

Minutes of a Meeting held on Wednesday 4 October 2017

at 7.30pm in the Masonic Hall, Muirs, Kinross

**Present:** Councillors Bill Freeman (Chair), Eileen Thomas (Secretary), Jonathan Bryson, David Colliar, Dave Cuthbert, Barry Davies, Ian Jack, David MacKenzie and David West; P&K Councillors C Purves and R Watters; and two members of the public.

1. **Apologies** were received from Councillor M Blyth; community police; and P&K Councillors M Barnacle and W Robertson.
2. **Declarations of Interest:** None.
3. **Minutes of meeting of 6 September 2017:** Agreed as a true record. Proposed: Councillor D West. Seconded: Councillor D Cuthbert.
4. **Police Report:** Police unable to be present due to leave, but a report was provided by email. There have been no real incidents of note for Kinross, although police are aware of traffic issue along Springfield Road due to a diversion. There was a spate of vandalism in Milnathort on the weekend prior to this meeting. Three males have been reported to the Procurator Fiscal. Police issue a reminder of home security as nights draw in. Police offer to answer any queries. It was agreed to ask the ages of the three males reported for vandalism. **ACTION: Secretary.**
5. **Matters Arising from the Minutes of the Meeting of 6 September 2017.**
  - a. **NHS Surgical Services Consultation.** Councillors Cuthbert and Davies had attended a meeting in Perth on 3 October organised by some MSPs and reported on this. The secretary had requested an extension to the consultation and for an event to be held in Kinross, but received only an automated reply. Councillor Jack had written to Roseanna Cunningham MSP who wrote to the Chief Executive of NHS Tayside. Perhaps as a result, a consultation event was announced on 3 October, to take place on 9 October in the community campus. The deadline for comments is extended to 16 October. *[Post meeting note: this was further extended to 24 October.]* The principal concern of those who attended the meeting in Perth is whether Scottish Ambulance will be able to cope with the proposed changes, which will involve patients from Perth & Kinross having to travel to Ninewells for unscheduled surgery rather than PRI. It was agreed that the Secretary would draft comments after the meeting on 9 October and circulate to the rest of the CC. **ACTION: Secretary.** Councillor Watters will put up posters re the 9 October event.
  - b. **Open Spaces for LDP2:** Councillor Cuthbert is still working on a comment for the CC to agree and submit. **ACTION: Councillor Cuthbert.**
  - c. **Costcutter Path:** Councillor Robertson not present but an update on this was in his column in the October Newsletter.
  - d. **CC Representation on Campus Management Committee:** Councillor Purves reported. Education and Children's Services produced a draft constitution in anticipation of this committee being reformed. Councillor Purves received confirmation from Gillian Taylor of PKC that the constitution is a suggestion, and may be amended. One of the ward councillors will suggest an amendment to the constitution to allow for a CC representative on the campus management committee. **ACTION: Ward Councillors.**
  - e. **Anti-Skid Surfacing at Zebra Crossings:** Councillor Purves reported that there is no specific policy on this. It is not always suitable, depending on various factors. There is a list of locations which he will forward to the Secretary. The list that Councillor Cuthbert produced will be forwarded to Daryl McKeown of PKC. **ACTION: Councillor Purves.**
  - f. **Verge at by-pass:** Councillor Purves reported that Nigel Taylor is looking in to the lack of grass maintenance.

## 6. Planning Matters.

### a. Planning Applications to be Considered.

**17/01512/FLL** Erection of a garage, Wildwood, Bellfield, Balado. No CC comment.

**17/01441/MWM** Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to develop land without complying with Condition 2 (period of extraction) of planning permission 04/01322/MW (extraction and processing of sand and gravel), Balado Quarry, Balado. Neighbour Consultation Expiry Date was 23 Sep but the CC had requested and been granted an extension to Friday 6 October. The Secy had publicised the planning application on Facebook and read out the comments that had been left. These were mainly positive. No objections had been lodged on line to the local authority. It was agreed that the CC would write to PKC to say it had gauged public opinion and had no objection to the proposal. **ACTION: Secretary.**

### b. Planning Applications Determined by PKC (all Approved).

**17/01273/ADV** Display of signs, 121 High Street, Kinross.

**17/01281/FLL** Erection of ancillary accommodation, Braeside House, Hatchbank Road, Gairney Bank.

**17/00886/FLM** Application to modify conditions 8 (children's play area), 9 (access) and 11 (boundary treatment) of permission 15/01512/FLM (erection of 300 dwellinghouses etc) to reflect change in implementation timescale, land 300m NW of Lathro Farm, Kinross.

**17/00893/FLL** Erection of 6no. dwellinghouses, formation of open space, landscaping and associated infrastructure works for plots 1-6, relocation of SUDS basin, pump station and erection of substation (revised layout and design) (in part retrospect), land 300m NW of Lathro Farm, Kinross.

**17/01225/FLL** Change of use from ancillary store (class 7) to micro-distillery (class 4), Green Hotel, 2 Muirs, Kinross.

**16/00996/FLL** Erection of 8no dwellinghouses and associated works, land 110m SE of Beaufield, Balado.

### c. Lathro Farm.

- i. **Flooding/drainage:** Cllr Purves had sent an email about PKC's position on legal liability for groundwater flooding to the Secretary (who circulated it to the CC). A PKC solicitor had provided information to Cllr Purves with the proviso that it was for informational purposes only and with a reminder that Council solicitors only provide legal advice for the Council and not for other persons. The solicitor referred to Scottish Planning policies 258 and 259:

'258. Planning authorities should have regard to the probability of flooding from all sources and take flood risk into account when preparing development plans and determining planning applications. The calculated probability of flooding should be regarded as a best estimate and not a precise forecast. Authorities should avoid giving any indication that a grant of planning permission implies the absence of flood risk. 259. Developers should take into account flood risk and the ability of future occupiers to insure development before committing themselves to a site or project, as applicants and occupiers have ultimate responsibility for safeguarding their property.'

The solicitor says that the primary responsibility for flooding lies with the landowner and that, once a house is occupied, the responsibility passes from the developer to the new individual owner of the land on which a property is situated. He indicates that the general position is that planning authorities should take into account the probability on flooding from any possible sources and consider flood risk when determining the planning application. This does not mean that they must remove all the flood risk but only that this probability of flooding must be assessed.

The solicitor does not recognise that local authorities would be liable for claims where it can be proved that groundwater flooding is responsible. He points out that flooding expert Professor Crichton refers to local authorities having a "democratic" accountability, than a legal one. However, the solicitor says this "does not sit well" with SPP 258 and 259.

Cllr Purves also summarised further email correspondence on this subject that he had had with Mr Whitcombe of Lathro Park. Mr Whitcombe had asked who is responsible for the engineering design of the drainage system. Answer: The developer's consultants provide the modelling and

calculations and these are assessed firstly by PKC Flood Risk team. After that, the installation requires approval from PKC Roads Construction Consent (RCC) team. Drawings are with RCC and can be viewed at Pullar House. Question: Whom does PKC consider will be ultimately responsible for the performance of the drainage system presently being installed? Answer: The drainage system is either adopted/maintained by Scottish Water or the Council's Roads Department. PKC's RCC team are currently awaiting confirmation by the developer's consultant but for a development of this scale PKC would expect it to be Scottish Water.

Recently there was an application to move the SUDs pond at the Lathro development, but it was linked with an application for just six houses, so the application did not require a consultation comment from SEPA or Scottish Water. Cllr Purves said that a Council officer said moving the SUDs pond will not make any difference. Cllr Barnacle had proposed an amendment when this application was considered at the Development Management Committee, but the motion was deemed incompetent because consent had already been granted for the larger application. Cllr Purves stated that Scottish Water will only adopt the system if it is satisfied.

- ii. **Tree Preservation Order:** The Secy had received an email from Anne Condliffe, PKC, apologising for not responding properly before. She says that on this occasion "it was not considered appropriate to proceed to a TPO as there did not appear to be a threat to the trees." A reference to a six-week notice period before felling on the PKC website pertains only to conservation areas. This is not clear on the website and the CC will write again on this point. **ACTION: Secretary.** At a meeting with Nick Brian that morning (see 6d below), Nick Brian stated that the remaining Lathro oaks are outwith the current development site and that they are part of a buffer between Kinross and Milnathort.
- iii. **Radon Gas:** Cllr Watters reported that the Lathro site is in a 1% to 3% radon gas area. He had obtained information from the building standards officer but it only arrived late that afternoon so he had not had time to go through it. Protective measures require to be taken at the foundation stage. Cllr Thomas asked if PKC carries out checks at the foundations stage. Cllr Watters replied that the council should do.

d. **Planning Correspondence and Other Planning Matters.**

- i. **Former High School development site:** Cllrs Cuthbert, Davies and Thomas had met with Nick Brian and Steve Callan of PKC Planning on the morning of 4 October to view parts of the former High School site (now under development by Persimmon) and to discuss matters of concern. Cllr Cuthbert had made notes of the meeting which he had circulated by email, asking those who had been at the site visit let him know if anything was recorded incorrectly. He read out the notes at this CC meeting. The CC will await a response from Mr Brian on the points raised before writing further.  
Two residents whose house is on Alexander Drive, adjacent to the site, were present. They said a section of land was supposed to have been passed to them by Persimmon. They said that dust is a terrible problem and that the walls of their home are cracking due to the Persimmon works. They would like screening in place for privacy. They have communicated with Ian McGouldrick, land buyer for Persimmon; Steven Callan, case officer, and Kirsty MacKenzie, PKC Environment, but with no satisfaction.
- ii. **Correspondence:** Letters had been received informing the CC that applications it had commented on were on the agenda for the Development Management Committee of 20 September.

7. **Kinross Town Centre Regeneration:** Cllr Robertson had said the CC would receive information regarding a possible additional crossing for the south end of the regenerated area, but nothing has been received. Cllr Purves will send the CC a copy of the proposal, which would involve moving the bus stop from the corner of Montgomery Street to the corner of Swansacre. **ACTION: Cllr Purves.** There was discussion regarding why the Swansacre location had been regarded as unsatisfactory when it was originally proposed as part of the regeneration project. There is no further news of the additional bollards for the give-take section. Cllr Purves said that Councillors had experienced problems finding parking spaces in Kinross today when attending the Full Council meeting at the campus. They parked at Kirkgate and minibuses brought them to the campus. The CC wondered why buses had not been used to bring Councillors from Perth.

8. **Correspondence.** Approximately 55 items had been received. Most had been circulated by email and a list summarising them also provided. Items of importance had been dealt with elsewhere on the agenda.
9. **Reports from Perth & Kinross Councillors.**
- a. **Full Council in Kinross:** Cllr Purves explained that this was part of an endeavour to make PKC less Perth-centric. There were around 25 people in the public gallery, which is the most at a council meeting for some time. Two motions relating to Kinross-shire were passed. One (proposed by Cllr Purves and seconded by Cllr Barnacle) relates to rail transport: PKC noted that reopening the rail link between Edinburgh and Perth would reduce travel time by around 35 minutes and build on Perth's position as a transport hub. The council resolved to ask the Scottish Government to review rail infrastructure between Edinburgh and Perth. The other motion (proposed by Cllr Robertson and seconded by Cllr Purves) relates to junction 7 of the M90. The council agreed to write to Transport Scotland expressing support for the upgrading of junction 7 to a four-way junction when Transport Scotland is reviewing its projects list. Cllr Watters mentioned that some school pupils also attended Full Council and took part in a Q&A with Councillors separately from the Full Council. Cllr Watters added that live webcasts of council meetings are a possibility, in addition to the touring meetings.
  - b. **Community Street Audit:** Cllr Watters is organising this assessment of Milnathort and Kinross for accessibility. It will take place on 12 October. Anyone interested is welcome to book a place with him.
10. **Any Other Competent Business.**
- a. **Area Action Partnership:** Cllr MacKenzie gave an update. With further sources of funding this year, the budget is over £80,000. Some elements must be decided by participatory budgeting. There are vacancies on the Partnership committee. Money must be spent by 31 March 2018. Cllr Thomas suggested it would be good if summaries of shortlisted projects could be published in the February Newsletter. Information for groups that might wish to apply should probably go in the next Newsletter (November issue). Cllr MacKenzie will bring this to the attention of the committee. **ACTION: Cllr MacKenzie.** There was some discussion about the concept and purpose of Action Partnerships.
  - b. **Parking Survey:** A survey was carried out for PKC a few days before this meeting.
  - c. **Defibrillators:** Cllr Davies updated the CC on provision of public access defibrillators. The first, organised by Kinross Heart Start, had been officially unveiled at the September Farmers' Market. Cllr Davies has secured a grant of £2,000 for the CC's project to install one at the telephone kiosk on the Muirs. It will have a tracking system but he wondered if a CCTV camera should also be set up. Scottish Ambulance are willing to give training sessions locally.
  - d. **Traffic Management Model:** Cllr Watters will set up this meeting. **ACTION: Cllr Watters.**
  - e. **Open Day at Primary School:** Cllr Bryson informed the CC of an Open Day at Kinross Primary School on 26 October (with timed sessions to be booked in advance) to give former pupils and staff an opportunity to look around before the building closes. The school is also asking to borrow memorabilia. The new-build is still on schedule.
  - f. **Brown Waste Bin Charge:** Cllr Bryson had heard a rumour that a £25 annual charge to households for a brown-lidded (garden waste) bin is to be levied. The councillors confirmed this. It had been agreed as part of the budget in February by the previous council. There was some discussion. The reason given for not simply raising Council Tax is that not all households have a brown bin (e.g. rural properties). Some points made were: it is a tax on having a garden; it may increase fly-tipping; a behavioural impact assessment should be carried out; could the administrative cost of delivering this change (i.e. of tracking who has paid the fee and ensuring no-one else uses the service) cost more than the benefit? Cllrs Purves and Watters will find out more. **ACTION: Cllrs Purves and Watters.**
  - g. **Remembrance Parade:** Cllr Colliar asked for volunteers to join the organising committee. Cllr MacKenzie will try to attend the next meeting on 10 October.
  - h. **Tullibole Trail: BeWITCHED:** Cllr Davies mentioned this event, 27-29 October, which Rotary Club assists with as a fundraiser.

11. **Date of Next Meeting: Wednesday 1 November 2017.**

The meeting ended at 21:21 hours. All minutes are draft until approved at next meeting.