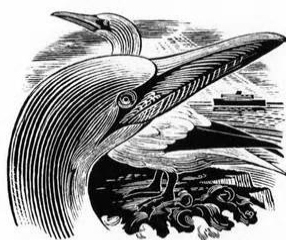


Ness Community Council



MINUTES 22.02.2016

Present: Katie M MacKenzie (Chair), Peter Inger (Vice Chair), Fiona O'Connor (Treasurer), Mary M MacLeod, Jean Hackett.

In Attendance: Cllr J MacKay, Cllr J N MacLeod, Cllr A MacLennan, Mr D MacLeod (Clerk), Representatives from GAIN.

Welcome: The Chair welcomed everyone to the meeting.

Apologies: Cllr K MacLeod.

Minutes of Previous Meeting: The Minutes of the previous meeting were approved.

Proposed by: Peter Inger

Seconded By: Mary M MacLeod

Matters Arising:

1. **Bank Account:** The new mandate has been filled in and returned to the bank.
2. **Play Area Ward Survey:** There have been no further meeting or developments regarding the play areas, it was suggested to write to HHP to clarify ownership of the play areas in the Ness Ward.
3. **Cycle Route:** The official launch of the Hebridean Way cycle route will be held in March, from Barra to the Butt. Still awaiting costings for the Ness to Tolsta route.
4. **Health and Social Care:** The consultation meeting held in Ness Hall and presented by Ron Cully, was very poorly attended, also the format of the meeting was not good and requires a rethink, it was also thought that the catchment area which Ness falls into, was too large and unworkable (more local knowledge and input is required). The final care package has yet to be finalised. Cllr MacKay suggested a letter to Ron Cully at the Health Board.
It was suggested that a Care Home or Care Facility should be situated in the Ness area, considering the number of Ness residents residing in care homes outside their own community, with some being sent as far away as Harris, this was felt to be unacceptable. The old LINUX building in Dell was suggested as being ideal for this purpose.
5. **Rabbits:** A further meeting with the townships is to be held, with the hope that a cull can be agreed and organised at some point in the not too distant future.
6. **NHS/CNES Integration Board Consultation:** See item 4 above.

7. Lionel School: Cllr's stated that the shared headship had been confirmed as permanent and that the Parent Council was happy with this arrangement, however concerns were raised by the Community Council regarding the amount of stress and pressure this may put on the Headteacher.
Concerns were also raised regarding the two turbines situated beside the school ie their close proximity to the school and the consequences of the blades being blown off during high winds/storms. It was suggested that the Parent Council should raise this issue.
8. Planning Applications: A meeting was held with Isla MacArthur CNES on 11.02.2016, regarding planning, this was a very positive meeting, where a number of concerns were raised, please see the attached for a list of queries and the response received from Isla.
9. Roads: Work is due to start shortly on resurfacing and repairing roads in the area.
10. Gritting Policy: It was felt that the gritting policy was working well.
11. Ness Sign: carried over to next meeting.
12. Facebook: The Facebook page seems to be going well and has generated quite a few responses. However we have been advised that it should be a closed page.
13. Suggestion Boxes: These will be collated and sent to Councillors
14. Bus Shelter: Sorted.
15. PON Harbour: Work is ongoing on the harbour area.
16. School Transport to LCC: Sorted (David Smart)
17. SERCO Open Day: Peter attended, nothing that we did not already know, very poor turnout.
18. Light Clinic Road: Casting shadow on road, making it difficult to see the verge as it blends in with the dark tarmac surface.

Police Matters:

There was no police presence at the meeting and no issues were raised.

Correspondance:

Nil

A.O.C.B

- There is a defibrillator situated in Lionel School, this was donated by the Lucky 2B Here organisation, these machines cost between £1000 and £1500 each. It was felt that the machine should be placed outside the school in a cabinet attached to a wall, as access during the evening could be difficult. It was suggested that the Community Council and Councillors should write to the Urras requesting funding through the Community Investment Fund so that other machines could be placed strategically throughout the community.
- Sand Extraction, it was suggested that the community Council write to the URRAS to establish. How it is carried out? Who carries it out? And is it Monitored?

D.O.N.M

Monday 18.04.2016 @ 7.30pm

Attachments to Minutes 22.02.2016

As requested, below are some responses to the queries you raised at the meeting. If I have missed any points or you have any further queries please do not hesitate to get in contact.

1. Revised Wind Energy Supplementary Guidance

I have attached a copy of the revised Wind Energy Supplementary Guidance Consultation Version for your information. The consultation on this document has now closed and we are aiming to adopt a final version by the summer.

2. Minerals – Europie Sand Extraction

I have attached a copy of the conditions attached to the Europie Sand Extraction application in 2015, as discussed.

3. Planning Application Queries: Notifications and Consultation

I have passed on your queries regarding planning application notification and consultation procedures to my Development Management colleagues and I will get back to you with a response as soon as I can.

4. Containers

I have spoken to our Enforcement Officer Iain Macleod, and he advises me that most containers require planning consent and it is likely that the ones you are concerned about do not have permission. If you have any specific sites you would like to query, or make a formal complaint about, please contact [us](#). A copy of our Enforcement Charter can be accessed [here](#).

5. Queries re: Proposed Cuts to Comhairle Service

The public consultation on Comhairle Budget Choices closed on 29th January. You can view the documents and get further information on the proposed schedule [here](#).

6. Heb Way

I have spoken to Peter Coldwell, our Environment Officer, who is involved in the Heb Way project regarding your query on the progress of the footpath section from Ness to Tolsta. He advises that they have completed a feasibility study of the Ness to Tolsta section and will be looking to progress this after the launch of the Heb Way this year (which currently stops at Lews Castle) and the establishment of a Countryside Trust. He says if you have any further queries to contact him directly at the Balivanich office 01870 602 425.

7. Planning Service Stakeholder's Newsletter

I have added you to the Planning Service Stakeholder's newsletter contact database so you should receive these in the future.

8. Planning Service Charter

For further information on the Comhairle Planning Service, what we do and what you can expect from us, this is a link to our [Planning Service Charter](#). And this is a link to our [contact details](#).

Please let me know if you have any further queries and I will get back in touch once I have a response for point 3.

Cheerio for now

Isla

Subject: Development Management Regulations (Regulations that relate to the planning application process)

The Regulations relating to the administration and processing of planning applications are set nationally by the Scottish Government. Every Planning Authority is subject to the same regulations regardless of whether their area is rural or urban.

The Planning system is a combination of Law and policy and requires an interpretation of both. Each of the questions has been addressed in turn and if not explained sufficiently, can be addressed further in writing or verbally.

Notice published in a Newspaper

Planning regulations require that a notice be published in a local newspaper in certain circumstances (I will avoid listing these circumstances for brevity but the typical one is where the site adjoins neighbouring land on which there is no building with a postal address to which the notice can be sent). The published notice must provide a description of the location and nature of the proposed development and information on how representations may be made to the planning authority. Public notices must also include a date by which representations **should be made** to the planning authority. This date or period must be not less than 14 days after the date on which the notice was published. The advert appeared in the edition of 3/9/15 and the minimum 14 days was available as per the regulations.

Neighbour notifications invite comments to be submitted within 21 days of the date of issue. The planning application cannot be determined before the expiry of the 21 days of the neighbour notification period or within 14 days of the publication date, whichever is the later.

The wording per the Regulations is that representations should be made by a particular date, but it is common practice for Comhairle nan Eilean Siar to accept representations up to the date on which the application is determined.

All applications for Lewis, Harris and the Uists are published together in the Stornoway Gazette as that is the paper that has the widest circulation in the area of the Authority. It is not practical or cost efficient to place statutory adverts, the costs of which are payable by the applicant in a range of different papers. The current arrangement allows the advertisement costs to be shared fairly amongst all applicants. To augment the publication of notices in the press, Comhairle nan Eilean Siar has hosted [Planning Applications on-line](#) since 2009. There is a facility within the on-line system which allows any person to register and set up an automatic e-mail alert for any application that is registered in their area. This may be something which members of the Community Council or Fios would wish to do in order that applications within the Ness Community Council area are alerted to them upon registration.

Habost Turbine

The Habost turbine application site did not trigger a requirement for neighbour notification to any registered postal address since the distance to the boundary of the houses exceeded

the distance set down in planning regulations. The application was therefore advertised in public notices section of the Stornoway Gazette on 3 September 2015.

Notice of applications to the Community Council

[Planning Applications on-line](#) includes an applications list facility and many planning authorities no longer produce a 'paper' list for circulation. However we have maintained the practice of generating a list and circulating it by e-mail to augment that which is available on-line. The 'paper' list is generated by interrogation of the database on which applications are registered. On investigation we have found that for technical reasons the list template has not picked up these applications (which have a PPW suffix). This has now been fixed and we are grateful for your drawing the matter to our attention. We acknowledge that the omission from the 'paper' list is a failing on the part of the Planning Service in relation to these applications.

Restrictive nature of Neighbour notification Regulation

The Regulations and definition of neighbouring land has been set nationally. Up until 2009 the requirement to notify neighbours fell to the applicant. That worked well in rural authorities since applicants gave notices to people they considered to be their neighbours and then identified the landowners or properties they had notified on a plan which was checked by the planning service at registration. In 2009 the responsibility to send out neighbour notifications was changed over to Planning Authorities. The Regulations define both neighbouring land and the notification process. The Planning Service of the Comhairle recognise the limitations set by the definition and while representations as to their limitations in rural areas have been made to Government, the regulations and definition remain as set. This is a concern of which the Government have been made aware.

Environmental Impact Assessment (EIA)

The Scottish Government has produced a [User's Guide to the Environmental Impact Assessment \(Scotland\) Regulations 2011](#) which includes an explanation of EIA. EIA emanates from European Regulations and is essentially a series of different stages in a process to ensure the environmental effects of certain types of development are considered in a systematic way before a planning permission is granted. These types of development include turbines which exceed a certain height or are sited within a 'sensitive area'. The definition of a 'Sensitive area' includes International conservation sites (Natura, SAC, SPA), SSSI, National Park, NSA, World Heritage Site, Scheduled monument and land subject to Nature Conservation Order.

Briefly the initial assessment (an EIA Screening Opinion) requires that the planning authority look at the character of the development in conjunction with the location of the development and carry out an assessment of the characteristics of the environmental impact and thereafter conclude on the likelihood of significance of the environmental effect.

For a turbine the criteria for character might include the turbine's scale, height, design, colour, the noise it emits, the natural resource it uses and the waste if any it generates.

For location criteria might include the landscape or other natural heritage designations, landscape character, the use of the land, the abundance of that land, the density of the population and proximity to sites of historical, cultural and archaeological significance. You would then identify potential impacts and look at their extent, magnitude, complexity, probability, duration, frequency and reversibility.

On completion of the Assessment an opinion will be issued as to whether or not an Environmental Impact Assessment would be required.

It would be unusual to require an Environmental Impact Assessment for a single turbine development of the scale of that at Habost.

Reasons for Refusal

While a turbine may be assessed as to not require an EIA, it has still to be assessed through the planning application process. That is a separate process and is carried out by assessing the application against the Comhairle's Development Plan policies as set out in the [Outer Hebrides Local Development Plan](#) and then considering other material issues including those raised in representation.

It is therefore the case that an application may not require an Environmental Impact Assessment but following a planning assessment could be found to be contrary to the Development Plan policy and be refused on Planning grounds. Planning reasons to refuse could include: adverse impact on the setting of a Listed Building or scheduled monument; adverse noise impact on a noise sensitive property (e.g. a house, hospital or residential home); adverse landscape or visual impact amongst others.

I trust the foregoing explanation is of assistance. If clarification is required on any of the above, please contact Morag Ferguson, Planning manager for Development Management. Alternatively, a member of the Development Management team would be happy to attend a future meeting of the Community Council to explain or answer further questions.

Conditions relating to Traigh Shandaidh, Eorpie sand extraction site (Ref - 15/00235/MIN).

Condition 1 - Hours of operation shall be restricted to 08.00 - 19.00 Monday to Friday, 08.00 - 13.00 on Saturdays and no working on Sundays.

Reason - To protect the amenity at noise sensitive premises.

Condition 2 - Throughout the lifetime of the development no storage of materials or other items including oil shall take place in the open on the site unless otherwise agreed in writing with the Comhairle as planning authority.

Reason - In the interests of visual amenity and in order to prevent potential pollution of the environment.

Condition 3 - This planning permission shall expire on 31st July 2025. On or before the expiry of this permission, the consented activity shall cease unless a renewal of planning permission has previously been granted.

Reason - In order to define the permission and avoid doubt

Condition 4 - Throughout the lifetime of the development to which this planning permission relates the number of loads leaving the site shall be restricted to six in any one day.

Reason - In the interests of amenity and public safety.