

Portmoak Community Council

Draft Minute of Meeting held on 10th April 2018

at Portmoak Village Hall, Scotlandwell

- 1. Attendance:** Councillors: M Strang Steel (Chairman), B Calderwood (Deputy Chairman and Treasurer), R Cairncross (Secretary), S Forde, D Morris, A Muszynski and T Smith; and Wouncillors: M Barnacle and W Robertson; and 20 members of the public.

Apologies: Councillor A Robertson; and Wouncillors C Purves and R Watters; and PC D Stapleton.

- 2. Approval of Previous minutes:** The Minutes of the CC meeting held on 13th March 2018 were approved.

- 3. Matters Arising from Previous Minutes:**

Item 3 School Access - policy on parking and safe access routes for children. The Chairman reported on the meeting he and the Secretary had had with the Head Teacher. This had focused on the safety of children accessing the school using the “red strip crossings” on Bishop Terrace and Buchan Avenue. These did not appear to have formal status nor provide the level of safety that could be expected. As a consequence there was a risk to children using them. Safety on both routes could be improved by signage, warning lights and/or clear road markings. In particular cars on Bishop Terrace should not be permitted to park in the immediate vicinity of the “red strips”. The relative value of the Buchan Avenue crossing should be separately evaluated. The outcome of the meeting had been reported to Wouncillors Purves and Barnacle. Wouncillors considered that there could be capacity in the current budget to replace the red marking on Bishop Terrace with a zebra crossing. It was agreed to pursue this. The matter of access to the school is to be considered at some point by PKC’s Environment and Infrastructure Committee. In the meantime it and would be reviewed as part of the forthcoming meeting with PKC officials on 16th April (see *Item 3*).

Item 3 Footpath from Scotlandwell to the Church, Hall and beyond. This was a CC priority. Representatives of relevant PKC Departments and of the CC would meet to progress the matter on Monday 16th April.

Item 4 RSPB Loch Leven: Underpass commissioning arrangements. RSPB had advised that it had received an updated programme for underpass construction from the construction company. While there was still a measure of uncertainty the anticipated dates for traffic management are 22nd May until 10th July. The programme contained no road closures.

Item 5 Resilience - being better prepared for risks. Community Emergency Plan. This matter would be taken forward at a meeting with the PKC Resilience Lead with the CC on 30th April.

Item 6 CC Website and Communication Strategy. A revised website was being finalised and would be available to the CC for comment shortly. PKC would provide guidance on new Data Protection Regulations and may influence how the website is operated.

Item 7 Devil’s Burden Race. Councillor Morris will arrange a meeting with race organisers to address concerns already noted.

- 4. Reports**

- 4.1 Police:** The Local Police Report for Portmoak from PC D Stapleton was received recording recent incidents: a shed broken into in Scotlandwell; vandalism to a house window in Kinnesswood; power washer broken into at Buchan’s garage Kinnesswood; and theft of a

quad bike in Scotlandwell. The Area Commander's Bulletins of 14th, 21st and 28th March and of 4th April were noted.

- 4.2 **Treasurer:** The balance at the month ending 31st March was £439.20 in the General Account; and £1,192.48 in the Michael Bruce Way Account giving a total of £1,631.68. The new "Holding Account" held £1, 500.00.

4.3 **Planning:**

1. New applications:

- a. **17/01596/IPL. Land 50 metres south of 9 Bishop Terrace, Kinnesswood (Stephen's Field).** Erection of a dwelling house in principle. Consultation closed 13th October 2017. To note PKC's wish to bring the extension of the period for comment granted in answer to the CC's objection of 13th October to an end and decide how to proceed.

The Chairman reported that: a) the CC had objected to the application on 13th October on the grounds that there was insufficient time to hold a ballot and that further information to inform any ballot was required; b) the CC had agreed to clarify its position to PKC by 13th April; and c) while there was clear agreement on the outcome to achieve transfer of Stephen's Field into community ownership the CC was divided on how to proceed. If the matter was simply should a house be built on the proposed site then it was likely that there would be unanimity in opposing it. But Stephens' offer was to transfer the substantive remainder of the Field into community ownership in the event of their receiving planning permission for a house. Since October the CC had participated, along with PKC officers and John Stephen of A&J Stephen, in two meetings. These had included exploring the possibility of an alternative site for the house elsewhere in the Field. While these meetings had yielded further information there had been no progress on the principal matter of the house site.

There were therefore three options for the CC: to object; to take no action; or to proceed to a ballot to inform the CC how it should react to the planning application and offer.

Discussion included contributions from both CClrs and residents present. CClr Morris believed that the CC should now object and indeed that was the view of the four CClrs who lived in Kinnesswood. There has been a strong and consistent history of objection to a house on this particular site: and indeed there were some 60 objections to the current application.

The reasons for objection had been well rehearsed: a) the proposed site for the house lay outwith the settlement boundary and as such conflicted with planning policy as set out in the current Local Development Plan: notably Housing in the Countryside (policy RD3) and Settlement Boundaries (policy PM4); b) it did not fit the setting and would irrevocably change the landscape; c) it would compromise the natural environment of the Field (both flora and fauna) and its recreational opportunities much valued by the local community; and d) it could open the door to further build development. The 2015 ballot, which had voted in favour of accepting the house in exchange for transferring the remainder of the Field into community ownership, had relied on a contract for that exchange that many now regarded as flawed. In addition some felt that it did not feel right if, to secure the outcome they all wanted, they would have to accede to the proposed house. Why might a ballot be necessary? The volume of objections made the view of the community clear.

CClr Morris stated that he had taken preliminary steps to form a body to take advantage of recent Land Reform legislation which would come into force within the next two years. This would provide the opportunity for the community to acquire by purchase ownership of the whole Field. While there could be no guarantee that an application to do this would be approved it was a credible strategy and preferable to settling now for

part ownership of the Field with the proposed house. He was confident that finance would be available from public funds. There was interest in the local community to take this forward.

In making the case for the option of holding a ballot the Chairman pointed out that constitutionally the CC had an obligation to ascertain, coordinate and express the views of the whole community it represents reflecting the broad spectrum of opinion and the interests of all sections of the community and to do so through recognised consultative mechanisms. While it was clear that there was strong local opposition to the proposal it was not clear that that was representative of Portmoak as a whole.

CCLr Muszynski moved that the CC should object to the application reflecting the views as recorded above. The motion was carried by a clear majority. The CC would now report its objection to PKC on the principal grounds already put forward by the objectors, namely that the proposed house site (a) is in conflict with the Local development plan, (b) would have an adverse effect on the natural environment of the field and (c) would have an adverse effect on the public's long established recreational use of the field.

- b. **18/00339/FLL Lang How, 22 Whitecraigs, Kinnesswood.** Extension to rear of dwellinghouse. No comment.
- c. **18/00499/FLL Loch Leven's Larder.** Extension of existing retail shop. (To note: withdrawal of application 17/01885/FLL - erection of a new barn.) No comment.
- d. **18/00346/FLL Suilven Kinnesswood.** Renovation of the existing building. The CC would comment highlighting the need to ensure the integrity of core paths that cross or border the site both during the construction phase and thereafter.

2. Progress with Developments:

- a. **16/03661/CON). Former Lomond Inn: proposals for part demolition and erection of 5 dwelling houses.** A new application was anticipated.
- b. **17/02227/IPL Levenmouth, Scotlandwell. Erection of two houses.** The Chairman will write to: the Convener of the Planning and Development Management Committee expressing concern that the decision to grant planning consent did not comply with the Council's "Scheme of Delegation"; and to the Interim Head of Planning expressing concern at inaccuracies and omissions in the delegated Report on Handling.

4.4 **Roads:** CCLr Calderwood reported that:

- a. he had raised the matter of safety barriers outside the Shop in Kinnesswood and although the feedback had not been positive he would pursue the matter at the meeting with Council officials on 16th April;
- b. he would pursue the failure to resurrect the demolished road sign at Scotlandwell;
- c. vehicle activated signs aimed at controlling speeding were being commissioned;
- d. post-winter potholes of varying sizes were readily apparent across Portmoak with some areas worse than others. PKC had a programme for their repair. The Ward Councillors would arrange for the CC to be advised where pothole repair would be inadequate and a more substantial road repair required; and
- e. he would respond to the PKC request to provide feedback on the programme for gritting and snow clearing for 2017/18. Of note was the failure of gritters to process beyond the School to Bishop Terrace and of PKC to fill and maintain the grit bin on Bishop Terrace.
- f. review the arrangements for voluntary snow clearing across Portmoak.

WCllr Roberson reported that, in light of the new budget allocation for road safety and following the recent meeting regarding safety at the A911 Wester Balgedie junction, he would now raise the matter with the roads department.

4.5 **Paths:** An Action Plan setting out the Path Group's work for the year ahead was in preparation and would be presented shortly.

5. PKC Ward Cllr Reports

WCllr *Barnacle* reported on the programme for post winter pothole and road report repair. It was early days but there had been some progress towards the establishment of what could be a Local Area Committee for Kinross-shire.

6. Matters previously notified to the Secretary plus matters raised from the floor. None.

7. AOCB. The CC received: a) the Calendar of Meeting Dates for the year 2018-19; b) its new Brochure for presenting the work of the Council to both residents and visitors to Portmoak. This would be placed on the CC website and made widely available throughout Portmoak.

8. Date of next meeting:

The next meeting and AGM of Portmoak Community Council will be held at 7.30pm on Tuesday 8th May 2018 in Portmoak Village Hall, Scotlandwell. The Chairman thanked everyone for their attendance and the Meeting closed at 9.25p.m.