

HOLY LOCH MARINA - PLANNING APPLICATION 15/02969/PP

**PUBLIC MEETING TUESDAY 22ND DECEMBER 2015
at SANDBANK VILLAGE HALL 7pm**

Attendees:

Sue McKillop, Convener, Sandbank Community Council (SCC)
Peter Galliard, Chair, Sandbank Community Development Trust (SCDT)
Mike Lewis, SCDT
Dave Petro, SCDT
Louise Perrett, SCDT
John Maskell, SCDT
Iain MacNaughton, SCC
Tom McKillop SCC
Matt Downs, Seavision (Scotland) Ltd
Stuart Downs, Holy Loch Marina
Alison Newlands, Holy Loch Marina

Apologies:

Colin McNab, SCDT
Hazel Burke
Norma Murray
Jim Murray

A reporter from the Dunoon Observer also attended the meeting.

1. Introduction from Sue McKillop members of the board, points of order, purpose of meeting to discuss current application for part retrospective planning application in relation to existing plans.

2. Background to the current planning application Peter Galliard

3. Specific issues for this application - the height of the infill, drainage issues for the site residents, compliance with the previous approved plan 06/00589/DET, the retrospective part of the application

4 Matt Downs explained the purpose of the current application. He thought everyone to be familiar with the plans, the infill was complete and he had planted and landscaped from the 1st shed to Robertson's Yard, at Miller Cottage where he had planted trees and shrubs from the 2013 plans - all the above being completed. The basis of the work over 2 years by a landscape designer which had been passed by planning. The 'contentious 6.2m level was already approved and accepted'. The other end of the site to Robertson's Yard highest level from 2006/7 was 5.7m. Top level of 6.2 was for global warming and higher tides to combat overtopping - taking into consideration tide, waves and wind. The level of the promenade could be overtopped. Infill fell from 5.2 down to the cottages and the main road. The sea would inundate works and landscaping, flood the main road, Clyde and Millar cottages. There is already drainage and rain floods the lower edge along to Robertson's Yard. The 'strike line' in the centre apex and down 1m is additional. As already approved on the other side it was continued to Robertson's Yard side therefore the application was retrospective.

There was no mention of the additional land grab, causeway and infill at the head of the loch - noted as road to jetty on the planning application.

Questions were taken by the Marina and Port Operators: Question Q, Response R

George Neilson Q Global warming being 1m above recommendation of 3.8m 1 in 200 why 5.2m to 6.2m?

Matt Downs R 2005 planning application was +4m the level of the concrete pier and hard standing. He had a memo 10 Feb 2006 from Iain Gilfinan that this was not adequate, SEPA report given to A&BC in answer still water increase upto 3.96m 0.58m change, wave 0.66m = 5.2m above ordnance datum. Complying to instruction plus wind & wave height. The drawings were done in 2004 and through the 12 to 14 months to build up through planners and engineers. It was already approved and redrawn for this level. Explained he was a Civil Engineer and engineering institute advise to increase the height. It is costly in construction for the increased material required. The minimum required floor level for property was 150mm above that level.

Ann Graham Q Why there was no-one from A&B Planning

Iain MacNaughton R that it was dealt with by Helensburgh, planners cannot prejudice plans, gave technical information.

Ann Graham R Granting in retrospect seemed ridiculous

Peter Colimun Q From what base the heights and levels were taken

Matt Downs R Level from Ordnance Survey Newlyn

Liz Neilson Q Was level 1.65m before Matt started 3.6m as understood 5.2 was same height of road (road is 4.6m - 5.2m)

Matt Downs R Yes on site, levels as above. Ordnance Datum eg concrete is at +4m above datum.

Sandra Wilson Q How can behind Clyde Cottages be finished as there was to be walls and gates. Who provides funding as applied twice and been refused?

Matt Downs R From earnings and own funds, had earlier grants.

Sandra Wilson R Highlands & Islands Enterprise funding was to finish then move on to next section.

Chris Talbot Asked that we keep to the Application discussion.

Sally Taylor Q How high the sea wall would have to be to protect the infill

Matt Downs R 5.2m reiterating SEPA's requirement for 5.2m

Sally Taylor Stated 6.2m as there was no point if it was not protected.

Matt Downs R Leave at 5.2 for overtopping to stop ingress inland, overtop would flood the whole site - the road flooded anyway.

Tom McKillop R Shed to Miller Cottage is 5.2m at present

Matt Downs R End of Miller Cottage rises to 6.2m to access the road.

Tom McKillop Q If it was going to be any higher.

Matt Downs R No higher as it is already at the 6.2m level. This is retrospective already passed 5.3m

Anne Simpson stated behind row of houses to 6.2m. If it rises to 6.2m it will increase flooding levels 5.2m

Matt Downs R No. Rises 6.2m to 'crest' down to 5.2m flat decrease to rear wall.

Anne Simpson Q Where 6.2m will be.

Matt Downs R Centre of site at roundabout/where her fruit tree was at Miller cottage was rising to roundabout.

Liz Neilson Q Why higher than by wall?

Matt Downs explained there was road widening along the sea wall with a pavement and a lay-by, acceleration and deceleration lanes and drainage to be put in.

Liz Neilson R Told it was for run off.

Matt Downs R Don't wish to raise the land. If you believe in global warming +4m

is not acceptable.

Alison Newlands stated they had created 69 jobs (at which the audience gasped)

Graeme Murray Stated the level of the road and the properties approx 5m if 6.2 and levels rise over the ridge the sea will just flow round whether SEPA levels or not, therefore no protection. It only protects the property you are building.

Matt Downs R Need infrastructure for Marina and Port

Sandra Willson Stated it obliterates all views and there was no consideration for the village.

Matt Downs R That is not correct, he did not want the level. Whether it is unfinished is irrelevant.

Ruth Bevers stated that the Walkway, bar and hotel was scheduled for completion 2012. Now 2016 and in the same situation.

Alison Newlands R We have had a recession that is why it has not been developed.

Ruth Bevers Lost view over water.

Alison Newlands R Recession has caused little uptake in berths 'boats are a luxury', people aren't taking up gym memberships

Ruth Bevers Stated that people locally had taken ill due to the land fill dust and heaps of rubbish, with depression and respiratory problems as well as more serious ailments.

Alison Newlands R Dredging was done along with uptake of berths.

Ruth Bevers Illness was caused by the infill

Alison Downs R They created jobs

Peter Galliard Q Asked if there were planning documents to substantiate the height claims. Was the last plan for 5.2m in 2007? What has changed? Where are the 6.2m levels

Matt Downs R Behind the cottages and 5.2m show 6.2m, 5.2-6.2m Miller Cottage to roundabout approved plan. Landscaping was 2½ years ago.

Peter Colimun Q Asked Matt if he would like to buy his house.

Matt Downs R No

The marina representatives were thanked and left the meeting

5. Peter Galliard moved on to the General issues - effect on local residents, drainage, lack of amenity, noise and dust. Changes from the approved planning permission. Performance of Argyll and Bute Planning Department. Monitoring of infill by SEPA.

Stated Flood damage report required.

6.2 m plans do not appear to be in the public domain

Anne Simpson - There is no sighted document approved at 6.2m but were told this was approved by Matt Downs.

Peter Galliard said this would be checked with A&BC planners

Anne Simpson - Matt said he had approval

Sue McKillop - 'not passed'

Peter Galliard - Levels are on the application , will remove only if made to

Tom McKillop - The roundabout is at the Marina entrance 50 to 60 yards beyond

the last cottage.

Anne Simpson - Need to establish if he has already got approval for 6.2m

Peter Galliard - 5m on plan that is a minimum. Will ask planners if approved 6.2m. Matt said he had approval 2½ years ago.

Issues with drainage. Official confirmation 16 Dec 2015 as per consultee response from Flood risk, drainage officer, 3 points had to be satisfied from the observations on planning application Formal Flood risk assessment not required 21 Dec 2015 on line:

- 1 SEPA -fluvial, coastal pluvial
- 2 Surface water drainage proposals
- 3 SUDS design and implementation

Margaret Reilly-Wood - There should have been drainage.

Iain McNaughton - Global warming is taken into consideration with increase in sea levels over past 5years. Howard Young, Area Team Leader, Development Control, A&BC stated it was the applicant's consideration.

Peter Galliard - original advice was 5.2m

Alan McIntosh - there are a lot of places lower, it will not protect others. There has not been flooding to date.

Peter Galliard - The water is draining back off the infill onto the road

Anne Simpson - There is significant drainage needed, SEPA, SCC and Flood risk assessor need to discuss

George Neilson - Viewed marina is hooking into the public drainage system, without septic tanks, etc therefore not needing to lay drains or raise wall.

Anne Simpson - showed a photo of the existing culvert blocked and full of rubbish subject to overflow.

Graeme Murray - confirmed raised height solely for developments own buildings. Questioned the quality of the work so far. Debated 15 years ago . The community were supportive of the marina but not supportive now. Questioned if any way this can go to Government level for review as not delivering. (all in agreement)

Anne Simpson - Breaches of compliance have to be noted.

Sandra Wilson - No part has been completed therefore it is unfair for planning to say go ahead. Will ask if applied for more funding.

Peter Galliard - SEPA has given them a waste management licence exemption as seepage is 'not going to sea' this has to be checked.

Anne Simpson - asked if samples had been taken by SEPA

Peter Galliard - said they are checked annually.

Alan McIntosh - said Shanks are checked once a month.

Peter Galliard - stated that the marina should be paying landfill tax from 1st April

Sally Taylor - Asked if there was a form to say how much infill there was to check figures (Peter will do this)

Tom McKillop - Stated to dredge foreshore would produce 150,000 cubic metres sludge, Dredging two berths for vessels of 5,000 tons would produce a further 75,000 cubic metres and questioned where it would be deposited.

Sandra Wilson - if there is a Port built the nearest Custom & Excise is Inverness (not Glasgow).

Louise Perrett - asked who owns the foreshore

Iain McNaughton - stated that the hearing should be in Kilmory in February, then there would be a pre-determination hearing probably in this area.

Louise Perrett - infill already beyond original plan and encroached on foreshore at Benmore Centre - sail base - at head of loch and diverted the flow of the river.

Graeme Adams, Benmore Centre - had challenged the previous plans and was told by A&BCouncil this was 'edging'.

Iain McNaughton - Crown Estate land would have to give agreement for reclamation

Graeme Adams - was sure they could not buy the foreshore in front of the sail base without involving Edinburgh Council.

Alan McIntosh - enquired who checks the rock armour as there has been erosion into the sea and is ongoing.

Peter Galliard - question the conduct of the planning department

Anne Simpson - the permission was granted on the grounds he is running a business, how he bought and owned it is irrelevant, the A&B Councillors approved it through the so-called democratic process.

George Neilson - On land, he (Matt Downs) is responsible for the infill if it has to be removed.

Sandra Wilson - the infill has affected the Holy Loch nature reserve and wildlife at the top of the loch.

Alan McIntosh - asked if there was a liner in the infill
In answer to which all who have watched the development were sure there was not

Actions

1. Report to the Planning committee
2. Check back plans of planning authorisation records from 2½ years ago
3. Check with SEPA level of dumping and monitoring

Stated the option of Community Buy Out of Marina had not seemed viable with timber pier/port at either end.

4. Take it to MSP Mike Russell or higher level. Possibly take it to the ombudsman

Celia Colquhoun - Stage 1 not completed as Dick Walsh had promised in 2006 yet no lapse in planning permission.

George Neilson - Should be classed as 'bad neighbour'

Sandra Wilson - prove finances in place to complete

Liz Neilson - Ask for obligation bond in place to complete, and constraints on failings

Graeme Murray - decision taken by councillors on reports by planning officers that should be questioned therefore all involved (both A&BC planners and councillors)

Question if there is a national association of community councils that may retain a lawyer for legal advice.

John Maskell - NB The impact of personal objections to A&BC - on the website or letter stating objections to the Planning office at Milton House, Milton Road, Dunoon.

Question the jobs - no new jobs the community are aware of that would not have been there anyway. Plus the fact that businesses around are losing revenue, houses and units are lying empty due to the state of the place.

Sally Taylor - Planning Aid for Scotland, Edinburgh may be able to help.
Run-off from the hill used to discharge under the road with huge force 20m out to shore/sea - where now?

Dave Petro - What effect the change of infill will have on the Holy Loch Nature Reserve and the head of the loch - ask Scottish Natural Heritage.

Sandra Wilson - Mess from the lorries should be cleaned

Sam Ross - thought it responsibility of lorry company

Tom McKillop - said it was the timber handling company's responsibility to brush lorries and wheel wash.

Tom McKillop - On movement of logs it would take 66 fully laden trucks a day to supply the cargoes for two ships with 4000 tons stored on the pier for two 5,000 ton ships the storage would be 1,000 square meters per berth on pier with 200ton cranes running 7am to 7pm there would be 12 lorries loaded and 12 unladen per hour passing through the village.

There is enough timber for 35 to 40 years with continuous planting an never ending supply.

Actions contd.

5. Ask A&BC if approved 6.2m and further land reclamation

6. Ask for paperwork for landfill and check figures

7. Ask SNH effects of change of water flow and landfill at top of loch

8. Check land registry, Crown Estates, Clyde Port Authority ownership of seabed and foreshore

9. Question the jobs created

A vote was taken for objecting to the planning application 44 were in favour of rejecting the plan

1 person, with a declared interest as partner of a director, was against objecting to the planning application

From a total of 45 attendees.

Meeting Close 8.30pm - all were thanked for attending.