

Ordinary Meeting of KCC

Monday 13th January 2020 at 7.30pm

Kilmarnock Millennium Hall

1) Sederunt

Committee : Gavin MacLellan (GM/Chair), Andrew Sinnott (AS/Trs), Sarah Guy (SG) and David Scott-Park (DSP)

Cllr Sally Page (SP)

Plus 13 other members of the community

2) Apologies

Ivan Mavor, Jim Morrison (JM), Jackie Baillie MSP, PC Glen Roberts

3) Declaration of interest

None tonight

4) Minutes of regular meeting on 4th November 2019

Proposed as accurate by SG, seconded by AS.

5) Matters Arising and Associated issues

None other than already on the agenda.

6) Treasurers Report

Outgoings since the last meeting were for the hire of the hall for two meetings in November and the monthly web hosting fees.

Current account balance : £1205.49

Benevolent fund balance : £620.81

The replacement pads for the community AED were installed 11/11/19 and have 2 year lifespan.

7) Planning Matters

General

Scottish Government Planning Performance and Fees Consultation - 18 December 2019 to 14 February 2020

The consultation seeks to move planning fees towards covering the costs of determining applications for planning permission as well as seeking views on what additional services which planning authorities provide should be subject to a fee, the circumstances whereby an authority may reduce or waive a planning fee and the introduction of charges for appealing planning decisions.

See web site : <https://consult.gov.scot/planning-architecture/planning-performance-and-fees/>

Updates on historic applications

Arisaig Farm

A special meeting of KCC was held Mon 11th November where the applicants made a presentation to the community to explain the status of their applications. Latest news is that the NP will work with the applicants to create a new application and will meet on site soon.

The Wards

The appeal is with the reporter and unless they contact us for further information then we have no further role in the process.

The McKenzie farm applications

These are at the appeal stage and it looks like the planners are generally in favour but subject to certain conditions.

Recent notifications

2019/0348/HAE - Dunelm, Gartocharn - Demolition of existing extension and erection of replacement extension. **KCC has no comment**

2019/0358/DET - High Wards Farm - Construction of footpath/boardwalk with planting, seating, interpretation focal points (including a shelter), pedestrian gates and associated works. **KCC will arrange a special meeting for RSPB to outline their plans**

Other

We have been in correspondence with a representative of the Hunter Foundation. They are looking at applying for planning permission to develop a dedicated leadership training centre close to Gartocharn which would be a world class facility of circa 1000m² to run events for 20 – 25 people. Before making any submission to the Loch Lomond planning authority they want to consult with the Community Council. We have pencilled in an open meeting for **Mon 3rd Feb** and await further information to develop an agenda. So far, for whatever reason, the intended location has not been revealed so until this is known we cannot confirm the meeting date.

GM to continue dialogue and confirm the meeting agenda for 3rd Feb

8) Kilmaronock Community Trust

Broadband - Fibre to the Premises project

Openreach are understood to have completed their survey work and all information is with their Pricing Team. They promised to update us as soon as possible.

Football Pitch and Playground

All project work is now complete and paid for. The Football club are making plans for an event to mark the first game there, once goalposts and line markings are in place.

KCT Annual General Meeting

Our AGM will be held here on 19 February and all KCT members and prospective members are invited to attend. After the normal AGM business there will be a progress report on our current and recent projects and an update from the Kilmaronock Old Kirk Trust.

9) National Park and Community Partnership Issues

General

Outdoor Recreation Plan Consultation – closes 21st January : see plan online at : <https://www.lochlomond-trossachs.org/wp-content/uploads/2019/12/Active-Places-Healthy-People-Draft-Dec-2019-.pdf>

And respond at : <https://www.smartsurvey.co.uk/s/NDGXB/>

Place Making in the Park : How to make Planning work for your community – 2 day workshop/course 29th & 30th January in Tyndrum : see leaflet in hall and web site : <https://www.socialenterprise.academy/scot/whats-on/place-making-in-the-park-703>

Community Empowerment Act

The Chair gave an update with respect to community empowerment.

Further to promotional encouragement from WDC on behalf of Scot Gov we have considered how the Act can benefit our Community. Accordingly we have approached LLNP with consideration to areas where we can make improvements, secure better value for money and participate in environmental decisions that affect our community based on past experiences and discussion in this forum.

We now have ongoing dialogue with LLNP with respect to achieving community engagement and are planning to enter a discussion phase with a draft proposal available in the summer.

NNR Management

Dr.David Beaumont was due to visit tonight to share the RSPB long term plans for their site on the NNR. This planned RSPB presentation did not take place as JM sent a message in error to RSPB that tonight's meeting was cancelled.

Dr Beaumont will be invited to the Special Planning meeting, still be arranged.

Following last year's special meeting with SNH explaining the designations (SSSI, SAC etc Jackie Baillie received a response from Scottish Parliament Information Centre (SPICe) with some useful information regarding the legal mechanisms for the protection of National Nature Reserves, SSSIs, SACs and Ramsar sites in Scotland. This is included as an appendix to these minutes for reference. We will see if we can get them uploaded to the KCC website too.

10) West Dunbartonshire Council

General / Cllr Sally Page

The headmaster of Gartocharn Primary has been seconded to Edinbarnet Primary in Clydebank until about Easter. Extra management time has been allocated to Gartocharn to accommodate this change.

Kilmarnock Old Kirk Trust were allocated £57,000 to aid their purchase of the property, car park and the glebe.

SP is in correspondence with Sue Morris from Forestry Commission Scotland regarding formalising the car parking and paths in Ross Priory Woods and providing appropriate signage.

Roads dept have re-iterated their intention to replace the signage along the A811 but have not actually done anything yet. They will review the gulley cleaning and increase the frequency if that is what is needed. More pot holes have appeared and need attention. The works on Lomond Road bridge will continue to 1st October.

Balloch - The 3 sunken boats around Monkey Island are now in the process of being removed by a partnership of NP, John Sweeney and WDC. Hopefully to be done by Easter.

Reid & Robertson crossing - still nothing done – SP has asked for copies of drawings of other similar crossings.

SP continues to campaign for a nature hub within Balloch Castle Country Park. Loch Lomond Fisheries Trust are onboard.

A811 pavement

KCC & WDC Roads dept are finalising a date for an update meeting. GM asked SP to attend if possible. We will bring up the additional matters raised above.

Other

There is a Learning and Engagement event on 7th February - '**Nurturing People and Building Resilient Communities**' hosted by West Dunbartonshire Resilience Hub (formerly West Dunbartonshire ACEs Hub) in partnership with Clydebank High School's Learning Festival 2020.

To help report an issue with the roads and pavements or other related matters use this link...

<http://www.west-dunbarton.gov.uk/roads-parking-travel/report-street-issues/>

11) Correspondence

Police report received – apologies for absence by PC Glen Roberts who unfortunately attended the previous Monday as we had not updated the website with the change of meeting date. The full report is appended to these minutes.

Various correspondence has been received for us to highlight. Reference links are provided below for follow up :

Citizens' Panel – Ongoing recruitment : see leaflet posted in KMH and following web site : <https://www.surveymonkey.co.uk/r/CitzPan>

My Place awards – It was suggested that we might propose Catherine Newall for the award for her creation of the community garden. The document was passed on for her to see if she is interested and can provide us with some info appropriate for the application/proposal.

May 8th will be the 75th anniversary of VE day. Community Councils are being asked to mark the anniversary and use it as a chance to raise funds for the armed forces charity SSAFA. Similar to 2018's 100th Armistice day, the planned activities over the weekend are as follows:

- The Playing of Battle's O'er & VE 75 Years
- The Nation's Toast to the Heroes of WW2
- The Cry for Peace, around the World
- Churches & cathedrals Ringing out for Peace
- Street parties and parties in pubs, clubs, Hotels, on town and village greens and in halls etc
- Services of commemoration and celebration in churches, including the reading of the Tribute to the Millions and the playing of the Last Post

<https://www.veday75.org/>

SG thought James Macrae might be interested so will ask him.

12) AOB

Smartocharn #2020 – Peter Page has offered to lead the way again along the same lines as last year. Planning for Sunday 22nd March (approx. 1 week later than last year).

The Association for the Protection of Rural Scotland (APRS) is holding a Members' Day out at RSPB reserve at Loch Leven, Perth & Kinross next September. As Loch Leven is a model site for RSPB it would be an opportunity to visit and see.

Flooding at Duncryne Terrace at the path to the lay-by. Various other flood points on A811 notified too. All of which have been reported before.

GM recommends sending photographs along with any complaints to WDC.

AS & GM will bring it up in their upcoming meeting with WDC Roads dept.

13) Next Meetings

Special meeting Mon 3rd February 2020 at 19:30 in KMH

Ordinary meeting Mon 2nd March 2020 at 19:30 in KMH

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

Meeting closed at 20:30

Appendix 1



COMMUNITY COUNCIL REPORT

Name of Community Council: Kilmarnock

Date of Report:- 01/11/19- 13/01/2020

Submitting- PC Roberts L0354

STORM inc raised: 42 (0 P1)

Crime Reports raised: 6

Crimes/Offences that have occurred in community area since last meeting	<p style="text-align: center;">Gartocharn Beat 13</p> <p>Please note this report covers crimes and offences occurring in the Gartocharn between the specified dates. It does not include offences which were disposed of via the issue of a conditional offer of fixed penalty (FPN).</p> <p>The Crimes can be summarised as follows:</p> <table style="width: 100%; border-collapse: collapse;"> <tr><td>Murder/Attempt</td><td style="text-align: right;">0</td></tr> <tr><td>Serious Assault</td><td style="text-align: right;">0</td></tr> <tr><td>Robbery</td><td style="text-align: right;">0</td></tr> <tr><td>Assault with Intent to Rob</td><td style="text-align: right;">0</td></tr> <tr><td>Wilful fire-raising</td><td style="text-align: right;">0</td></tr> <tr><td>Common Assault</td><td style="text-align: right;">0</td></tr> <tr><td>Possess Knife/Offensive weapon</td><td style="text-align: right;">0</td></tr> <tr><td>Theft/Att Housebreaking – Domestic</td><td style="text-align: right;">0</td></tr> <tr><td>Theft by Housebreaking – Commercial</td><td style="text-align: right;">0</td></tr> <tr><td>Theft by Shoplifting</td><td style="text-align: right;">0</td></tr> <tr><td>Theft of a motor vehicle</td><td style="text-align: right;">0</td></tr> <tr><td>Theft (Unclassified)</td><td style="text-align: right;">0</td></tr> <tr><td>Possess Drugs</td><td style="text-align: right;">0</td></tr> <tr><td>Possess With Intent to Supply</td><td style="text-align: right;">0</td></tr> <tr><td>Breach of the Peace/Disorder</td><td style="text-align: right;">0</td></tr> <tr><td>Vandalism</td><td style="text-align: right;">0</td></tr> <tr><td>Vehicle/traffic Crime</td><td style="text-align: right;">6</td></tr> <tr><td>Fraud</td><td style="text-align: right;">1</td></tr> <tr><td>Firearms Act</td><td style="text-align: right;">0</td></tr> <tr><td>Breach of Bail</td><td style="text-align: right;">0</td></tr> <tr><td>Other</td><td style="text-align: right;">1</td></tr> </table>	Murder/Attempt	0	Serious Assault	0	Robbery	0	Assault with Intent to Rob	0	Wilful fire-raising	0	Common Assault	0	Possess Knife/Offensive weapon	0	Theft/Att Housebreaking – Domestic	0	Theft by Housebreaking – Commercial	0	Theft by Shoplifting	0	Theft of a motor vehicle	0	Theft (Unclassified)	0	Possess Drugs	0	Possess With Intent to Supply	0	Breach of the Peace/Disorder	0	Vandalism	0	Vehicle/traffic Crime	6	Fraud	1	Firearms Act	0	Breach of Bail	0	Other	1
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	<p>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> <p>Or the following based at Dumbarton Police Office;</p> <p>Communities Inspector Mo Boyle</p> <p>Tel: 01389 822028</p>
Incidents of note or crime trends	
Forthcoming events / Initiatives	
This month – Issues raised at the meeting	

Appendix 2

Subject: SPICe enquiry: nature designations



Dear Jackie

You asked about the legal mechanisms for the protection of National Nature Reserves, SSSIs, SACs and Ramsar sites in Scotland, and about mechanisms that can be used where a Planning Authority may have failed to protect any of these designations.

National Nature Reserves (NNRs) - are areas of land or water designated under the [Wildlife and Countryside Act 1981](#) as containing habitats and species of national importance. In many reserves, land will have more than one designation. Most NNRs are Sites of Special Scientific Interest and many are Natura sites (see more on these below). [Scottish Natural Heritage](#) (SNH) is responsible for overseeing the management of each reserve.

Sites of Special Scientific Interest (SSSIs) – are legally designated on the advice of SNH under the [Nature Conservation \(Scotland\) Act 2004](#). More information about their protection and management can be found here: <https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/protected-areas/national-designations/sites-special-scientific-interest>

NNRs and SSSIs are national designations meaning the framework for their management and designation is set out in domestic legislation and policy. The following are international designations:

Natura sites – Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) – SPAs and SACs form a network of protected areas across Europe called the Natura network. Natura sites are designated under two of the main pieces of European legislation relating to nature conservation, the [Habitats Directive](#) and the [Birds Directive](#). SPAs are classified under the Birds Directive to protect birds that are rare or vulnerable in Europe as well as all migratory birds that are regular visitors.

SACs are designated under the Habitats Directive for habitats and non-bird species. The Habitats Directive also sets out how Natura sites should be protected.

In Scotland, SACs and SPAs are given legal protection by the [Habitats Regulations](#). The Habitats Regulations ensure that any plan or project that may damage a Natura site is assessed and can only go ahead if certain strict conditions are met. This process is known as [Habitats Regulations Appraisal](#).

Ramsar sites - Ramsar sites are classified under the Convention on Wetlands of International Importance. Most Ramsar sites in Scotland are linked to the Natura 2000 network - either as a [Special Protection Area](#) (SPA) or [Special Area of Conservation](#) (SAC). All are underpinned by [Sites of Special Scientific Interest](#) (SSSIs). This means that Ramsar sites are protected through measures to protect and enhance the Natura sites (and SSSIs, where relevant) that they overlap with.

I'm not sure what the context of the enquiry is but it refers to "the mechanism that can be activated against a Planning Authority that fails to protect any or either of the above Habitat designations and how these are activated" – so I have assumed this perceived failure relates to a planning decision e.g. the decision to consent a development within one of these designations? The following provides some information with that context in mind but please let me know if this is not relevant.

Scottish Planning Policy - <https://www.gov.scot/publications/scottish-planning-policy/>

Scottish Planning Policy sets out how planning authorities should take into account the various designations when making planning decisions. These are also developed in a planning authorities Local Development Plan so it would be relevant to look at this also.

Paragraph 212 of Scottish Planning Policy says that "Development that affects a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve should only be permitted where: • the objectives of designation and the overall integrity of the area will not be compromised; or • any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance."

Other legal duties on planning authorities:

More generally it is also worth bearing in mind that the [Nature Conservation \(Scotland\) Act 2004](#) places a statutory duty on all public sector bodies in Scotland (including planning authorities) to further the conservation of biodiversity so far as it is consistent with the proper exercise of their functions. Part 4 of the [Climate Change \(Scotland\) Act 2009](#) also places duties on public bodies to, in exercising their functions, act in the way best calculated to contribute to the delivery of emissions

reduction targets, in the way best calculated to help deliver any statutory climate change adaptation programme, and in a way that it considers is most sustainable.

Rights and Challenges in the Scottish Planning System

The domestic mechanisms for appeal/complaints etc with regard to planning decisions are summarised here:

<https://www.pas.org.uk/wp-content/uploads/2013/07/Rights-Challenges.pdf>

There is no third party right of appeal, so legal challenges to planning decisions by third parties take place by way of judicial review.

Infringements of EU law - If the complaint is regarding a failure to protect a site designated under EU law (i.e. is in relation to a Natura site) – there is an EC complaints procedure available that individuals and community groups can use, see more information about the process and steps to follow here:

https://ec.europa.eu/info/about-european-commission/contact/problems-and-complaints/complaints-about-breaches-eu-law/how-make-complaint-eu-level_en

(this mechanism will no longer be relevant following EU Exit - governance arrangements to replace this function following EU Exit have not yet been agreed, the Scottish Government is currently consulting on this)

Again I do not know the context of the enquiry but if your constituent has not yet done this it could be advisable to contact the local SNH area office (<https://www.nature.scot/about-snh/contact-us/area-offices>) for more information or advice about the site in question.