

Ordinary Meeting of KCC

Monday 2nd September 2019 at 7.30pm

Kilmarnock Millennium Hall

1) Sederunt

Committee : Gavin MacLellan (GM/Chair), Jim Morrison (JM/Vice-chair), Andrew Sinnott (AS/Trs), David Scott-Park (DSP), Sarah Guy (SG) and Ivan Mavor (IM)

Cllr Sally Page (SP)

Elaine Ellen (EE) – Kilmarnock Community Trust

Jan Shields (JS) – Balloch and Haldane Community Council

Plus 38 other members of the community

GM welcomed all to the meeting and started with thanks to the organisers of the very successful Village Show last weekend and noted the village garden looking good thanking Catherine Newall for the fantastic job done there.

Appreciation was shown for Neil MacGregor who recently stepped down after several years as KCC secretary. Bob Balmer has been co-opted to take over some of the secretarial duties including management and further development of the KCC website (kilmarnockcc.org)

GM also highlighted some recent sub-standard conduct at meetings and reminded everyone of the importance of meeting etiquette. Criticism and differences are welcome but in the right manner.

2) Apologies

None received

3) Declaration of interest

JM will excuse himself if the planning matter at The Wards comes up for discussion.

4) Minutes of regular meeting on 1st July 2019

Proposed as accurate by DSP, seconded by JM.

5) Matters Arising and Associated issues

Lomond Banks aka Flamingoland – Public meeting will be held in Alexandria Parish Church on 24th September. No time announced as yet.

GM attempted, unsuccessfully, to get a business plan from Scottish Enterprise.

Other matters arising as per agenda below

6) Treasurers Report

Outgoings since the last meeting were the membership fee of £30 for the Association for the Preservation of Rural Scotland and £13.50 for the hire of the hall for the last meeting.

Current account balance : £1284.05

Benevolent fund balance : £668.21

7) Planning Matters

GM - KCC actively seeks contributions to the agenda via our secretary email address. The basic agenda appears on both the KCC & WDC website and on display in the hall when possible and there is normally little or no response. As a statutory consultee on planning applications it is in everyone's best interest for any applicant to contact KCC and discuss their plans direct or arrange a slot on the agenda to address a KCC meeting.

Recent notifications

2019/0184/DET – Former Public Toilet : Change of use of public amenity space to garden ground.

The previous plan was refused and the feedback from that was taken to form a modified plan for resubmission.

The plan was displayed in large format for all to see and the applicant was present to discuss the new plan. Road safety at Church Road was the main concern as the new path exits on to Church Rd nearer the A811 than before. There is no pavement on that side of Church Road and the narrow road and sharp turn from A811 often causes traffic to swing out at that point. The existing wall has been hit several times as a result.

The applicant has already offered to relay the path and slope it such as to remove the step down into the road. Additional measures suggested by KCC were to :

- Lower kerb and have footpath sloping to allow wheelchair access to road together with pedestrian access
- Relocate the existing wall 2m further away from the carriageway to allow a 2m verge between the existing wall and the road
- Restrict the height of any hedge within 2m of the road to 0.6m to allow wheelchair users to see traffic
- Applicant to provide KCC with evidence that WDC will allow this to be done and will maintain it upon completion.

It is recognised that the wall is on WDC property but then so is the path.

WDC will only sell the land to the applicant if KCC approve of said sale.

KCC will approve the sale according to the above 4 conditions upon receipt of a drawing showing the above variations.

There were very good detailed discussions on the options above plus adding pavements and widening the road entrance but it was thought that they were out-with the applicant's control

but could be taken up with WDC in future after the wall is moved and we see how the new path works out for all.

GM asked all if there were any objections to this solution or was there an outright objection the preferred option. Since there were no objections the above proposal was accepted by the meeting.

2019/0182/DET – Robin House : Extension of car park; repositioning of garden depot with associated drainage; installation of welfare container; creation of storage bunkers. Decision to APPROVE by Planning Authority. **No comments from KCC**

2019/0168/DET – Lomond Garden Centre : Further application (under section 42) for planning permission for the development of land (use of buildings) without complying with conditions 4, 5 and 6 attached to planning permission 2002/0101/NKN. **No comments from KCC**

Update from last meeting

2017/0087/DET – Arisaig Farm : Retention of: alterations and extensions to shed, CHP (Combined Heat and Power) building, access track and hardstanding (development already carried out); and erection of car port and polytunnels – Decision to REFUSE by Planning Authority.

KCC have written to the director of Planning with concerns for clarification but have not had a reply.

Representatives for the applicant were due to make a presentation on the history behind the application 2017/0087/DET but in light of the refusal decision gave a shorter version. Their feeling is that there have been several changes of planning officer and each change has brought different requirements and that now the Planning Authority are rolling back the initial permissions.

They have not yet made a decision on appealing but offered to host a site visit for KCC to see the operation firsthand. DSP & JM would like to take them up on the offer of a site visit.

Apart from the scale of the business being performed the main issue of community concern is the access to and from the farm track straight on to the A811.

A discussion on addressing the road safety concerns of all A811 users – the safety of the A811 entrance is of general concern. SP has discussed options with WDC roads dept. - they will not reduce the speed limit but will consider signage telling people to slow down and indicating a T-junction.

DSP suggested construction of a bell-mouth entrance but applicants dispute need for that citing other examples of similar junctions and traffic in the area. Either way, there is an improvement needed.

KCC (DSP & JM) to visit Arisaig Farm on a fact finding mission.

Post-meeting addendum

*KCC were invited to a site visit to the neighbours at Ardoch. **JM will attend.***

JM started a discussion on the consistency of process in the Planning Authority and the lack of responses to direct requests for information.

GM - Unlike elected local councillors who represent their constituency within the council, the elected park board member does not represent the electorate in the same manner and has no such representative remit. Considerable investment has been made by certain investors resulting in Refusal which is a waste of money and indicates lack of clear guidance. This often leaves KCC in an impossible position and leads to some of the frustrations that getting taken out in this room.

It was agreed that KCC would write to the Reporter asking for a review of the Planning Authority procedures. There was general support for this from the floor with a show of hands revealing 26 in favour. All confirmed as residents or landowners of Kilmarnock.

AS mentioned that there have been calls for planning responsibility to revert to Local Authorities i.e. councils not the Park. General support for this was expressed. There is a group called Planning Democracy who campaign for reform of planning.

KCC (JM) to draft a letter to the Reporter

GM asked for those with specific examples of poor performance of the Planning Authority to submit them to KCC.

Older Extant Applications

2019/0127/PPP – Blairlusk Farm : Erection of dwelling house – **No comments from KCC**

2018/0213/DET – Third Farm : Proposed alterations to farm outbuildings to form two dwellinghouses and erection of associated garages and septic tank (renewal of Planning Permission ref. 2015/0242/DET) - **No comments from KCC**

Other

2019/0175/DET – Dumbain Road, Balloch : 44 unit affordable housing development (comprising 20 houses & 24 flats), access road and associated infrastructure

The development in Dumbain Rd, Balloch is within KCC area. JS from BHCC sought to make KCC aware of local residents' issues with the project. Due to time pressures the issues were not raised tonight so AS volunteered to attend the upcoming BHCC meeting on Wed 4th September at 10:00 in Carrochan Rd (National Park HQ). AS attended the BHCC meeting in March when the developers gave an outline presentation of the original scheme. Issues include being out-with the Balloch village envelope, being a green field agricultural site and the potential for further green field creep along with additional pressure on local infrastructure. Current residents have safety concerns with another junction for entrance into the new scheme.

KCC (AS) to attend BHCC meeting and report back to KCC

The four McKenzie farm applications were refused and there were concerns on the onerous level of detail required by the Planning Authority (PA). GM clarified that the KCC letter to the PA did not state any objection but wanted some further information along the lines required by the planning officer (not to a cumbersome level of detail however).

The applicants plan to appeal so it will come before us again.

GM asked for the former applicant to highlight any concerns over their dealings with the PA and forward to KCC and this application will be referenced in the pending letter to the Reporter.

There was a discussion on the planning portal document contents. Not all submissions are loaded. Some are loaded then disappear. It is noted that after an application has been decided that usually only the application and the decision remain accessible to the public. It seems that certain applications are removed also. DSP reported that the application 2015/0191/DET (Arisaig) has been removed. We should clarify what the rules are on archiving content. This inconsistency will be included in the letter to the Reporter.

GM reiterated that we can only investigate specific issues so if anyone has examples with reference numbers of cases where the documentation is missing when it shouldn't be then please send them to KCC (secretary@kilmaronockcc.org). We will report back on what we receive.

New notification

2016/0126/DET – Wards Estate – Notification of appeal against the refusal decision was received shortly before our meeting began. As consultee KCC have 14 days to respond. A separate meeting of KCC will be required to discuss this and decide on the response. There are no changes to the plans as part of this appeal so no changes to KCC position however the recent letter representing community concerns went unanswered so this will be followed up.

GM to arrange an internal meeting of KCC only to review the appeal document – the CC letter to the Planning Authority remains unanswered.

8) Kilmaronock Community Trust

AS and Elaine Ellen (EE) of KCT gave a report on the latest KCT activities :

1. Football pitch and playground. The football pitch levelling and draining is now complete and the new grass has had its first cut. The playground equipment moved from the old Haldane school is now installed and Alan McMullan expects to install the additional new playground items - funded by the B Flats and KCT (via a legacy from Susan Coker) - very soon.
2. Fibre to the Premises. BT Openreach have still not provided a final quote, citing a backlog of applications as the reason for delay. This is being chased on a frequent basis and will be escalated this week if necessary. KCT are in the process of establishing the legal arrangements for us to make a contractual agreement with Openreach and we are still hopeful that we will be able to go ahead with this project in the near future.

EE explained in greater detail the application process and answered questions on the above.

3. KCT have been awarded a grant of £350 from Shell UK which will go towards our general running costs including legal costs for FTTP.

4. Paths and Access. KCT have made contact with landowners and the National Park regarding maintenance and repairs to both Dumpling and Aber paths but do not yet have funding or agreement to take these works forward. KCT have written to the National Park objecting to the proposed re-routing of the Core Path and changes to the public open space at the front of the former Public Convenience.

9) National Park and Community Partnership Issues

Core Path consultation – ADD26 School Road and ADD25 East of Village:

GM has received objections from Ardgate Farm, Simmers at West lodge and Taylors at Auchenlarich. Argate Farm is working dairy farm and uses the road every day for stock and vehicles and felt that any indication of a “Route” was not practical. They also noted they had not been consulted during the consultation by the NP.

The KCC comments to the NP Consultation remain the same and will be responded to the NP and raised to the Reporter for decision.

KCC to respond to NP.

Aber Path – Both KCC and KCT have made representations to the Access Officer within the NP but nothing has been done and its condition is getting worse.

KCC to follow up with the access officer in writing

Core Paths in general were discussed but no one really sees the point of them other than they are now required by law. There are no funds to enforce maintenance so they deteriorate beyond safe or enjoyable use.

NNR Management

KCC had a meeting with LLTNPA, SNH and RSPB to share our concerns and gain a perspective on their longer term plans for the National Nature Reserve in respect of balancing conservation with tourism.

KCC had reflected concerns earlier to the NP:

- LLTNP priorities – serious concern that the environmental remit has been subsumed by remits for social, economic and tourism policy. This has led to a lack of trust in the LLTNP planning authority
- Effectiveness of the SNH as the senior consultative body for planning advice
- A lack of a holistic plan for the RSPB NNR that focusses on its unique properties
- Proposed path/path network to the loch side – a plan more likely to encourage tourism in general rather than enhancing the experience for visitors to a highly valuable NNR with unique and potentially fragile properties

- The Management Plans for the LLNP and SNH responsible areas are available but the RSPB Management plan is not available for an unknown reason.

With consideration of the above the NP chaired a meeting to satisfy these KCC concerns. The RSPB had recently published a review of the last 5 years of operation and a regulatory management plan for the next 5 years which formed the basis of discussions. We discussed the roles of NP & SNH in turn and then had a presentation from Dave Beaumont of RSPB covering both the review and the management plan. We discussed the upcoming plans for path networks and had reassurances around the management, maintenance and monitoring of use of the paths. We were advised the visions around visitor numbers in terms of facilities to be provided – the Plan indicates 8,000 per year.

As a result of seeing the more holistic plans and the more realistic visitor numbers expected, we feel more comfortable than we had with the concepts being discussed previously but wished to reflect this to a wider community membership. We agreed a similar meeting for the community would be the way forward – either combinations of all 3 bodies above or just RSPB. KCC would discuss the options and attendees at their next CC meeting.

CC's then expressed their points taken from the meeting :

AS – outlined some practicalities & timetable for gathering community input for RSPB to build in to their community presentation.

SG – really positive meeting – commitment from all sides to re-establish trust – deeply reassured on RSPB commitments to ongoing impact assessments of their activities

DSP – agreed and added that in discussing the community concerns about visitor numbers of 40,000 the RSPB clearly don't have the money to cater for that and so it would start smaller and work up incrementally assessing impacts accordingly. They have demonstrated management of high visitor numbers at other sensitive sites at Isle of May and Loch Leven and have shut down paths as necessary if warranted.

JM – re-iterated that RSPB don't have the money as yet to do what they would like to do.

GM – questioned the level of NP due diligence activity concerning the process of independently verifying RSPB management plans as they would of any other developer.

Opened to the floor :

Maintenance issues raised - broken gates – training of volunteers

It was pointed out that the volunteers work extremely hard under supervision of wardens.

RSPB soon to submit planning application for two new paths so will likely attend next KCC meeting anyway so could combine that with the presentation described above.

With respect to the proposed presentation to the Community a discussion took place and it was felt that NP, SNH & RSPB should be invited together to address an agenda that would be compiled beforehand.

SP – suggests a completely independent review of the NNR's plans.

GM summarised that the proposal then is to ask NP, SNH & RSPB to come along to a meeting to discuss the planning application for paths (once submitted) and the 5 yr plan.

- The agenda will be restricted to those matters based on presentable facts.

- Anyone wishing an item to be placed on the agenda please forward it within the next couple of weeks.
- Items must be evidence based i.e. backed up by documented facts.
- The aim of the meeting is to be positive and solution orientated with KCC working with these other bodies to benefit the NNR and facilitate communication with the community on the outcomes.
- Good conduct at meetings is mandatory and will lead to better engagement short and long term.

A request was made to seek out the report from the 2005 SNH neighbourhood consultation on paths through the NNR (before Aber and Shore paths were created) and add that to the agenda for the suggested meeting. Some of those paths have been abandoned while new ones are planned and this would be an opportunity to explore this.

10) West Dunbartonshire Council

A811 pavement

GM & AS had a successful meeting with WDC Roads dept in which the following points were noted :

- An internal inspection of the full length of the pavement (Balloch to Gartocharn) will be done this fiscal year (FY).
- The pavement in the village is being worked upon now. The section from Reid & Robertson to the garden centre is also planned.
- Signage all along A811 (within WDC boundary) has been surveyed and redesigned. An order for new signs has been placed so expected to be installed this fiscal year (by end March).
- The crossing at Reid and Robertson is not yet approved by higher level in WDC. This is not just about signs but also lighting, sight lines and a lowering of the speed limit.
- Aiming to meeting again in October/November.

Quiet roads

At the same meeting as above, we introduced the roads team to the “Quiet roads” initiative as requested last KCC meeting. The concept of quiet roads was discussed in relation to the promotion of the local back roads (C class) for walking and cycling - John Muir Way and National Cycle Network Route 7. Examples from West Lothian region’s scheme were left with them for internal discussion and we will see if they have any thoughts when we next meet.

General

Cllr Page thanked Elaine Ellen for the hard work on the broadband project.

We have a new police liaison officer – PC Andrew Barren who hopes to wield a speed gun a bit more often in the village.

Met with Roads dept regarding traffic calming in the village but this will not be implemented.

Balloch Park Buddies are looking for some new members – the aim is to get together to make more of Balloch Park and make it a better place

<https://www.facebook.com/BallochParkBuddies/>

11) Correspondence

Crime statistics for period 01/07/19- 29/08/2019 are appended to the minutes and summarised here :

Activity - 6 crimes reported

Trend - Increase in thefts by housebreaking

Actions – (i) Speed safety campaign. (ii) High visibility patrols within the area during early evening and hours of darkness.

Letter received from Police Scotland regarding Youth volunteers.

12) AOB

GM – KCC would welcome youth engagement. There are opportunities to get involved with CC work and would be a nice addition to any young person's CV. Don't have to be a community councillor. If you know anyone, have them get in touch.

13) Next Meeting

4th November 2019 at 19:30 in KMH

Please send in any agenda items in good time to secretary@kilmarnockcc.org

Appendix 1



COMMUNITY COUNCIL REPORT

Name of Community Council:- Gartocharn

Date of Report:- 01/07/19- 29/08/2019

Submitting- PC Roberts L0354

STORM inc raised: 72

Crime Reports raised: 6

<p>Crimes/Offences that have occurred in community area since last meeting</p>	<p style="text-align: center;">Gartocharn Beat 13</p> <p>Please note this report covers Crimes and Offences occurring in the Gartocharn.</p> <p>The Crimes can be summarised as follows:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">Common Assault</td> <td style="text-align: right;">1</td> </tr> <tr> <td>Theft of a motor vehicle</td> <td style="text-align: right;">1</td> </tr> <tr> <td>Theft (Unclassified)</td> <td style="text-align: right;">2</td> </tr> <tr> <td>Breach of the Peace/Disorder</td> <td style="text-align: right;">1</td> </tr> <tr> <td>Vehicle/traffic Crime</td> <td style="text-align: right;">1</td> </tr> </table> <p style="text-align: center;">Contact Us</p> <p>I would urge the community to continue to use Crimestoppers if wishing to leave anonymous information regarding incidents which are happening within the community. The telephone phone number is 0800 555 111 and is operated 24hrs a day.</p> <p>If you wish to contact us direct with any specific complaints or concerns, please contact the following based at Alexandria Police Office;</p> <p>Communities Sergeant – Colin Macdonald</p> <p>Tel: 101</p> <p>LomondCPT@scotland.pnn.police.uk</p> <p>LevenCPT@scotland.pnn.police.uk</p> <p>DumbartonCPT@scotland.pnn.police.uk</p>	Common Assault	1	Theft of a motor vehicle	1	Theft (Unclassified)	2	Breach of the Peace/Disorder	1	Vehicle/traffic Crime	1
Common Assault	1										
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Breach of the Peace/Disorder	1										
Vehicle/traffic Crime	1										

	<p>Or the following based at Dumbarton Police Office; Communities Inspector Mo Boyle Tel: 01389 822028</p>
Updates on previous actions	
Incidents of note or crime trends	<p>Increase in thefts by housebreaking.</p> <p>ADVICE:</p> <ol style="list-style-type: none"> 1. Ensure main building and any out buildings are correctly locked and secure. 2. Place items of value out of direct sight from opportunists peering through windows etc. 3. Be vigilant and aware of any unusual motor vehicles or persons in the area. If appropriate and safe to do so, take note of the vehicle registration details and or a description of the person/s seen. Thereafter contact Police Scotland on 101 to make local officers aware.
Forthcoming events / Initiatives	<ul style="list-style-type: none"> • Speed safety campaign. • High visibility patrols within the area during early evening and hours of darkness.
This month – Issues raised at the meeting	