

BLAIRMORE VILLAGE TRUST
MINUTES OF THE BOARD MEETING
Held on Saturday 17 January 2015

PRESENT: Agnes Harvey (Chair); Pat Lynn (Secretary), Lorraine Whitton, Carolyn Stewart, Catherine Rae, David McKenzie, Bill McKinnon. Jenny Waine was also present at this meeting.

APOLOGY: Johnny Allan.

1. **MINUTES:** The Minutes of the meeting held on 1st October 2014, which had been circulated, were confirmed as a correct record and signed by Agnes.

Matters Arising: (from Minutes of 13th August 2014)

Planning Applications:

a) Duncreggan House – The National Park has granted Planning Permission. We need to write to the owners requesting detailed information with regards to any alterations they may wish to make to White’s Brae to address the issue of BVT consent. **ACTION:** Agnes.

b) The Old Post Office: - The National Park has agreed that the temporary change of use from retail to domestic be made permanent. BVT had opposed this application and are disappointed at this decision.

(from Minutes of 1st October 2014)

Acquisition of additional land – The board had agreed that BVT should seek funding to purchase this additional plot of land and it was agreed that in the interim we would lease the land at an agreed price – the lease was currently being drawn up by our solicitor.

2. FINANCIAL UPDATE:

Ian Reid had provided 2 financial statements for the meeting as follows:

Year Ending 30th June 2014 showing Total Income of £89,615.15 and Total Expenditure of £84,901.20: Income less Expenditure £4,713.95. (Closing balance at 30th June 2013 £7,497.77 and Closing balance at 30th June 2014 £13,057.29),

1st July 2014 to 31st December 2014 showing Total Income of £8,609.89 and Total Expenditure of £6,226.16 – Income less Expenditure £2,383.73.

Pat provided a further statement showing the income and expenditure for the 2014 Santa Event as follows:

Income: £7456.13 - Expenditure: £4377.71

Income over Expenditure: **£3078.42.**

Agnes thanked Pat for ensuring these figures were ready in such good time and requested that the Financial Statements be circulated to all Board members. ACTION: Pat

3. ACHIEVEMENTS IN 2014

Acquisition of Land:

Engaging the community in the process

Increased support

Collaboration with National Park and Council.

This was recognised as a major achievement in 2014 and the Board wished to record their thanks to Agnes for her skills and hard work which had brought about the funding in such a short spell of time.

Santa Event: Again a very successful event helped by the many volunteers young and old and which raised £3078 towards our funds.

Producer's Markets: Three Producer's markets held throughout the year had brought many visitors into Blairmore.

Knotweed Course Participation: A member of BVT attended this course.

Hall Trust Joint Meeting: Our two trusts met to discuss ways of working together for the benefit of the community.

New Trust members: Two new members joined BVT.

Planning Applications: BVT responded to two planning applications.

Gallimaufry Meeting: At the request of Steve and Sylvia Boyce, Agnes and Pat had met with them and discussed their future plans and how they may affect Blairmore.

Increased profile within the community: Many of the community attended the work shops which were run in order to determine the future of the village green.

Increased resources: It was noted that this period showed the bank balance to be at its highest level to date.

4. REVIEW & shared understanding of BVT responsibilities:

- a) **Scottish Land Fund**
- b) **BVT as landowners**
- c) **BVT as Solum owners**

The Board discussed its understanding of its responsibilities both from a legal perspective and from a quality of life / community perspective. Agnes referred to earlier and detailed research that was undertaken in 2007 which resulted in the various parties clarifying the legal perspective and the inevitable legal conundrum. Attached to these minutes is an

extract of the document that was read through and considered at the meeting see Appendix 1.

5. PRIORITIES FOR 2015

The Board spent much time deciding which pieces of work required early attention – placing each into the categories of H-High. M-Medium and L-Low priority. Listed below are the areas of work considered as High/Medium Priority (not listed in specific priority order) for us to work on over the next 18 months or so:

1. Establish a Destination Development Group to increase economic activity through tourism by 28 February 2016.

ACTION: David to submit a paper.

2. Undertake a survey of local businesses to gauge support for a ‘business hub’ within Blairmore by 28th February 2016.

ACTION: Lorraine and Carolyn, assisted by Jenny to prepare list of local businesses to determine support.

3. Conduct a feasibility study to identify the best location for a village hub by 28th February 2016.

4. Address Japanese Knotweed on BVT land and with the whole of the shore community from Kilmun to Ardentinny.

ACTION: It was agreed that BVT hold a JK Summit to include neighbouring Trusts; Council, Forestry Commission and National Park. AGNES to progress this.

5. Progress Holiday Accommodation Project: Whilst not seen as a High priority for the next 18 months, this did not preclude information gathering and liaison with the National Park and professional advisers at any time.

6. Progress landscaping plan for the field/green. An initial meeting of interested parties has already been held. ACTION: Agnes to provide Yvonne with outline asap.

7. Consult the community on the name/terminology for the Blairmore plot – i.e. field, green, park etc.

8. Progress the adoption of the High Road Project. ACTION: Agnes.

9. Source funding to complete the purchase of adjacent land.

10. Progress the development of the parking facility. (Links with 9. above)

11. Dispose of residual land. The Board recognised that the smaller shore line plots would serve no useful purpose and that it would be sensible to dispose of them. In the first instance these plots would be made available to the owners of the houses opposite to the plots in a way that would cover our legal costs involved in the transition. ACTION: Pat and Lorraine.

12 & 13. Assess drainage problems on the High Road & Whites Brae to determine what action, if any, BVT would wish to take in addressing these problems. (Links with 8. above)

14. Organise general and/or seasonal events to engage community. (Links with 7. above)

15. Work with BKCDT to support their work on affordable housing and sheltered housing.

16. Work with KCC to monitor and comment on planning applications impacting on the Blairmore community.

17. Undertake an electronic survey of families attending the 2014 Santa event to determine future actions and communications. ACTION: Agnes.

18. Keep the website updated. ACTION: Jenny is working on the launch of a new website.

19. Keep finances/insurance/Companies House etc. complied with and up to date. This will be attained by the appointment in 2014 of Ian Reid who will be keeping our accounts and records in good order.

6. ANY OTHER BUSINESS:

Producer's Markets: David reported that Sue Minns was intending to carry on with the Producer's Market in Blairmore linked to 'Argyll Food'. This was welcomed by the Board.

Communicatons with Blairmore Hall Committee: David hoped to set up a second joint meeting with Blairmore Hall committee and it was agreed that BVT would write to the Committee affirming our offer of co-operative working and assistance. ACTION: David to set up meeting and Agnes and Pat to compose letter from BVT.

7. DATE OF NEXT MEETING: Monday, 9th March 2015 from 7 to 9pm.
ACTION: Pat to book hall.

Statutory Perspective

(an extract from previous research dated 2007)

1. The Council: Argyll & Bute

Extract from Committee Report dated 5th December 2006)

“Roads are classified in the Roads (Scotland) act 1984 as Public meaning a road which a roads authority has a duty to maintain or Private – those not being Public. The act further defines a road as being any way....over which there is a public right of passage.

The Council has within the operational area many roads which are Private roads over most of which there is public access. These roads are the responsibility of developers, estates, private individuals trust or feudal superiors etc. The Council has generally no legal responsibility for their upkeep”.

1(a) Council’s Legal Adviser (Gordon Dagleish)

Extract from e-mail dated 8th February 2007

“There is little that can be done where the owner of the road declines to carry out works to keep the road in a proper state of repair.

In the first instance, it is necessary to determine what is provided in the title deeds relating to the 25 houses with regard to access to their properties and what obligations were placed on them. On the assumption that the titles were granted in the 19th Century, it is likely that the proprietors of each property were granted a right of access to their property or there is no express right but it is implied by necessary implication.

At Common Law, the proprietors of the benefited properties (i.e. the house owners) would not require to contribute towards the cost of maintaining the private road over which they may take access but equally the owner of the burdened property (i.e. the owner of the road) has only very limited duties with regard to the maintenance of the road”.

2. The Owners: The Younger (Benmore) Trust Scottish Registered Charity SC000284

(Letter dated 5th February 2007)

“Under the Roads (Scotland) Act 1984 the owner of a road is not obliged to keep a Public Right of Way in good repair.

Under the Occupiers Liability Act, statute and common law do not place a particularly high duty on an owner of land other than that an owner has a duty

of care not to obstruct the route and should permit access to the public in order to repair the route. The owner should also take reasonable care not to cause injury to users of a public right of Way. However there is no legal requirement for the Trust to take any active steps to deal with the maintenance of the road.

It is likely that many of the title deeds of the frontagers will include, along with a right of access, an obligation to maintain and repair the road according to use. The Trust is not being unhelpful but merely outlining its position in law”.

3. The Householders (i.e. Frontagers) written by Blairmore Village Trust

There are 25 householders distributed randomly throughout the 1.3 kilometers of this road. A number have searched their deeds and can find no specific reference to any obligation to maintain the road. One specific reference has been found in one persons deeds which makes a historic refers to the laying of blocks.

Given the lack of legal clarity, the inevitable inconsistency that has emerged over hundreds of years and the application of Common Law which confers no responsibility to contribute, it is fruitless to pursue this as a sustainable outcome.

Hypothetically, even if such a responsibility were established, at its best, it would only be incumbent upon a particular householder to address the part immediately relating to their boundary. It places no obligation about standards nor of consistency. Any outcome achieved in this way would result in a hotch-potch of surfaces with no discernible benefit to achieving a sustainable environment. Nor would it address any of the quality of life issues at the heart of this project.