

Ordinary Meeting of KCC

Monday 7th March 2022 at 7.30pm

in Kilmarnock Millennium Hall

1) Sederunt

KCC : Jim Morrison (JM/Chair), Andrew Sinnott (AS/Sec), Anita Anderson (AA/Treasurer) and David Scott-Park (DSP).

WDC : Cllr Sally Page (SP), Andy Devine (Greenspace)

Scot Govt : MSP Pam Gosal and 2 aides

KCT: Bob Shand

Plus 6 other members of the public

2) Apologies

Gavin MacLellan, Peter Page.

3) Declaration of interest for tonight's agenda

None.

4) Minutes of meeting on 10th January 2022

Proposed as accurate by DSP, seconded by AS.

5) Matters Arising and Associated issues

The following update was received from the applicant in relation to page No. 2 of Minutes (Planning section).

'Formation of vehicular access, car parking, footpaths and installation of bird hides.'

"The note in the KCC minutes suggests that works relating to the aforementioned planning application had commenced, but to clarify this point, the works relating to planning application have not started.

From initial concept of the works, we have consulted with the Planning Department on a regular basis and they informed us, that a planning application was not required to form the pond, to prepare the flower meadow and the new farm lane, please note that all excavations to date only relate to the items work not requiring Planning Approval.

Hopefully, by April we can obtain planning approval for the items within the Planning Application, this will allow us to carry on and complete the project by early summer."

6) Treasurers Report

- a. Outgoings : Monthly web hosting.
- b. Current account balance : **£951.17**
- c. Benevolent fund balance : **£424.01**

The end of year accounts are being prepared for auditing.

7) Planning Matters

New

Restoration of Memorial Marker

Ross Priory Gartocharn Alexandria G83 8NL

Ref. No: 2022/0038/LBC | Received: Mon 07 Feb 2022 | Validated: Tue 01 Mar 2022 | Status: Current

KCC has no comment

Diversification and intensification of training centre (class 8) to include wedding venue (class 11) with temporary siting of marquee

Ardoch House Gartocharn Alexandria G83 8ND

Ref. No: 2022/0034/DET | Received: Fri 04 Feb 2022 | Validated: Thu 10 Feb 2022 | Status: Current

KCC has no comment

Other

Sub-division of garden ground and erection of dwellinghouse with detached garage and waste water treatment plant

The Aber Mill Ross And Aber Road Gartocharn Alexandria G83 8NQ

Ref. No: 2021/0280/DET | Received: Thu 05 Aug 2021 | Validated: Thu 05 Aug 2021 | Status: Decision was to Refuse

The applicants were present to discuss the Planning Authority refusal of their application. Three reasons for refusal were given. The applicants will be appointing a new agent to prepare for appeal.

8) Community Matters/Local Place Plan

Community Garden

WDC Greenspace's Andy Devine gave a presentation on the work of Greenspace in general and their role in Community Garden projects. The presentation will be uploaded to the KCC website page for this meeting.

Q&A

- 1) Part of Greenspace's remit is removal of unsafe trees. A tree damaged by a lightning strike at the Old Kirk was reported a while ago but nothing was done. **AD made a note to follow this up.**
- 2) In this area, everyone has their own garden so the need for a communal one is not so high. **AD offered assistance (tools, equipment etc) for a communal 'hit squad' to assist elderly or disabled gardeners in their own gardens.**
- 3) Access to the field on offer for a community garden is mainly via a 3rd party landowner who may be inconvenienced.
- 4) The field behind the Millennium Hall would be more suitable and had been looked at before for community purchase.

Landfill Site

WDC Waste Management's Kenny Lang was unavailable tonight but has been given the dates of the next few meetings.

A recent issue at Auchencarroch caused nauseous odours to be released. AS spoke with SEPA and was informed that a gas engine had gone down on site. Longer term issues may be related to Barr taking in more waste at this site due to closures at other sites.

9) Kilmarnock Community Trust

Aber Dam Bridge Project

It is disappointing to report that after considerable effort, Kilmarnock Community Trust (KCT) has now withdrawn from the National Park's funding process to replace Aber Dam Bridge. This is for two reasons: firstly, the unacceptable conditions which would be imposed on KCT, and therefore its Trustees as individuals, by the NPA relating to third party liability, and secondly because one of the landowners is refusing to grant consent to allow the work to take place.

As a Charity, KCT is not in a position to take on long term public liability responsibilities as it does not have assured funding in place. Furthermore, its volunteer Trustees are not willing to take on the negotiation of necessary land management agreements for a Core Path – that is clearly the responsibility of the National Park. KCT has informed the NPA of our position and have asked them to clarify what they will now do to ensure safe access to the footpath.

KCT Trustees and our Project Management partner West Dunbartonshire Environment Trust have expended considerable effort on this project: making a successful grant application, arranging surveys of the ground and surrounds, obtaining quotes for the design and build of the bridge and consultation with landowners. We acknowledge the support of Leslie and Hilary Baxter and John Struthers and assistance from Alan McMullen.

Community Trust AGM and membership

As a Charity we require to hold an Annual General Meeting of members, which will be on **23rd March in KMH**. All members will receive invitations and we are keen for new members to join us. The purpose of the Trust is to progress and deliver local projects for Community Benefit, particularly sustainable development and related to recreation, citizenship development, education, heritage and the natural environment. If anyone would like become

involved in our work or attend the AGM please contact any of the trustees (details on Gartocharn.org).

Watch the Gartocharn Community facebook page for more details.

10) National Park Issues

Several community councillors collaborated in a joint response to the consultation on changes to the planning guidelines as a result of findings during COVID-19 visitor pressures. The consultation was very detailed so the response had been posted on the KCC web site ([Link](#)).

Several community councillors attended the NP's virtual session on 'Future Nature' – policies on biodiversity, control of non-native species (flora and fauna) and reintroduction of lost native species. Next stage - Future Nature update report will go to the 14th March National Park Board to consider.

There was a discussion of the planning application for the island of Inchconnachan. Although out-with our CC area some concerns were raised to us about the Wallaby cull and the ground works affecting the ancient oak woodland which are part of a SSSI.

11) West Dunbartonshire Council

Roads

No response to request for an update on a scope of works for various sections of A811 footway.

Councillor Page

Water Safety Policy put forward by cllr. Page has been adopted.

Budget due on Wed – cuts are to be expected due to shortfall.

Also no response from Roads Dept on outstanding issues even emergency ones.

A 2014 report on Balloch Park has been resurrected and will be updated and used to seek funding to regenerate the park.

Rather than pursue an asset transfer of Balloch Castle Country Park, it is more cost effective to alter the lease to allow WDC to keep revenue generated by the park as long as it is reinvested in the park.

General discussion on byelaws for dogs. Sheep worrying incidents seem to be on the increase. This is both costly and stressful to farmers.

DSP informed us that on 11 Jan 2022, SPARC, the Scottish Partnership Against Rural Crime, launched the national Livestock Attack and Worrying campaign with the slogan: **'Your Dog – Your Responsibility'**. Fines of up to £40,000 or 12 months imprisonment can now be imposed for livestock worrying.

Although penalty fines are now very high, if dog or owner not identified then fines cannot be imposed.

12) Correspondence

Police crime report appended. One crime recorded - Vehicle driving whilst in poor condition and license plate offence - Detected

Stirling Council – Catterburn Bridge at Croftamie – long update received and will be appended to these minutes but essentially no date given for completion.

SEPA – dialogue continuing to find an appropriate person to invite to a meeting to explain SEPA role in engaging with planners and talk about protection of water quality of the local watercourses and loch & maybe about private sewage treatment standards and flood plains etc. SP has a neighbour who may be able to help.

National Park – there is a new round of briefing sessions around Visitor Management – this is by teleconference on Fri 11th March.

13) Next Meeting

Monday 16th May 2022 at 19:30 in KMH – AGM followed by ordinary meeting.

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

15) AOB

Discussion again on the state of the field behind the hall. Untidy mess and leylandii spoiling the view. The chair suggested that the only solution would be for the community to purchase the field and noted that the law had changed to strengthen the community's right to buy. There was a discussion on the latest right to buy legislation and MSP Pam Gosal suggested use of the levelling up fund from Westminster. KCT are monitoring the situation.

AS to follow up with KCT

DSP suggested that we engage with the Hunter Foundation to see if they can revisit their sewage treatment plans to treat on site rather than pump a long way uphill to the Gartocharn Treatment Plant and use up a significant part of the capacity at the works. JM suggested we wait until we get an update on the development plans.

DSP asked about registration with the Information Commission. JM agreed to be our Data Protection Officer. **DSP to follow up and register.**

MSP Pam Gosal had a chat with everyone on a variety of topics raised tonight.

JM thanked everyone and closed the meeting 21:00h



COMMUNITY COUNCIL REPORT

Name of Community Council:- KILMARNOCK

Date of Report:- 07/03/2020

Submitting / officer:- PC Michael Williams

Crimes/Offences that have occurred in community area since last meeting	<p>Police Report covering the period 04/02/22 – 07/03/22</p> <p>There was 1 reported crime during this period.</p> <p>Vehicle driving whilst in poor condition and license plate offence - Detected</p> <p>The above excludes fixed penalty notices issued in respect of anti-social behaviour, non-endorsable and endorsable offences (Road Traffic).</p>
Updates on previous actions	
Incidents of note or crime trends	
Forthcoming events / Initiatives	
This month – Issues raised at the meeting	

Contact Us

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.

It should be noted that due to a recent restructure within Argyll & West Dunbartonshire Division we no longer have a dedicated Community Policing Officer for your area. Information contained on this form has been gathered by an officer from the Community Engagement Team. Any issues raised at the meeting will be disseminated to either Local Policing or Problem Solving Team officers.

If you wish to contact us direct with any specific complaints or concerns, please contact the following based at Dumbarton Police Office;

Community Engagement Team Sergeant – Brian Simpson

Tel: 101

Appendix 2 – Correspondence from Stirling Council

Dear Mr. Sinnott,

I have spoken with my team leader and she is waiting for further updates so that she can inform several community councils. I am hoping she will manage to get back to you before your meeting on 7th March but in case she is unable to, the latest update is:

Bridge Engineer and Road Officers (Officers) undertake the inspections of the roads and structures on the adopted road network every 2 years in accordance with adopted specifications and procedures. Our immediate priority is to keep the road network as safe as possible and we do not wish to close roads unless there is a real need to do so. Unfortunately, the partial collapse on 30th September, 2021 of the masonry arch necessitated the full closure of the road, even to emergency vehicles. Prior to the partial collapse of the downstream parapet, Stirling Council had been risk managing the structure by keeping the road open to single lane traffic since summer, 2017 and had instructed external consultants to progress a design solution to repair the leaning parapets. Stirling Council is very aware of the impact upon the various communities with the diversions at B818 Branshogle and A809 CatterBurn, Croftamie. It remains one of Stirling Council's priorities to progress the solution to repair these structures as expediently as possible and reopen the B818 and A809 roads. Thereafter, we will be able to focus our resources upon maintaining other structures across our adopted road network, including structures such as at Blane Water on B834.

Once the emergency closure and diversion route were in place, Stirling Council immediately prioritised determining and progressing a design solution for the structure. To date, much of the work has been 'behind the scenes' and little on site but we are now nearing the end of the design phase. Such work also included securing funding to progress the repair of the structure, liaising with multiple internal and external organisations and the communities involved. Re-routing council services such as winter maintenance, waste services and transport (for education). The feasibility of alternative proposals has also been considered and the solutions to progress the solution with most efficient, balanced with minimal community impact (across the board), has been and is being progressed. Stirling Council has also considered alternative options such as installing a temporary bridge. Due to road alignment and also the need to ensure that the load path does not impose undue loads on the existing structure, it was not deemed feasible to pursue this route. Furthermore, the installation of the temporary structure could have an adverse environmental impact upon the community or conflict with the remedial solution for the bridge repairs with respect to programme or feasibility. In order to limit the impact to the community, Stirling Council has been perusing the option for repair of Catterburn Bridge as quickly as possible and with an efficient programme.

It has been determined that the existing arch remains fit for use and therefore the preferred route will be a traditional take down to arch and rebuild. Design for repair work including compilation of design drawings and tender package is ongoing and we anticipate to have a complete design by mid-month. Once the design phase is completed, the tender documents will be issued as part of the Tender Process. Contractors will be requested to submit construction programmes alongside their tender submissions and a tender review process will be undertaken. Shortly after this, Stirling Council hopes to award the contract to the successful contractor.

We are now nearing the end of the design phase for Catterburn Bridge. We have undertaken survey and ground investigation work and engaged with several external organisations in order to progress the design, including speaking with the Public Utility organisations. Trial pits have also been undertaken to help progress the design solution. We have also been engaging with SEPA, Loch Lomond & the Trossachs National Park Authority and sought early contractor engagement with contractors who have expressed an interest in the project. Ongoing discussions are still underway with Nature Scot and Loch Lomond and Trossachs Planning Team. Our preference would be to commission works which would not trigger a planning application.

Unfortunately, these processes do take time but this also allows Stirling Council and the other parties to work as professionally and diligently as possible to provide a considered feasible solution and we have been striving to progress matters as quickly as possible, employing measures such as early contractor engagement, issuing prompt instructions to our external consultants (who were already on

board) to progress feasible design solutions, etc. We have immediately engaged with multiple stakeholder organisations such as SEPA, LLTNPA, PU's Forth Fisheries and commissioned various surveys in order to progress the design solution.

My apologies that I am unable to give you any firm dates for completion; this is because we do not, at this particular time, have any finalised construction programmes. But Stirling Council is applying pressure (and will continue to do so) to progress the solution across all parties to reopen the A809 at the earliest opportunity, once it is safe to do so.

Yours Sincerely,

Lorna Cooper BEng (Hons) MSc
Bridge Engineer
Bridges Flooding and Drainage
Stirling Council
Endrick House
Stirling, FK7 7SZ