

**COWAL LAND ISSUE TILHILL FORESTRY – EXTRACTION OF TIMBER AT
AUCHENLOCHAN – KCFC – FYNE HOMES - USE OF COUNCIL ACCESS ROAD**

1.0 EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to provide an update to the Bute and Cowal Area Committee members on ongoing discussions between the Council, Kilfinan Community Forest Company and Tilhill Forestry in relation to their use of a Council owned road for their forestry activities. This note also advises on the proposal for housing from Fyne Homes in regard to the Council owned site adjacent to Tighnabraich Primary School and which is accessed along the Council owned road which feeds onto the A8003.

RECOMMENDATIONS

- 1.2 It is recommended that the Area Committee consider and note the content of the report.

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2. INTRODUCTION

- 2.1 The purpose of this report is to provide an update to the Bute and Cowal Area Committee members on ongoing discussions between the Council, Kilfinan Community Forest Company and Tilhill Forestry in relation to their use of a Council owned road for their forestry activities. This note also advises on the proposal for housing from Fyne Homes in regard to the Council owned site adjacent to Tighnabruaich Primary School and which is accessed along the Council owned road which feeds onto the A8003.

3. RECOMMENDATIONS

- 3.1 It is recommended that the Area Committee consider and note the content of the report.

4. DETAIL

Tilhill

- 4.1 Tilhill is a forestry management, timber harvesting and marketing company who have been commissioned by a landowner at Auchenlochan to fell plantations and extract timber.
- 4.2 In order to facilitate the extraction of the timber from the site they currently utilise an existing forestry track off the Auchenlochan Back Road that feeds onto the U33. This is subject to a Timber Management Plan (TMP), attached at Appendix 1 hereof. As an alternative to that they previously requested rights to use a Council owned access road which feeds onto the A8003.
- 4.3 Discussions took place with Tilhill as agents of the landowner and an agreement in principle was reached with Tilhill, subject to recommendation by them to their client, in relation to the use of the Council owned access road on 18 September 2017 for a 20-year period (244280 tonnes) contingent on a proposed commercial position that Tilhill advised they wished to recommend to their client.

Benchmarking and advice on the commercial position was taken by the Council from the Forestry Commission in relation to this matter and it is

considered an acceptable market value for using the access route was set out at that time.

- 4.4 Subsequent to the agreed position that Tilhill stated they would recommend to their client, no further communication was received from Tillhill until 5 December 2017. There was further communication culminating on 19 January 2018 advising that their client had again changed their position and they were now not minded to consider any option involving payment in favour of the Council.
- 4.5 Tilhill's correspondence of 19 January provided no substantive detail in relation to any community benefit, although this was requested. Therefore the Council is not currently in a position to assess whether there are wider public benefits to be gained which would enable an agreement to be reached for less than the commercial rates originally set out and agreed with Tillhill. The current timber management plan (TMP) states that loaded vehicles should not leave the forest at an interval less than 1 hour and operators wishing to increase this frequency should consult with the A&BC Technical Officer for Bute and Cowal. *Inter alia* the TMP goes on to state that due consideration must be given to other road users. Where practicable, operations should be planned for periods when the School is not in use. Where this is not possible, vehicle movements should be restricted to periods when pedestrians and the like, are least likely to be using the road. e.g avoiding school opening and closing times and lunch time period.
- 4.6 It is noted that members received a petition from the Kilfinan Community Council (KCC) at their business day on 6 February last. The petition raises concerns in relation to the use of the U33 for logging extraction. The management and monitoring of the TMP is a matter for the Council's Roads and Amenity Services (R&A) who will monitor activities on site to ensure that they comply with the TMP. Furthermore, R&A will monitor the condition of the road network and may request that adjustments are made to the TMP should it be found that the road is deteriorating as a result of extraction activity.
- 4.7 It is understood that to enable Tillhill's client to progress with the alternative and economically cheaper option to utilise the U33, they will be required to submit 1: pre-planning notification to the Council planning team for improvement work required and 2: to formally notify R&A of their intention to use a minor road for a limited volume of timber haulage.

Kilfinan Community Forest Company (KCFC)

- 4.8 KCFC is charity set up in 2007 and manage ownership of 434 hectares of Acharossan Forest - purchased from the Forestry Commission Scotland in 2010 and 2015. They have created local employment, the development of recreational activities, the creation of educational resources for environmental activities. They have also obtained planning permission for a number of forest crofts.
- 4.9 Members have previously been briefed in relation to the servitude in regard to the Council owned access road which feeds onto the A8003.

- 4.10 Positive discussions have taken place with KCFC representatives and they are currently collating information in terms of their operation and potential community benefit in the delivery of their forest operations and the proposed forest crofts for the Council to consider. In seeking to scope out possible terms with KCFC, the Council is statutorily bound by the Disposal of Land Regulations 2010

Fyne Homes

- 4.11 Fyne Homes, made an enquiry to purchase a Council owned site adjacent to Tighnabruich Primary School, just north of the A8003. Access to the site is gained along the Council owned road which feeds into the A8003.
- 4.12 The site is currently a vacant and unmanaged field. The field has been allocated in the Council's Local Development Plan as a Housing Site with a capacity for up to 34 units – 25% of which should be affordable housing. It has been designated as a housing site for over a decade.
- 4.13 Fyne Homes have funding allocated to this financial year (2017/18) through their own board and also aligned to the Scottish Government and Council's Strategic Housing Implementation Plan (SHIP) to deliver 20 affordable units in the Tighnabruich / Kames area. There has been significant demand generated from the Portavadie hotel development in terms of workers and support staff.
- 4.14 Discussions with the Property Development and Estates Team (PDET) have resulted in the site adjacent to Tighnabruich Primary School being identified as a suitable site for housing development.
- 4.15 The Council site is surplus to operational requirements and is allocated for housing. While there has been no express marketing of the site, Fyne Homes are a community planning partner and under our normal marketing processes would be offered 'first refusal' on all surplus assets. To this extent, and in order to comply with the Disposal of Land by Local Authorities (Scotland) Regulations 2010, it must be demonstrated that the sale is best consideration that can reasonably be obtained. To do this, the Council has appointed Ryden LLP to review a valuation report commissioned by Fyne Homes (Morham and Brotchie RICS Valuation Surveyors Oban) and also produce their own valuation report.
- 4.16 The access track that runs immediately to the east of the Tighnabruich School Field (subjects of this sale) is the main point of access for KCFC. For the avoidance of doubt, the sale of land to Fyne Homes does not currently include this access track or the further area of grassed / tree lined land between the access track and burn to the east. The Council is expected to retain ownership of these areas. If planning is approved for the Fyne Homes development, around 50% of the access track to KCFC's boundary will be upgraded to an adoptable standard – significantly improving current access arrangement.

5. CONCLUSION

5.1 It is recommended that the Area Committee notes the content of the report.

6. IMPLICATIONS

6.1 The implications of the proposal are outlined in the table below.

| Table 6.1: Implications | |
|--------------------------------|--|
| Policy | The Considerations of the above interests are being considered in accordance with the Council's statutory duties and in terms of planning policy |
| Financial | The Council has various statutory duties it must discharge in considering all the above interest particularly in regard to the Disposal of Land Regulations 2010 |
| Legal | The Council has various statutory duties it must discharge in considering all the above interest particularly in regard to the Disposal of Land Regulations 2010 |
| HR | None |
| Equalities | None |
| Risk | None |
| Customer Service | None |

Douglas Hendry, Executive Director of Customer Services, 6 March 2018

Pippa Milne, Executive Director Development and Infrastructure, 6 March 2018

For further information contact:

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Appendix 1

Argyll Timber Transport Group.

Timber Traffic Management Plan: UC 33 Auchanlochan Back Rd, Tighnabruaich, Cowal.

Refer to Council webpage at www.argyll-bute.gov.uk/transport-and-streets/timber-transport as indicated.

Pre-conditions: The following schedule relates to the sensitive Council road, newly classified on the Agreed Routes Map as Severely Restricted. The UC33 Auchanlochan Back Road, Tighnabruaich from its junction with A8003 Agreed Route, adjacent to Tighnabruaich School is exceptionally narrow and runs adjacent to residential properties. There are no passing places and the verges are weak and the shortest journey to an agreed route dictates a northbound exit.

Lorry Configuration and Frequency. Although this road would normally be considered unsuitable for industrial use, due to the short distance of affected road to reach the agreed route, haulage by CTI equipped vehicles, with double wheel or Maxi tyres would be acceptable. Loaded vehicles should not leave the forest at an interval less than 1 hour. Operators wishing to increase this frequency should consult with the A&BC Technical Officer for Bute and Cowal listed in **contacts** on the webpage.

Public Consideration. Due to the proximity of the Tighnabruaich primary school, due consideration must be given to other road users. Where practicable, operations should be planned for periods when the School is not in use. Where this is not possible, vehicle movements should be restricted to periods when pedestrians and the like, are least likely to be using the road. e.g avoiding school opening and closing times and lunch time period.

Forest access and loading points. These should be agreed with the A&BC prior to any haulage being carried out and should meet standard requirements, detailed in **protocols and guidance** on the webpage

Seasonal/Weather condition restrictions. Haulage should ideally be carried out **May–September**, with due consideration given to school term times.

Driver Awareness and Speed Limit. Drivers involved with the haulage must be familiar with the nature of the road and should have read and be in possession of this management agreement, prior to operating on this route. The maximum speed on this haulage route (loaded or empty) will be **20 mph, reduced to 10mph in the proximity of the school**, until reaching A8003 main Road.

Monitoring. Road conditions are subject to **fortnightly inspections** by Council staff during the period of operations. Parallel inspections by the ATTG Project Officer will be carried out when practicable. Any deterioration of the road surface observed by interested parties (hauliers, land owner, agents etc) should be notified to the local Council Roads Operations office as soon as practicable. Haulage should be suspended immediately if

there is any doubt that significant damage is evident or likely to occur and only resumed after consultation with A&BC Technical Officer-B&C.

The purpose of this local agreement is specifically to ensure that reasonable access is maintained for the forestry owner, and their neighbours, but in a sustainable fashion, in accordance with regional and national forest strategy.

Prepared by ATTG / Council.

Date: 9TH December 2013

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Name A&BC : Callum Robertson, Roads Performance Manager