

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE  
held in the KILMELFORD VILLAGE HALL, KILMELFORD  
on THURSDAY, 17 MARCH 2011**

**Present:** Councillor Daniel Kelly (Chair)

Councillor Gordon Chalmers	Councillor Rory Colville
Councillor Neil Mackay	Councillor Donald MacMillan
Councillor Alister MacAlister	Councillor Roderick McCuish
Councillor Alex McNaughton	Councillor James McQueen
Councillor Al Reay	

**Attending:** Iain Jackson, Governance & Law  
David Love, Planning Manager  
Fiona Scott, Planning Officer  
Billy Reynolds, Architect for Applicant  
Mr Andrew Read, Applicant  
Ms A Young, Applicant  
Mrs Antionette Mitchell, Kilninver & Kilmelford Community Council  
John Heron, Roads Technician  
Mr Liversedge, Objector  
Mr Allan Loughray, Objector  
Mrs Jane Rentoul, Objector

**1. APOLOGIES FOR ABSENCE**

Councillor Robin Currie  
Councillor Vivien Dance  
Councillor Mary-Jean Devon  
Councillor David Kinniburgh  
Councillor Bruce Marshall

**2. DECLARATIONS OF INTEREST (IF ANY)**

There were no declarations of interest

**3. MR A READ AND MS A YOUNG: APPLICATION OF AGRICULTURAL BUILDING: LAND NORTH EAST OF KAMES FARMHOUSE, KILMELFORD (REF: 10/01410/PP)**

The Chairman welcomed everyone to the meeting and invited the Committee to introduce themselves to those present. Mr Iain Jackson, Governance & Law, outlined the procedures that would be followed during the hearing. He then established who would be addressing the meeting. in respect of the Planning Authority, Applicant, Consultees, Supporters and Objectors.

The Chairman agreed that Mr Liversedge, having submitted a late letter of objection, be allowed to address the meeting at the appropriate time.

## **Planning Authority**

Mrs Fiona Scott presented the application on behalf of the Head of Planning and Regulatory Services, advising the Committee that the application had been presented to the PPSL Committee on 15<sup>th</sup> February 2011 and was continued to a hearing due to the number of representations received in the context of a small community. She advised that the application is for an agricultural building sited within an area of countryside around settlement and that there is a justifiable locational need for the development. Area Roads Manager was consulted on the application and raised no concerns. Kilninver and Kilmelford Community Council were also consulted and raised issues which have been detailed and commented on in the main report. She concluded that this application is for suitable development which will support agricultural enterprise and the local economy and recommended that the application be granted, subject to the conditions and reasons appended to the planning report.

## **Applicant**

Mr Reynolds, Agent for the applicants, gave an overview of the application, advising that the building was in a key location of the farm, away from the steading; the traditional farm building would not be spoiled; studies have been carried out to ensure there will be no negative impact; and the building will be a modern building, softened to enhance visual impact from the road.

Ms Young, joint owner of Kames Farm, asked that the Committee support the application, adding that this is now her full time residence, having sold her previous farm. She advised that there is a new borehole for the water supply. Consideration was given to the siting of the shed to enable access to grazing and shelter for her Alpacas. Stock has to be kept indoors in inclement weather as the wool is harvested. Pregnant alpacas are to be kept in this new building, along with any who need special attention, i.e. young which need bottle fed two-hourly for their first two months, the separate building will avoid disturbance to other stock. A major issue is that males are also required to be kept apart. The building will assist with valid welfare and economic reasons and she asked the Committee to support the application.

## **Consultees**

Kilninver & Kilmelford community Council: Mrs Mitchell said she was speaking for Kames residents who had raised very real concerns over their water supply, adding that the report had not sufficiently covered all the concerns. The application form had not identified that water would be required, or whether the polytunnels were to be removed. They felt the Agent had not submitted a full application. Mr Reid and Ms Young had been invited to Community Council meetings to discuss their application but had declined to attend. Residents are happy with the farm shop, but have a genuine concern about the water supply which has dried up previously. She added that comments were not threatening in any way but residents felt that certain issues still have to be addressed.

Roads: Mr Heron had no comment at this stage.

## **Objectors**

Mr Christopher Liversedge, Objector, introduced himself as a retired architect. He raised concerns in regard to the borehole, asking how long it would take for the water level to recover in periods of drought. He asked whether an analysis of the soil had been taken as there may be soil migration from clay. He added that when the water level is lowered it has an effect on the land above therefore affecting other people's water supply. A reservation tank should be included to assist extraction during drought.

Mr Loughray, Objector, said he shared concerns with other residents that water had not been taken into account on the application. He objected because according to the application form no water was required for this building. He recognises that farms have to diversify and has no objection to this as it helps rural areas and tourism. He objected to the water supply issue as it will have a devastating effect on others, stating that to ensure sustainable development, the planning office have a duty to assess the cumulative impact on others. He added that Kames Farm has previously had a lack of water. This is drawn from the same catchment area and is a limited resource. The farm and development will have first call on available water therefore others will be adversely affected. Poly tunnels, farm shop, café and holiday cottages are an increased burden on resources. He raised concerns that residents have no further legal right to amend their current rights, and that the landowners could refuse to provide others with water. Mr Loughray said there has been no Hydro---- survey carried out and no proper assessment by Planning in advance of the application and he therefore requested that the Committee overturn the report and refuse the application, or, if Members are not minded to refuse, could defer their decision to allow findings of such a report to be made available.

Mrs Rentoul stated that the poly tunnels had been sited as temporary and asked whether a shed would hide the poly tunnels from the road. She queried how the stated hours of operation would fit with the animals, and added that there should be water provision included for animals.

## **Questions from Members**

Councillor McCuish asked about the amount of water to be used for the shed for husbandry and was advised by the applicant that the amount of water stated was only used when washing out the building or washing out the yard and was not a daily amount., it was the maximum amount which could be used occasionally.

Councillor McCuish asked if the water usage would be similar when the animals were moved to the new shed and was advised that there will be no additional usage of water as the poly tunnels will then be used for storage of machinery and straw.

Councillor McCuish asked whether all the current applications would be served from the borehole and was advised that water will be taken to the new building from a bowser.

Councillor Reay asked how long the borehole had been in use and was advised that tests prior to sampling have been sent to the laboratory.

Councillor Reay asked if figures stated were the maximum capacity of available water and was advised by the applicant that geologically the borehole is not the same source as the existing water supply. Ms Young said that they have spent money on drainage to remove spring water which is separate from the normal supply, 500m distant from the existing supply. There is access to other springs also, a sufficient supply for the development. Current usage is less than 300 litres per day from springs. Ms Young added that the animals drink less water in summer, as they are outside eating vegetation.

Councillor Reay asked if the Architect had detailed information on the water usage and was told he had not.

Councillor Colville asked the Planning Officer if a licence for extraction had been applied for and was advised that planning was not involved in this adding that Environmental Health had not been consulted on the application.

Councillor Colville asked about the polytunnels and was advised that they were used as a way to move stock to Kames from their previous farm and will now be used for dry forage and machinery, having been approved under permitted development.

Councillor Mackay asked the applicants whether they intend to increase their livestock and was advised that they have no plans to do so.

Councillor Mackay asked whether males and females would be separated within the shed and was advised that the later application would cover this.

Councillor Mackay asked the Planning Officer about their response to the Community Council and was told they had been advised that there was no supply required for this building therefore there had been no requirement for consultation. Fiona confirmed that there will be no direct connection to the water supply.

Councillor Mackay asked the Planning Officer whether Environmental Health would have concerns and was advised that this was an outline application which was assessed on the information given by the applicant.

Councillor MacMillan asked about the supply of water and whether there would be a shortage and was told by the applicant that Argyll Geothermal have identified a further 2 spring sources if problems are experienced with the boreholes. The applicant added that they have taken the water issue very seriously.

Councillor Macmillan asked the applicant if they were able to link to the main source of water and was told that this could be done, and they had a right to, but they don't use it.

Councillor McCuish asked how Kames Farm existed before and was told that there had previously been sheep and cattle on the farm with access to many streams, but access to this has been used by the fish farm and the streams all dry up in summer.

Councillor McCuish asked if the applicants could guarantee non-use of the main

supply and was told that they could not guarantee it.

Councillor MacAlister asked how high the boreholes were and was told that they were 19m above sea level. The depth of the boreholes were 23m and 51m which the applicant confirmed were below sea level.

Councillor Reay asked if any other farm steadings had used water from boreholes and the Planning Officer advised that she was unaware of any other boreholes.

Councillor Chalmers asked the applicant about the historical use of Kames Farm and was told there was evidence of both cattle and sheep on the farm, with the previous owner having 400 sheep. The applicant said there has been no record of water problems over the past 25 years.

Councillor McCuish asked the applicant whether the pump from the borehole would be used throughout the year. The applicant said it would be used constantly as this would keep the water purer.

Councillor Mackay asked if the residents on the peninsula had any indication of water problems over the years, Mrs Rentoul said they have had problems, and that the farm takes priority over other properties. She stated that the existing supply is inadequate and there have been problems since she moved to the area in 1967, adding that other connections to this system would be detrimental to the supply.

Councillor Mackay asked if the water had been almost rationed at times and was told that this was the case.

Councillor Mackay asked the applicant whether they had looked at the water supply prior to purchase and was told by the applicant that they have a signed affidavit from their Solicitor confirming that there were no previous water supply problems. Ms Young added that the alpacas are housed when there is most water and outside in the summer when there is less, adding that there had been a problem last summer and doesn't want to exacerbate this and wants to give security to those on the peninsula.

Councillor Reay asked if the applicants had experienced a drought since they bought the farm and was told that they had not.

Councillor Reay asked about staffing on Kames Farm and was told there were 3 full time jobs with a further 2 or more staff in the summer to cover the holiday season.

Chair asked if the applicants could supply water to the peninsula and was told no, the peninsula get water from the storage tank. The applicant added that only extreme conditions would result in no water, and that the farm had turned off their supply last year to allow the peninsula tank to fill up.

Councillor Colville asked about a wayleave to access a spring and was told by Mr Loughray that this would not guarantee a supply as there is no onus on the landowner to provide a supply.

Councillor Reay asked if the applicants intended to source their supply from the borehole and the applicants confirmed that their supply would be from this new supply, which would release more for the peninsula.

Councillor Reay asked if outlets could be isolated from the existing supply and was told that this could be done, and only the house would come from the existing spring.

Councillor Mackay asked the Planning Officer if she had concerns about water when considering the application for the shed and she said that the water supply was not part of this application.

Councillor McCuish asked about ownership of the land where the water supply is sourced from and was told by the applicant that the hill is owned by someone else and that they are in the same position as everyone else, having a wayleave to extract from the spring and having no control over the spring or the water supply.

Councillor McCuish asked whether the farm had control over the current supply and was told by Ms Young that they have no priority over the current tank – it feeds off to the peninsula then the farm buildings.

## **Summing Up**

### **Planning Authority**

Mrs Scott expressed to Members that their consideration should be confined to that of land use issues only. The area is suitable for development, the application will not detract from the area, and there are no other issues to warrant non-granting of the application.

### **Applicant**

Did not wish to add anything further

### **Consultees**

Mrs Mitchell said she found the information confusing and contradictory due to issues of water and she would only be satisfied if a proper report had been brought in or a representative from SEPA had attended.

Mr Heron had nothing further to add.

### **Objectors**

Mr Liversedge commented that the farm needs a water supply to the shed and that the bowser is still taking water from the supply.

Mr Loughray commented that he couldn't see why the water supply was not a material planning consideration.

Mrs Rentoul said she had nothing further to add.

As there were no further questions from Members the Chairman asked all parties whether they had received a fair hearing. All speakers agreed they had.

### **Debate**

Councillor Chalmers advised that, based on submissions from the applicant regarding historical use, he is happy to go along with the recommendation of the planning officer as no dedicated water supply was proposed and no additional demand was being placed on existing supply.

Councillor Mackay noted that water was not part of the application for the building, but livestock being housed in it need water

Councillor Colville advised that he is happy with the recommendation, subject to conditions

Councillor Reay advised that there may be impositions put in place later but saw no reason to refuse the application.

Councillor McCuish advised that he could see no reason not to grant

Councillor MacNaughton advised that the application has addressed future problems and there is no reason to refuse.

Councillor MacAlister advised that the application should be granted.

Councillor MacMillan advised that the application should be granted.

Councillor MacQueen advised that the application should be granted

### **Decision:**

It was unanimously agreed that this application be approved subject to the conditions and reasons as set out in the supplementary report by the Head of Planning and Regulatory Services dated 25<sup>th</sup> February 2011.

(Reference: Reports by Head of Planning and Regulatory Services dated 25<sup>th</sup> January and 25<sup>th</sup> February 2011, submitted)