

KINGUSSIE AND VICINITY COMMUNITY COUNCIL

MINUTES OF MEETING HELD ON Tuesday 4th May 2010 at 7 p.m. in Talla Nan Ròs, Kingussie

Present: Community Councillors Davidson (Chair), Wade (Treasurer) Emmett (Secretary), Brown, Schofield, Stone, Taylor, MacRae. Highland Councillor Fallows.

Apologies: Cr. Wright (Vice Chair), Cr. Whyte, Sgt. Crawford

Absent: Cr. Macaulay.

Visitors: PC Jones (Northern Constabulary), Dr R Hewson.

The Chairman welcomed the visitors. Councillors also expressed their good wishes to Ms Wright for a speedy recovery following her recent accident.

1. Minutes of the Previous Meeting (6th April 2010)

The minutes of the previous meeting were accepted as a correct record.

Prop.: Cr Brown, Sec.: Cr Stone.

2. Matters Arising

The secretary reported a letter of thanks had been sent to Mr Small (NHS) for his presentation about St Vincent's Hospital at the April meeting.

Item 3(b) In reply to a question from Cr Brown, the secretary reported no progress on the matter of 20 mph speed limits.

Item 6(iii) The secretary reported a recent email from Highland Council indicating a contractor has been appointed to effect the repairs to the former Spar shop on Gynack St., and a start on the work was imminent. This was confirmed by Cr. Fallows.

Item 7. OCAWF: The secretary reported that Mr Mercer has confirmed he and Ms Derrick would continue to work with the Community Council to progress the priorities in the "Our Community A Way Forward" Project Action Plan. He also indicated that Highland Council intended their Youth Workers, rather than the Project Team, would lead on the priorities identified by the young people in last summer's survey. He had let it be known the Community Council would like to be kept in touch with this.

3. Police Matters (PC Jones)

PC Jones explained he was deputising for Sgt Crawford, who was on leave.

He agreed to follow-up the 20 mph speed limits with Sgt Crawford.

In response to comments from Councillors, he took note of reports of the rising incidence of motor vehicles with loud exhausts being driven around the streets of the town. He undertook to raise this matter with his colleagues.

In response to a question from Cr Schofield, he confirmed that Kingussie was generally quiet and orderly.

4. Planning Matters (Cr Schofield)

(a) **Planning application for 300 houses in Kingussie by Davall Developments.**

Councillors who had been present at the CNPA meeting on 30th April reported back. Even though the meeting took place on a Friday morning, it had been well attended by members of the public.

Outline planning permission for 300 houses was granted with conditions. The papers by the Park planning team recommending approval of the application were posted on the Internet one week before the meeting. Cr. Schofield was allotted only five minutes in which to make a presentation on behalf of the Community Council; it was presented fairly, clearly and objectively.

A number of issues, including new facts, affecting the proposed development had emerged in the Board's discussions. The issue of access through the Dunbarry Road complex is still of major concern, but was not resolved. The consultants for the developers agreed that even though they were applying to build 300 houses, 125 houses had already been built. However the Board members still gave permission for up to 300 dwellings to be built on the site.

Cr. Fallows' motion rejecting permission for the developments, supported by two other local Highland Councillors, was defeated in favour of an amendment giving permission for the development with conditions. The part of the application to include four houses near to Strathlynn, with access onto the Ardbroilach Road was however rejected.

The permission for up to 300 dwellings requires a new master plan together with further consultations. Cr Fallows warned that planners' recommendations are not always followed; they may be overturned at the next stage if another application is submitted.

Cr. Wade commented that in his opinion the meeting was a disgrace; some of the factual material provided by the developers' consultants was incorrect; the decision was made by Board members who are not local people and who do not represent the views of Kingussie. He asked what place the Highland Council had in the decision making. Cr Fallows said that since the National Park had called in the application, the Highland Council had no authority over the decision. Cr Wade commented that the Highland Council used to work on a density of ten houses per acre, but the proposed development is well in excess of this. Cr Fallows replied that the Scottish Government recommend much higher densities now, although the figures are more appropriate to urban and city developments and are inappropriate for rural settings.

Councillors expressed dismay that the Park planners had negotiated a planning gain package in advance of the committee hearing using the Aberdeenshire planning gain team. The public only learned of this in the papers presented to Board members for the meeting, yet no consultations have been undertaken with the Community Council or the Kingussie community in general.

Cr Macrae commented there must be a good demand for new houses, 300 houses have been built in Aviemore and they are all sold. Other councillors wondered how many of these are permanently occupied and how many are holiday homes. Cr Fallows confirmed that 40% of these houses are holiday homes.

The Highland Structure Plan 2001 set a target of 1750 house units for Badenoch and Strathspey in the period 1997-2017. It is not known if the 300 Aviemore units are included in this number.

The proposed development at An Camus Mor Rothiemurchus, adopted in the Local Plan, is for 1500 house units and that takes up most of the original target. In addition, permission has already been granted for 75 house units in Newtonmore.

Cr Schofield pointed out that the 1997 Badenoch & Strathspey Local Plan, on which the Davall Developments' application is based, gives the housing allocation for Kingussie, Lynchat and Insh as 234. The developers' agents admitted that 125 properties in this allocation have already been developed in Kingussie, and other developments have already taken place in Lynchat and Insh. This therefore, only leaves an allocation of 109 for Kingussie, Lynchat and Insh. Councillors agreed this raised issues as to why this information was not presented to the Board members and why they were advised to give permission for up to 300 house units. Cr Schofield agreed to draft a response to the Park planning team on behalf of the Council.

Councillors agreed with Cr. Fallows' comments that although 25% of the proposed 300 units are to be deemed "affordable housing", by inference this means 75% are "unaffordable" certainly for residents in the area. These houses are likely to be purchased by people moving into the area from more affluent parts of Scotland and England in order to retire here. While incomers are welcome, local people do need to be able to buy their own homes. An influx of older people will have implications for the infrastructure. Cr Taylor wondered where the new occupiers will work if 300 dwellings are built, there is unlikely to be a new major source of employment for them in the area.

Cr Emmett commented that the planning application for updating the sewage treatment works in Kingussie was not planned to accommodate another 300 units, but was based on a much smaller number of additional dwellings. In their response to this application last year, councillors had expressed some concerns, especially concerning potential flooding of the town by untreated sewage, problems of access to the site and bad odours from open settlement tanks likely to affect many dwellings in the town. The application was called in by the National Park, but no decision has yet been made.

In response to a question from Cr Schofield, Cr Fallows replied that imposition of Section 75 conditions in granting applications does cause problems for applicants needing to raise finance in order to build their dwellings.

Cr Brown commented that 28% of the local population is already now deemed elderly; she asked if the Park Planners had consulted the NHS, Highland Council Care Services and the Scottish Ambulance Service in negotiating the planning gain package. The details of the planning gain package are not known.

The discussion concluded with councillors confirming they while they are happy to support a proposal to build additional housing in Kingussie, they feel it would be wrong to support proposals to build an inappropriately sized and unsustainable development. Councillors were also extremely unhappy about the manner in which the proposals had been presented to the community, appearing as a "fait accompli" with no proper consultation about what Kingussie community wants or needs.

(b) Application to the NHS for a Pharmacy at 30 Main Street, Newtonmore.

In discussion councillors agreed that this is really a matter for Newtonmore. They felt that while it would have commercial implications for the Kingussie Pharmacy and administrative implications for the Kingussie Medical Practice, a pharmacy in Newtonmore was likely to benefit the community there and probably Laggan and Dalwhinnie too, by reducing travelling needs in order to purchase medications and collect prescriptions. Cr Schofield agreed to draft a response on behalf of the Council.

(c) Application for the building of a Croft House near to Kerrow.

This application has been called in by the National Park because it lies out with the area designated for residential development. The applicant is a local resident, who currently works the croft, which lies just beyond Kerrow. There is no dwelling on site for the crofter. The site already has access onto the A9. Councillors saw no reason to raise any objections and decided to support the application by the local resident, since it would benefit a local worker and maintain the croft. Cr. Schofield agreed to draft a response on behalf of the Council.

(d) Replacement of the Shepherd's Cottage at Allt Laraidh, off the A86 near to the border with Newtonmore. This application by Pitmain Estates is to demolish the current bungalow and replace it with a modern dwelling for their shepherd. Councillors saw no reason to object and decided to support this application, which would benefit a local worker. Cr. Schofield agreed to draft a response on behalf of the Council.

5. Community Council Review (papers circulated in advance of the meeting)

Background: All Highland Community Councils are asked to give their comments on revisions to the following documents: (a) Scheme for Establishment of Community Councils; (b) Constitution, (c) Model Standing Orders, (d) Code of Conduct for Community Councillors, (e) Financial Reporting Procedures, (f) nomination forms for people seeking election to a Community Council.

The Highland Council has asked for responses from Community Councils to a series of questions by 30th June 2010.

Issues requiring response:

(a) Currently there is no formula to determine membership size of Community Councils. The proposed formula takes into account population size and geographical coverage of Community Councils.

Kingussie Council is currently allowed 12 members. Based on the current population of 1394 electors, a geographical area of 178.3 sq.km., and a population density of 7.8, the new formula reduces this to **nine**.

Cr Fallows commented that Badenoch is fortunate in that electors are willing to put themselves forward for their Community Councils and they have strongly functioning Councils. Other areas have much more difficulty in recruitment, including Inverness and other towns.

Councillors considered whether nine was sufficient to afford good community representation and also to spread the workload on individual councillors.

In conclusion they agreed to support the new formula.

- (b) *The draft scheme highlights the important role Community councils have in ensuring equality of opportunity in their communities.*

Councillors considered that this was not a major issue in Kingussie.

Now that meetings are held in Talla Nan Ròs, since it is centrally placed in the town and has appropriate disabled access and facilities meetings are readily accessible to everyone wishing to attend. Meetings are held in public so that interested residents and would-be councillors can attend meetings to find out how they are conducted, and the range of issues considered. Copies of minutes of monthly meetings are published and are held in the library. At present there is a problem using the Community Council notice board in King Street, but its refurbishment is in hand. Councillors live locally, are known in the town, and either work locally or are active in local organisations. Councillors were less clear however, about the steps they should be expected to take to in promoting electors to stand. The Council is planning to establish good links with the High School in the hope it might encourage older students to join the Council.

- (c) *The draft scheme allows for co-opted, associate and ex-officio members of community councils in addition to general members.*

The new establishment will allow Councils to appoint "Associate Members" where there might be a need for individuals with particular skills and knowledge. This was agreed to be a positive feature, which might help the Council when particular issues are being considered or projects undertaken.

The opportunity to co-opt members, if the need arose between normal election times, was also welcomed.

- (d) *Increasing the occurrence of contested elections is one of the aims of the new Scheme Do you agree with proposed process and method of election (postal votes)?*

The new scheme will require routine elections to be held on a four-year cycle with all Councillors standing down at the same time. Election dates will be determined by the Highland Council.

The current scheme enables Councils to hold contested elections every two years, for one-third of the membership. It thus maintains some continuity of membership. The new scheme does not promote continuity. Although it is not explicitly stated, it might be assumed Councillors are able to seek re-election. No indication is given either of any long term maximum period of service.

Cr MacRae pointed out that the last time an election took place was in 2003, and by implication few of the current councillors' popularity had been tested publicly. Other councillors replied that by putting themselves forward they were willing to stand the test, but since 2003 the number of nominations has been lower than the number of vacancies and no election was required.

Cr Taylor expressed the wish that more people would stand and play a full part in community affairs. Kingussie can only benefit from good representation and active councillors.

The effect of postal voting on participation by electors in the election process was discussed. It was agreed it was unlikely to encourage more electors to actually stand for election, although it might encourage more electors to vote.

It was agreed to seek clarification about costs involved and who will bear the financial costs of the elections.

- (e) *It is proposed that the quorum for Community Councils is set at one-third or three, whichever is greater, of current Community Council membership. Do you agree with the proposal for quorum levels.*

It was generally agreed that the figure of three is too low, since major decisions could be taken by too few Councillors and their views might not be wholly representative of the whole Council. It was agreed to suggest a **quorum of five or 50%, whichever is the higher figure.**

Model Constitution

- (f) *A Code of Conduct is proposed for Community Councils as part of the scheme. Do you have any comments?*

It was agreed that the draft code is common sense, no problems with accepting it.

Other Issues

Scheme for Establishment – Resourcing Community Councils

Two paragraphs caused concern and generated much discussion:

Para 9.1. The scheme states that “**a certified financial report**” will be presented to the CC’s AGM and submitted to the Highland Council before the end of June each year.

Para 9.2. “**The financial report of each CC shall be independently examined and certified by at least two examiners**” appointed by the CC, and who are not members of that CC. A copy of the certified report shall be forwarded immediately after approval at the AGM to the appropriate Highland Council official.

Councillors considered the requirement that the annual financial statement be verified by at least two examiners was very heavy handed. It was agreed to seek clarification of the term “examiners” since this could be interpreted legally to mean someone qualified in accountancy, and also ask what should be the appropriate level of fee payable to each examiner – no guidance is currently provided. A suggestion was made that the number of examiners should be related to the size of the income and expenditure and the complexities of the Council’s financial affairs.

Cr Wade (KVCC Treasurer) commented that the annual statement is currently examined by one examiner and the fee paid for this amount is of the order of £50- £80. After the AGM he sends the statement to the Ward Manager. If two examiners are needed this automatically at least doubles the cost. The budgets managed by Kingussie Community Council are small, the current grant from the Highland Council to KVCC is less than £2000 p.a. and the Treasurer is not handling large sums of money from other sources.

The Secretary agreed to write the response to the consultation and submit it before the deadline of 30th June 2010 on behalf of KVCC.

6. **Highland Councillor's Matters** (Cr Fallows)

- (a) **The Court House.** Debate about the HC's Budget proposals has been delayed until late June due to the General Election, so the submission for the refurbishment of the Court House for inclusion in the Capital Budget is also delayed.

The delay also affects proposals for work on Kingussie High School.

Cr Fallows referred to the consultation document drawn up by the administration (not yet circulated to Community Councils) setting out a series of options for saving money. If implemented many of the proposals would seriously affect communities in Badenoch.

(b) Highland Folk Museum

Amongst proposals are disposal of the Highland Folk Museum and Am Fasgadh, closure of the Inverness Museum and Art Gallery and removal of support for other galleries and museums. It was agreed the Council should register an interest in the buildings and land at Am Fasgadh under the Land Reform Act as soon as possible. The secretary reported that a letter was sent to the Highland Council CEO some time ago registering an interest and this has been acknowledged by the Officer with responsibility for THC property. It was felt that formal registration under the Land Reform Act was also advisable.

(c) Care in the Community

Highland Councillors are also considering the case for building five new Care Homes, which would include a new home in Grantown. The alternative proposal is to recommend privatisation of all Care Homes. Cr. Fallows reported he has not yet seen the business case.

The following points were made in discussion:

Private care homes are run to different standards to those run by the Highland Council, although most do meet the standards set by the Care Commission. The Highland Council run homes set the highest standards.

Councillors asked questions as to whether the Highland Council has adequately considered the social case for local care home provision. Care homes will be required long into the future and they need to be sited close to where the care is needed.

If the Highland Council relies solely on privately run homes, then there could be serious consequences in the future if such private homes close and there is then a lack of adequate provision, especially in rural localities, as well as loss of expertise in running care homes. Private homes have to be run for profit and this is easier to achieve in more densely populated areas. Future provision might be sited many miles from rural communities resulting in long and difficult travelling times for families wishing to visit their relatives, and likely to result in disrupting family ties at times when they are most needed.

Cr Fallows commented he has not seen the business case for replacement of Grant House. Councillors were concerned about the impact and consequences for the Wade Centre. Cr Brown commented that there is no dementia unit in Badenoch and Strathspey, but one is urgently needed. No care homes specialise in dementia, the nearest one is in Inverness.

7. “Our Community – A Way Forward” Project

Registration of Am Fasgadh under the Land Reform Act. After discussion it was agreed to set up a working party to deal with this issue. Crs. Brown and Taylor agreed to take this on.

Cr Brown commented on the follow up to the Social Enterprise workshop she had attended along with Cr Emmett. She is booked to go on a further two-day course starting on 27th May, even though it is to be held in Lochinver!

8. AOCB

(i) **Invereshie and Inshriach National Nature Reserve:** The secretary reported that SNH and the Forestry Commission Scotland (FCS) are to hold a public consultation meeting about their new management proposals for the NNR in Kincaig Hall on Wed. 5th May. She has received the booklet setting out the plans. She undertook to attend and formulate a response on behalf of the Community Council.

(ii) The Chairman invited Dr Hewson to speak.

Dr Hewson spoke about an organisation called “Planning Aid” which helps individuals, groups and community organisations put in planning applications or respond to planning applications submitted by others. Planning Aid will act as mediators and give advice to individuals and groups on how to engage with developers. She had attended a workshop some months previously in Boat of Garten. Members of the community present at the CNPA determination meeting felt insufficient consultation had taken place so far.

Cr Fallows endorsed the approach used by Planning Aid. Cr Schofield agreed to look into the matter.

(iii) **Retirement of Cr MacRae**

Cr MacRae had earlier decided to retire from the Council with effect from this meeting. The Chairman thanked Cr MacRae on behalf of all the Councillors for his sterling service as a Community Councillor for many years. He has been unstinting in his commitment to the community and Kingussie has much to thank him for. All the councillors wished him well in his retirement.

The meeting closed at 2130 hrs.

Date of Next Meeting.

The next meeting will be the AGM held in Talla Nan Ròs on Tuesday 25th May, starting at 7.30 p.m. The AGM will be followed by the normal business meeting.