the bench in question belonged to the Community Council. In mid September all three were logged using the online contact form on the Argyll and Bute website. Responses have been received on the first last two. Parts are on order for the swing, and a plaque cannot be placed on a bench, a new bench will have to be purchased. George Freeman may have more information on the sign for the defibrillator.

Destination Helensburgh is a recipient of funding from the Destination & Sector Marketing Fund administered by VisitScotland on behalf of the Scottish Government.

The funding is aimed at promoting responsible and sustainable staycations, and Destination Helensburgh will be using the award to publicise Helensburgh and Lomond as a winter destination. They can offer support to any organisation or business in the Tourism area.  
<https://destinationhelensburgh.org/join-our-winter-destination-campaign/>

### **10. COUNCILLOR'S REPORTS.**

### **11. MEMBERS REPORTS.**

### **12. AOB.**

#### **ITEM FROM JOHN MCGALL WHICH SHOULD BE CONSIDERED ALONG WITH 6A**

Over the last 18 months our residents group have been actively working to build and support the case the C.C. has already made to prevent timber haulage continuing on unsuited and dangerous village roads. To that end we are seeking to work collaboratively with the C.C. to share information and develop a strategy well before the start of the next phase of timber haulage.

Due to the complex nature of the subject matter the only sensible and pragmatic way to achieve this is within an informal meeting setting, unfettered by formalities. We understand why meeting up may

be difficult for some however we cannot afford to be caught on the back foot as there is significant work still to be done and it would be naïve to think ATTG are not active. Therefore we look forward to confirmation when your sub-group and/or others can bring about this arrangement.

You may also be interested to learn the effort, time and workload dealing with this matter has been considerable, at times onerous and we could not have got through it all without working as a team. I think this is something that is worth consideration within the C.C. because in long drawn out technical matters such as this, the effort and commitment is often underestimated or goes unnoticed.

During our undertakings it came to our attention some residents think the use of the haulage route by timber wagons has come to an end and clearly have no insight into what may lie ahead. With this in mind it would appear some sort of syllabus of information and consultation would be worth considering with our community.

It was a further step forward at last Wednesday's PPSL Planning hearing of Invergare House; the official road engineers report recommended refusal on the grounds commercial vehicles are impeding the flow of traffic amongst other hazards and dangers on Pier Road.

The planning application was refused with Provost Kinniburgh declaring; *"Given the access issues with Pier Road, which is lined off to create a footpath, but the footpath is still part of the road, I can fully understand the reasons given for refusal so have no hesitation in moving the recommendation for planning officer's refusal, for the reasons set out in the report"*.

His motion was seconded by Councillor Freeman declaring; *"Pier Road is a dangerous road and has been highlighted by senior roads officers. Pedestrians have to walk on the road and there is no footpath on the lower end. That is a serious concern and to put additional traffic on the road would be crazy. Officers have recognised that, and we have received over 70 representations, with only two in support from the Rhu & Shandon area...I fully support your proposal"*

After the Letrault & Stuckenduff application the C.C. were intent on carrying out a review and trust its outcome will be forthcoming in the near future. We are also reviewing our undertakings and will endeavour to set out and share our findings, including correspondence with the SPS Ombudsman and discussions with various parties including MSP Jackie Baillie and independent road engineers so there is much to talk about.

In the meantime it would be helpful if certain matters were clarified;

- Does the C.C. know when Phase 2 at Highlandman's is planned to start up?
- Can you please give us feedback on the Woodland Creation Forest Plan/ Forest Grant Application Scheme approved July 2021 which proposed using the Consultation Route for heavy vehicles constructing a new 1 kilometre forest road? Given the evidence accepted by the PPSL Planning Committee last week that Pier Road is dangerous in light of commercial vehicle activity, why is this still being allowed to continue?
- Can you also provide feedback on Scottish Woodlands amendment to the Highlandman's & Torr 2014 plan? Apparently phases 2, 3 and 4 have been amalgamated bringing the felling dates forward. Is SW consulting with the C.C. in accordance with Forestry and Land Management (Scotland) Act 2018 protocols enforced from 1 April 2019; the process of involving people in the decisions that affect them?

The summary of the agreed decisions and actions and appendices will be posted on the website

[www.rhuandshandoncommunity.org](http://www.rhuandshandoncommunity.org)