

FERINTOSH COMMUNITY COUNCIL

APPROVED MINUTES OF MEETING HELD AT FERINTOSH HALL ON WEDNESDAY 12 OCTOBER 2022

MEMBERS: Sally Falconer, Karen Harcus (Chair), Alison Lowe (Treasurer), Alastair Macintyre, Iain McCallum, Bruce Morrison (Secretary), Aileen Wilson.

ALSO PRESENT: 6 residents.

APOLOGIES: Jim Holden, Emilia Leese, Cllr Lyndsey Johnston, PC John MacPherson.

DECLARATIONS OF INTEREST (to take no part in relevant discussions): None.

MATTERS ARISING FROM PREVIOUS MINUTES: (excluding actions carried out, carried forward and those considered later in the agenda):

Jim requested of THC, information on consultation response rates but reply was that THC does not record that information.

MINUTES: Last month's minutes were approved (proposed by Alison seconded by Aileen).

FINANCIAL REPORT: Alison reported that FCC agreed to contribute £270 to support a workshop for the Singing for Fun group and has been paid. The funds available for projects are now £4019.03. No THC grant yet so Ward Manager was phoned and is pursuing. Will request £250 for verge cutting next year.

MAIN DISCUSSION: Dafydd Jones, Area Manager, North Highland, Planning, THC: Enforcement of Planning Conditions

Dafydd Jones introduced himself and then provided an overview of Enforcement. The issue arises when knowledge from residents suggests that conditions in a planning application are not being met. There is now a team of three for the THC area (previously one) and they can either view the deviation from plan as permitted development (retrospective planning permission) or apply enforcement powers. Where an enforcement notice is served, the developer has a right of appeal. THC seeks not to punish but to negotiate towards acceptable development i.e. not to permit a breach. Other key points were that 'serial' issues by the same developer can only be judged on an issue by issue basis and if a neighbour dispute then THC would step back.

THC must be seen to be reasonable and provide conclusions that are in the 'public interest' and not harmful to 'public amenity' or the environment.

Guidance is provided by two key documents provided by Dafydd:

1. The updated Enforcement Charter and the accompanying report (item 11 on the agenda)
[https://www.highland.gov.uk/meetings/meeting/4653/economy and infrastructure committee](https://www.highland.gov.uk/meetings/meeting/4653/economy%20and%20infrastructure%20committee)
2. The link to Circular 10/2009 on Planning Enforcement
<https://www.gov.scot/publications/planning-circular-10-2009-planning-enforcement/>

Up to 600 complaints are handled every year with about 50% investigated. In 20/21, 230 were resolved. The number of planning applications has increased in recent years from 2500 to 3500. The average time for processing has increased from 10 weeks to 15 weeks.

Residents expressed a perception of an opaque system that permitted development often against local residents' wishes and frequent flouting of conditions. The specific issue of human rights (i.e. not being given sufficient weight) was also raised and often in the context of individual large houses out of context. Dafydd responded by explaining that planning has to assess proposals in the context of policy and it was accepted that not everyone would agree with the decisions made. Dafydd accepted that communication could be improved to provide more transparency on the progress of negotiations of applications and, with an often lengthy process, then inaction could be perceived to be the norm. However, due process has to be followed and planning is limited at times in what information can be made available in order that it does not prejudice any future enforcement cases. All decisions had to be made within the context of relevant legislation and planning guidance and having regard to all material planning considerations. Applications were subject to neighbour notification and advertisement and were also published on a weekly list. The

majority of decisions are delegated but some require to go to committee. All decisions have to be counter signed by a senior member of staff.

In order to improve communication and to make better progress on considering alleged breaches of condition, FCC agreed to make the effort to be clear about the top few priorities. In return, Dafydd agreed to be copied in on emails to Craig Wilson, Principal Enforcement Officer, so that a more strategic view could be taken on FCC/residents' priorities.

Karen thanked Dafydd Jones for taking so much time to explain the processes and in engaging with everyone at the meeting.

PLANNING /LICENSING MATTERS (only new information included):

Objections Lodged:

20/02232/FUL: Erection of two houses, 46m SW Drummondreach Steading, Alcaig (not brownfield).

21/04324/PIP: New House, 165m S of Foxlea House, Highfield Park (Hinterland, flooding, contamination). FRAT (Flood Risk Action Team) has objected. Drainage plans submitted (October).

22/03826/PNO: Erection of roof structure between agricultural buildings, Land 105M NE Of Northwood, Urquhart, Alcaig, Conon Bridge: THC has deemed 'NOT PERMITTED DEVELOPMENT' and full application required.

Comments lodged:

22/02928/PIP: Erection of a house, Land to West of Achnairn, Highfield Park, Conon Bridge. FRAT (Flood Risk Action Team) has objected. FCC supported residents' comments.

21/01624/FUL: Extension, garage, outbuilding, Willowbank, Brae of Kinkell. FCC supported residents' comments.

21/05575/PIP: House, 55m SE of 7 Raven Croft, Culbokie: FCC registered as consultee.

21/05576/PIP: House, east of Schoolcroft, Culbokie: As above.

21/05577/PIP: House, east of Schoolcroft, Culbokie: THC has agreed to consider as a group. Transport team has agreed with access through Raven Croft provided a culvert design is accepted. FRAT (Flood Risk Action Team) has objected. A planning gain has been applied to submit funds to support the Ferintosh Community Bus.

22/02840/PIP: Erection of 3no. houses, Muir of Allangrange, Muir Of Ord, IV6 7RB: Comment relating to Hinterland policy. THC Drainage and Traffic have both objected.

Alleged Breaches of Conditions:

20/01531/FUL: Plot 1, 45m SE of Mulbuie Hall: No 1.2m pathway. Iain received a reply and will circulate to FCC for consideration.

Logie Steading development is also required to develop a pedestrian path (Iain to enquire).

19/02467/FUL: 1 Fowlers Croft, Culbokie: 2m high fence when only 0.9m is permitted? 1.8m has been approved Planning Enforcement Charter Report lodged for alleged breach in the grounds of the former Church of Scotland site at Urquhart (22/00103/ENF).

New Applications:

22/04133/FUL: Retrospective App for Holiday Cabin, Ardmail House, Highfield Park, IV7 8AP: No comment.

22/03980/FUL: Extensions, former Urquhart Parish Church, Alcaig: See below.

22/03981/LBC (Listed Building Consent): Erection of extension to form Utility, Gym, Wellness, Office and Garage, Urquhart Church, Alcaig, Conon Bridge: Comment insisting on moving the current containers (Iain to circulate draft).

Other Planning Issues:

Tulloch's Glascairn development: Karen reported that a meeting is planned for a week on Friday.

ACTIVE PROJECTS: (Updates below on all FCC's linkages but only if new information).

Community Services: Request to THC for current weight restrictions on the roads received an acknowledgement but no detail yet (Bruce to chase).

Consultation on Active Travel Village: Karen/Emi: no draft minutes received from THC but Bruce raised the odd situation that THC seems to be controlling feedback to FCC so Karen will report back by next meeting. Bruce has received confirmation that the two individual property issues arising from this consultation are being dealt with directly with the property owners.

Culbokie Woods Core Path: Aileen has confirmed the substantial nature of the chicane and will send thanks to FLS for the installation. FCC agreed to support a request for new installations in Monadh Mor (Jim to script).

Community Link Project: Requested monthly update but no agreement as yet.

BICC: Nothing to report

Broadband: Bruce has received no further information. Another provider has flagged up the need of FCC to ensure that FCC provides equal and fair exposure of all broadband providers.

Ferintosh Volunteers: Nothing to report.

Noticeboard (the newsletter): Karen has sent our proposals and awaiting a reply.

Pothole Hunters: Bruce reported that Cllr Lyndsey Johnston did indeed set up a meeting for FCC with senior THC officers. Bruce and a resident met with Malcolm MacLeod and Tracey Urry to discuss a submitted FCC report with FCC's desire to continue the project. THC agreed that this was a project well worth supporting and have now organised a November meeting with Iain Moncrieff and his line manager to re-start this project.

Flooding: Bruce has received no feedback on the suggested Ward Business Meeting with Iain Moncrieff. Bruce and residents have requested that THC meets its guaranteed commitment to empty the sump in October. Should THC fail to meet its commitment (we received a 100% guarantee 6 months ago for this work to be done by October) then FCC would consider more serious action at the November meeting.

Ferintosh Community Bus (FCB): Community journeys are rising nicely whilst the preparation is ongoing for the charge point and booking app launch on Tuesday 18th October (12.30pm at the Culbokie Spar and 1.30pm at the Culbokie Church Café). The promotions group has met to begin a programme of publicity throughout the winter period.

Monthly data (single journey equivalents): Jul:36; Aug:45; Sep:52; Oct:56; Nov:54; Jan:34; Feb:38 (incl. 1 community journey); Mar:48 (incl. 2 community journeys); Apr:45 (incl.6 community journeys); May:39 (incl. 3 community journeys); June:43 (incl. 8 community journeys); July:48 (incl. 8 community journeys); August:42 (incl. 5 community journeys); September: 41 (incl. 27 community journeys).

Email list: Increase of 9 to 765 (over 43% (estimated as 758 residents) of voting residents). Support from resident at meeting to continue to build this especially to younger residents and Community Councillors are now considering their own contributions.

REPORTS (from public bodies and local organisations):

Police Scotland: Received a report with three incidents as follows: on A9 at Duncanston a driver was issued with a fixed penalty for speeding; at the Culbokie Inn, a vehicle was damaged whilst parked in the communal car park, enquiries are ongoing; on B9169 near A9 a driver was issued with a fixed penalty for no horn and not displaying front number plate.

CORRESPONDENCE and REQUESTS (please contact FCC on ferintoshcc30@gmail.com if you would like any further information on these items):

Organisations: **THC/NHS:** Fortnightly updates; **Newsletters** from CCT/HTSI/SCA/SRA/HSCN; **HTSI:** List of current Consultations; **THC:** Community Regeneration funding: nearly £6M available through THC funding streams (sent to contacts in the community); **Resident of Broom Kirkhill and Mearns Community Council** area (outskirts of Glasgow) interested in the FCB project; **CCT:** request to extend the gritting programme around the Culbokie Green; **CCT:** seeking help with dog fouling; **THC:** report available on the consultation 'Have your say Highland'; **Knockbain Community Council:** requesting information about the creation of the Culbokie village entrance signs; **THC:** Scottish Veteran's Fund

information; **Dingwall Medical Group**: update to community; **THC**: Cost of Living Fund in support of community food and activity provision; **Port of Cromarty Firth**: notice of upcoming meeting for community councils.

Residents: found FCC's bus timings (put up in the **bus shelters**) helpful; suggestions for different **timetable presentations**; seeking **clarification on the broadband** issue; two residents seeking **clarification of the planning** process; delighted with **CCT's response** to tidying up the Pump area; continuing concern about **the impact of high vehicle speeds** on U2654, Ord Muir Branch (Karen has contacted Muir of Ord CC to reinvigorate the effort to look at road signs); **several contributions** to the upcoming discussion with Dafydd Jones.

INTERACTION WITH RESIDENTS: Comment that it would be good to resurrect distribution of the printed version of Noticeboard to all households but developing the email list more important.

AOCB: Bruce made a proposal (seconded by Alison, all agreed) that FCC set itself up to be able to provide safeguarding for vulnerable residents by ensuring that volunteer drivers for the FCB have the appropriate checks. Becky Richmond has very generously offered to guide FCC through this process and provide administrative support. The proposal includes appointing Becky as an Associate Community Councillor with FCC.

Following a meeting of the Office Bearers, Karen suggested that all Community Councillors meet to discuss policies, allocation of tasks etc. and Wednesday 2 November has been set aside.

DATE OF NEXT MEETING: Wednesday 9 November, 7.15pm at Culbokie Primary School.

Contact details for comments; to join the email list; to receive minutes electronically:

Bruce Morrison, Secretary, 01349 877127; ferintoshcc30@gmail.com, <http://ferintoshcc.co.uk>; <http://fb.me/Ferintosh>