

Portmoak Community Council

Draft Minute of Meeting held on 12th February 2019

at Portmoak Village Hall, Scotlandwell

1. **Attendance:** Cllrs M Strang Steel (Chairman), R Cairncross (Secretary), B Calderwood (Treasurer), S Forde, D Morris, A Muszynski and T Smith; and WClrs M Barnacle, C Purves and R Watters; and 3 members of the public.

Apologies: CClr G Cox; WClr W Robertson; and Police Scotland PC D Stapleton.

2. **Approval of Previous minutes:** The Minutes of the CC meeting held on 11th December 2018 were approved subject to the following amendments:

Item 6, 3, a) 17/02227/FLL Levenmouth, line 8 amend to: "The Chairman to contact WClr R McColl"; and

Item 6, 3, c) Westfield Energy recovery facility, line 1 amend to: "Brockwell Energy Ltd is responsible for the development of the Energy from Waste facility. It had been sold by Hargreaves Land for a sum in excess of £21M to an investment company or companies. Hargreaves Land retains certain freehold land assets at Westfield on part of which Brockwell intends to develop its energy production assets."

3. **Matters Arising from Previous Minutes:**

Item 3 School Access - policy on parking and safe access routes for children. The absence of progress on this policy was disappointing. The Chair had now heard from the Convenor of PKC's Environment and Infrastructure Committee, WClr Angus Forbes, that he believed the WClr C Purves would communicate to the CC on this on the matter. WClr C Purves confirmed that he had nothing to say as he was waiting for Convenor Forbes to respond on the matter. **ACTION: The Chairman would again contact WClr Forbes to clarify the situation and seek comment. If the opportunity arises the matter may be added to the agenda of a possible meeting with the new CEO, Karen Reid.**

Item 3 Footpath from Scotlandwell to the Church, Hall and beyond. The Chairman reported that the CC had met the request of PKC and obtained consent from the owners of the relevant land to permit PKC to undertake a survey of possible routes as part of the required option appraisal. This had been communicated to PKC.

Item 3 Resilience - being better prepared for risks. Community Emergency Plan. CClr A Muszynski reported that there had been a further constructive meeting with interested local parties and representatives of SSE and the PKC Local Resilience Partnership. The Community Emergency Plan was evolving, was following a template in line with national and regional provisions, and was being informed by input from the Local Resilience Partnership, SSE and national organisations. Work was in hand to clarify the contribution of utility providers in emergency conditions. At some point shortly the intention was to share the Plan with the wider Portmoak community and seek their support to what has been proposed. The Plan, once confirmed, would be placed on the CC website and a single summary page made readily available throughout the community. Complementary to this was work with SSE and the NHS to identify vulnerable/at risk residents.

Item 3 Review of Scheme of Establishment of Community Councils. WClr C Purves reported that revisions to the Scheme of the Establishment of Community Councils would be formally considered the full Council at its meeting 27th February. PKC would be apprised of the CC's position on boundary changes and the support for this from both Kinross and Milnathort CCs.

Item 3 Moss Road Car park. The Chairman reported that, as it was impossible for the proposed title change to proceed, the relevant support funding had been returned to the benefactor and a residual legal bill settled.

Item 3 Whitecraigs redundant land plots. PKC Greenspace had confirmed PKC maintenance for the plots is due to start from 1st April. Excluding the plot being developed by Kinnesswood in Bloom, the remaining 7 plots will be categorised as a single site with the following schedule:

- Grass cutting carried out on a fortnightly basis weather permitting (April – October).
- Weed control carried out twice a year on hard surfaces.
- Shrub beds to receive two visits per year, once in July to apply weedkiller and litter pick, and once in the winter to check if vegetation is overhanging onto footpaths and only cut back if overhanging.
- Tree works carried out on a reactive basis.
- Litter collections carried out when GM are on site.

If there are any problems with litter, trees etc. this should be reported (best through myPKC) and the squad will attend.

Item 3 Portmoak Cemetery. The Chairman reported that, although progress on this matter was slow, a possible site was now under consideration.

Item 3 AOCB Charging Children for school transport on the 201 service bus. WCllr C Purves reported that, in response to a request by our Ward Councillors, the PKC Public Transport Unit had reviewed the current provision for children from Scotlandwell accessing the school per the 201 service bus. It had determined that the transport arrangements for those pupils residing south of the school is to be provided by an education transport contract from school session 2019/2020. Following this decision, it has been agreed that in the meantime affected pupils travelling on the Service 201 will not be required to pay the appropriate fare and may travel free of charge on Service 201, to and from school, from Monday, 18 February 2019 until the end of this school session ending 28 June 2019. As a result of these changes, Service 201 will no longer operate to and from Portmoak Primary School as from 21 August 2019. The CC welcomed these arrangements and thanked the Ward Councillors for their support in achieving this outcome.

- 4. Rural Transport.** WCllr C Purves reported that, following the discussion on rural transport provision at the recent Kinross Forum, ward councillors proposed to conduct a Kinross-wide survey to understand current transport needs and to feed the results into subsequent discussions with the PKC Public Transport Unit. It was acknowledged that the options identified will not be constrained by the current conventional arrangements provided by Stagecoach and that innovative strategies including voluntary provisions would be explored. Experience of models elsewhere would be considered. Destinations would include not only travel requirements within Kinross-shire but links to and from destinations in neighbouring Fife, and Clackmannanshire as well as links to destinations using the M90. The needs of specific groups could be explored with the CC highlighting that the views of teenagers and school leavers should be addressed. The CC received a paper from CClr G Cox. This proposed evaluating the option of extending a 2 hourly Jet 747 (Edinburgh Airport - Inverkeithing rail station - Halbeath P&R) onwards through Kinross to Glenrothes (following the 201 route through Portmoak). The CC asked that this paper be taken into account. It would support survey work to secure community views on transport.

5. Reports:

- 1. Police:** The CC noted the local report from PC D Stapleton - there had been no local crime. The CC also noted the Area Commander Bulletins of: 12th, 19th, and 26th December; and of 2nd, 9th, 16th, 23rd and 30th January 2019; and of 6th February.

2. **Treasurer:** The balance at the month ending 31st January 2019 was £411.40 in the General Account; and £1,144.27 in the Michael Bruce Way Account giving a total of £1,555.67. The “Holding Account” No. 3 held £1, 500 as the cheque returning it to the donor had not been cashed.
3. **Planning:** to include:
 1. New applications:
 - a) **18/02275.** Napix, The Cobbles, Kinnesswood. Erection of a conservatory. No comment.
 - b) **18/02243/FLL.** Carlin Maggie Cottage, Pittendreich. Extension to dwellinghouse. No comment.
 - c) **18/02267/LBC, 18/02268/FLL.** Loch View, Main Street, Kinnesswood. Installation and replacement of windows and doors. No comment.
 2. Progress with Developments:
 - a) **17/02227/FLL.** Levenmouth, Scotlandwell. Erection of two houses. The Chair reported that, following WCllr R McColl’s offer to meet the CC, he had invited WCllr R McColl (*Convenor, Planning and Development Management Committee*) to join with the CC at its Management Group Meeting on Monday 25th February. [Note: Following the meeting WCllr R McColl accepted the CC’s invitation.]
 - b) **18/00667/FLL.** Former Lomond Inn, Kinnesswood. Erection of a dwellinghouse. The CC understood that a new application was anticipated by the end of March.
 - c) **FIFE 18/18/02342/ARC Westfield, Energy Recovery Facility.** On 4th February and subject to conditions, Fife Council had granted full planning consent for this application. Although the specifications for the Energy from Waste (EfW) plant had been modified with a consequent modest drop in supplying HGVs, the overall predicted HGV traffic to and from the site has not changed. There will be detailed Construction Transport Plans for each construction site but an overall Operational Transport Plan for the whole site. SEPA will play a key role in licensing and monitoring activity associated with this EfW plant. Although not a condition of planning there is an intention to move in April to establish a Community Liaison Group. This would be a pan Fife/PKC Group with representatives from ward councillors, council officers, community councils, and other community interest groups.
 3. LDP2, Consultation on Supplementary Guidance: a) Air Quality and Planning; b) Flood Risk and Flood Risk Assessments; c) Housing in the Countryside; d) Open Space Provision; and e) Placemaking Guide. (Guidance CIRCULATED). Consultation on these five Supplementary Guides would close on 14th March. **ACTION: Preliminary responses for the CC to consider would be made by: CCllr A Muszynski (Flood Risk/Flood Risk Assessments and Placemaking); CCllr R Cairncross (Housing in the Countryside and Open Space provision); and CCllr B Calderwood (Air Quality and Planning).**
 4. PKC Planning Performance Framework Feedback. (Report CIRCULATED) The CC received the above performance feedback and noted that the Minister, in acknowledging it on behalf of the Scottish Government, had remarked that a High Level Group on Planning Performance had recently met to discuss performance measurement and other improvements. Support for ongoing improvements in the planning service was important. **ACTION: The CC would write to the Minister copying its letter to the PKC CEO stressing the importance of complementing self-reported quantitative measures with independent qualitative evaluations that took account of the views of the community that the Council served.**
 5. Removal of Public Comments on Planning Applications from Public Access. (Letter from WCllr Purves CIRCULATED). The CC considered the letter from WCllr C Purves to PKC’s

Interim Development Quality Manager regarding PKC's unilateral decision to withdraw access to comments made by the public and non-statutory organisations from the Public Access e planning portal. Apparently comments are being removed from the public domain once a planning application is determined to comply with the General Data Protection Regulation (GDPR). Given that, beyond the name of the person submitting comment, all other personal information is redacted this may not be a valid interpretation of the GDPR. It is useful to refer back to comments made on determined planning applications. The CC strongly supports WCllr C Purves' letter and his statement that "Planning decisions are a matter of public record and so should be the process by which they are reached. People engage in what is a quasi-judicial process knowing that their comments will be made public and open to scrutiny. This transparency should not lapse after a set period of time." **ACTION: the CC would write to PKC expressing its objection to these changes.**

6. *PKC Reviewed Planning Enforcement Charter*. (CIRCULATED). The CC noted the Charter.

4. **Roads:** CCllr Calderwood reported that work to improve the road markings around the junction of the B9097 and B920 was in hand. The delay in removing the 40mph limits at the completed works at RSPB Loch Leven would be investigated. CCllr S Forde reported on poor road markings and an absence of cat's eyes making driving difficult on the road between Lethangie and the Community Campus. The matter should be reported on the PKC roads website.
5. **Paths Group:** The work programme for 2019 was in preparation and would be presented at the March meeting.
6. **Community Council Website** (CIRCULATED). The CC approved the new website and its immediate commissioning. It thanked the Webmaster, Gordon Vance, for his work in developing it.

6. PKC Ward Cllr Reports.

WCllr M Barnacle reported that, in respect of the LDP2, the Government's Reporter had required further information relating to the capacity ranges for new housing set out in the proposed LDP2. The proposed Council budget would become public shortly but it would be several weeks before it is settled.

WCllr C Purves reported on his approach within the Council to secure an equal right for local communities to appeal council decisions for planning applications. Presently only developers can appeal such decisions but local communities do not have a similar right to appeal. This disparity contributed to a serious lack of trust in the planning system. With planning legislation currently before the Scottish Parliament it was timely to raise this matter. Unfortunately his motion to do so in Council was substantially defeated by a significant number of councillors. The CC considered the matter and determined by a large majority to support WCllr Purves' proposal. **ACTION: The CC will write to the Minister setting out its support for this legislative change and copying it to the CEO Karen Reid. CCllr D Morris would undertake an initial daft.**

WCllr R Watters reported that arrangements were in hand to disburse this year's allocation to the Community Investment Fund. The Chairman would represent the CC at the relevant meetings.

7. Matters previously notified to the Secretary plus matters raised from the floor:

1. *Portmoak School:* The CC noted the imminent departure of the Headteacher, Louise Gordon. Her stay in Portmoak had been enriching and rewarding for all. The CC wished her well in her future career.
2. *Events:* the CC noted two events details of which had been circulated: The Scottish Flood Forum - networking event; and the Community Asset Transfer - event.

3. *A Consultation on Fireworks in Scotland:* The Scottish Government was taking forward a consultation on fireworks in Scotland due to conclude on 13th May. Residents who may like to comment can find further information on the Scottish Government public website.

8. **AOCB.** None.

9. **Date of next meeting:**

The next meeting of the Council will be held at [7.30pm](#) on **Tuesday 12th March 2019** and the Meeting closed at 9.35 PM.