

KINGSBARN COMMUNITY COUNCIL

Meeting Tuesday June 21st

Present: Cllr. Elizabeth Riches, Cllr. Donald Macgregor **KCC:** Kate Holy (Chair), Rob Moodie (Vice Chair), Eileen Brown, Calla Cobb, Cate Scott, Raymond Hair and approx 12 members of the public.

1. Apologies: Cllr. Mike Scott-Hayward, Kit McMahon, Alistair Duncan

Kate Holy opened the meeting and thanked all for their attendance.

2. Minutes of previous Meeting May 6th 2011:

Read and approved (Prop: Rob Moodie; Sec: Eileen Brown)

3. Matters Arising from Minutes

a. Memorial Hall: Rob Moodie reported on the Joint Meeting of Kingsbarns Memorial Hall Committee and Kingsbarns Community Council which took place on 25 May, following the Open Day held on 27 April 2011. It was agreed that the Open Day had gone well, but it was disappointing that so few attended and no one to represent the school, although two schoolboys did participate enthusiastically. Of the activities suggested, Yoga, a Film Club, a Family Table Tennis & Games Night, and Ceilidhs were proposed, and various members of the Hall Committee are taking action. With regard to the Film Club, before it is set up, Jack Jarvis from Crail, has kindly offered a free night to test the response. If this is successful, the cost per night for a film would be £114 + 3 hours rent of the hall, so, with a suggested £4 per person per night, it would need about 33 tickets sold to break even. There is also an annual license fee to be funded. An Annual Membership Fee requires to be worked out and available for everyone attending the opening event. According to a note prepared by the new secretary of the Hall Committee, the Community Council was asked to consider:

1. Protecting the Film Club against loss in the first year.

2. Taking forward some of the activities.

In response to the two requests, Rob proposed and it was agreed that the Community Council:

1. Recommends that the Film Club should be established on the same basis as the Art Club, as a non profit making charity, which could seek grant funding, if required.

2. Reminds the hall committee that with regard to taking forward some of the activities, the community council has already initiated The Art Club and The Garden Club, which continue to use the hall for their activities and various members of the community council will be active in supporting the hall committee implement at least one of the new activities suggested. (both Prop:RM; Sec: EB)

Eileen Brown informed the meeting that originally the CC allocated £500 to establish a variety of groups such as the Garden Club but all the money went to the hire of the Memorial Hall. Their members now meet in each other's homes to reduce costs. The Art Club is funded independently. A member of the public asked how much it cost to hire the Hall. Currently, it is £5/hour for village groups, but with a minimum of 2 hours. Sue Jenkins informed that she is now Secretary of the Hall Committee and there are new members on the Committee. First

item on the agenda of forthcoming meeting is the price of hiring the hall and proposals will be put forward for restructuring the hire charges. KH announced Rob Moodie had kindly offered a garden shed (7' by 5' approx) to the Hall. It was agreed that this would be useful and discussion took place as to whether the CC or the Hall Committee would be responsible for the maintenance of the shed. It was proposed and agreed that KCC would pay the costs for installation and the Memorial Hall would be responsible for the cost of maintenance (Prop: CS; Sec:CC)

b. Flooding: Kate Holy informed that since the last meeting, Alistair Drummond, Technician has been in correspondence with the landowner of the fields around Station Road concerning the flooding from the field. George Duncan, Technician in charge of drains and culverts has examined local culverts to try to map the flow of water in and around the village. He arranged for the gully tanker to carry out cleaning in May and June and these appear to be running satisfactorily. Kate has organised a meeting with Scottish Water's Community Liaison Officer and their Site Analyst for June 27th to address the issue of the severe sewage back-up problems in the village. It has taken 6 months to set this meeting up.

c. STAndEN: To decide whether KCC makes a £200 donation to STAndEN in return for Sue Jenkins providing energy advice to residents of Kingsbarns who no longer have this service since ENLEN ceased to function after funding was withdrawn, Sue explained what service was on offer and also that she is attending a meeting in Perthshire on July 5th regarding funding for the possible installation of solar panels in the Memorial Hall. It was proposed (RM), seconded by Raymond Hair and agreed that KCC make the donation of £200 to STAndEN. * KH will now contact STAndEN to confirm our interest and donation. Sue will put a notice in the Post Office offering energy audits.

d. Beach Area: Cllr. Riches informed that she has made the request for more picnic tables. A member of the public mentioned the fact that the padlock on the barrier to the picnic area is merely cosmetic. KH to take this up.

e. Use of existing funds: There have been no * suggestions further to storage facilities for the Hall and the notice board. EB suggested using some funds for equipment for Family Night.

4. Planning Committee Report by Rob Moodie:

a. Housing West of Square: Following the public meeting of the KCC Planning Committee on 7 June 2011, an Action List was prepared, which had 14 separate activities involving Kate, Nick and Rob, focusing on a potential Appeal to the Court of Session and it was reported as follows:

- As agreed, the letter of legal opinion was obtained from DLA Piper Scotland LLP, on 10 June 2011, and was addressed to Mrs. Kate Holy, Chair, KCC.
- KH immediately prepared and sent a letter with a copy of the legal opinion, to Keith Winter, Head of Enterprise & Protective Services, which includes Planning Services in Fife Council, requesting that Fife Council continue this action at the Court of Session or make an order under section 65 of the Planning Scotland Act 1997 to revoke the planning permissions on both sites. Copies were sent to Sir Peter Erskine, the Scottish Executive Director & Chief Reporter, our local MP, MSP, Councillors and the editors of The Citizen, Courier, Scotsman & Herald Newspapers.
- Fife Council has made an initial response and decided to seek counsel's opinion on the methods of approach, appeal, revocation and summary of potential outcomes.

- NL met Sir Menzies Campbell MP, who advised of a free service sometimes provided by the Faculty of Advocates, whom KH has been in touch with and may be able to report progress.
- RM was trying to arrange a meeting with our MSP, Roderick Campbell, on 27 June 2011.
- KH has been successful in getting coverage of her Press Statement in the Courier and BBC News Online.
- Costs for an appeal are estimated to be in the region of £24,000, but this could increase if adjournments were required. About 65% of costs are recoverable if successful, but if unsuccessful, the costs of the other parties contesting the appeal would have to be met. Legal advice suggests that we have a 60/40 chance of success.
- A potential complaint to Fife Council re Maladministration and a Public Question to be heard at Full Council, are being held in abeyance until we know what Fife Council is prepared to do.
- A Petition to the Scottish Parliament is not considered appropriate.
- We shall be advising other community councils of our experience and concern over local democracy.
- NL is giving consideration to an injunction to stop development and alerting the Government Rural Grant body of the possible challenge to the Time Expired Appeal.
- RM shall arrange a meeting with Fife Planners to discuss Section 75 Agreements, Housing Finishes and Conservation Area Boundaries, should the appeal to the Court of Session not proceed or fail.
- Finally, we are still checking that Kingsbarns Unresolved Issues are included in the examination of the St Andrews & East Fife Local Plan.

Discussion began by KH informing the meeting that the £500 needed for the legal opinion had been collected easily after the previous meeting and thanked those who had donated, but the issue of VAT had been overlooked and further donations were needed to make up the shortfall (£100). It was suggested that this could come from KCC funds. Nick Lunan reported that the Legal Opinion was on the KCC website and reminded the meeting of the option of raising £24,000 and making the Appeal for which there was a 60/40 chance according to legal opinion. Cllr. Riches informed that our Councillors would be pushing for a reply and Cllr. Macgregor said meetings had taken place and Fife Council has taken legal advice. A reply is needed by this Friday 24 June. Calla Cobb thanked RM, KH and NL on behalf of everyone for all the work they have put in.

b. The Hollies: North East Fife Area Committee, on 8 June, agreed to continue consideration of the application 10/03748 - for a two storey house with garage on land south of The Hollies, "to allow a meeting between the applicant, the owner of the neighbouring property, Local Members, a solicitor, planning officers and Transport Services officers for discussion regarding access". A site meeting has been arranged for July, to which RM is excluded. Elizabeth Riches, Donald Macgregor and Mike Scott-Hayward all hope to attend with Alison Arthur and Richard Simmons. A decision should be taken at the next meeting of the Area Committee on 24 August 2011. RM presented a drawing demonstrating that the required 60 metre sight line for safe access/exit was not possible on the proposed plan and that central access would be required. A question was asked as to why the original access was closed and Mr Slide informed that it had been closed due to Transport Services requirement that there was ONE access only. Discussions with the Applicant are now key to resolving this issue, which is more than a planning issue, as there are implications for road safety in the village. It was also

pointed out that there is considerable confusion over the paperwork for the application with the Council being under the impression that a central access is already in use.

c. Kenly Wind Farm: RM hoped that residents had taken the opportunity to attend the exhibition of the University's proposals and impact studies for the Kenly Wind Farm, which took place here in the Memorial Hall, Kingsbarns, on Wednesday 15 June, between 4 and 6pm. There was another opportunity the day before in Boarhills village hall. Now is the time when we must take a view on our stance as a community. Rob gave a brief presentation on the pros and cons for and against the proposed development. Pros: Renewable Energy; benefit to University; benefit to community; minimal visual impact for Kingsbarns; better than alternatives. Cons: Impact of the construction (road damage, volume of heavy lorries); impact on close neighbours; questionable use of government subsidy.

Discussion took place regarding traffic disruption and road damage which would result from 40 abnormal loads and 19 HGV's daily for 12 months on local roads and Cllr. Riches reminded of the lessons that were learned from construction of the Bay Hotel (Fairmont) and suggested that if construction goes ahead, photographic evidence of the road damage would be gathered. Cate Scott had asked questions at the University's recent presentation regarding traffic routes - Beley Bridge/Kilduncan track - and the University had been unable to provide information. CS had also asked about additional pylon capacity but was informed that Scottish Power had not yet been consulted. Nick Lunan gave figures to demonstrate that St. Andrews sub-station capacity would be stretched to its limit. CS had also queried how much the community was going to benefit and had been unable to get figures. It was agreed that more questions need to be asked. There has been a delay in the application appearing on Fife Council's planning application website. Discussion moved to the potential financial remuneration the village could receive over the 25 year period and to the fact that the turbines don't always work depending on weather and sometimes have to be stopped if over generating. A member of the public stated that he objected to the visual impact. Another member of the public suggested that the turbines would be better placed off shore and was informed that this was already being done. KH asked if anyone had any positive input. It was decided that more questions need to be put to the University before a formal response to the application can be made.

d. TAYplan Consultation: We are now into the third week of an eight week consultation period which ends on 1 August 2011. Rob has identified the following key areas of the Proposed Strategic Development Plan which affect Kingsbarns and felt the following to be positive like:

- "Support resource security by protecting finite resources such as ... soils and prime agricultural land"
- "Locate most of the region's development in principal settlements to improve accessibility to jobs and services, reduce resource consumption and the need for travel by car"
- "Continue to protect the important landscape and historic cores of St Andrews and Perth ..." - add Kingsbarns too?
- "Reusing previously developed (brownfield) land and buildings (particularly listed buildings) will play an important role in this by making the most efficient and effective use of land".
- "This plan balances the importance of sustaining rural economies with the need to protect the countryside, by allowing some development in small settlements which are not principal settlements... set out in Local Development Plans". In our area, St Andrews is a second tier principal settlement and Anstruther is the only other, in the third tier category.

- “Shaping better quality places requires new development to be fit for place, supporting more sustainable ways of life for people and businesses”.
- “ensure that the arrangement, layout, design, density and mix of development and its connections are the result of understanding, incorporating and enhancing present natural and historic assets ... and local design context”
- “Respecting and working with the grain of the place. This approach will help determine the size, shape and form of development ”
- “Supporting future food ... security will require the protection of finite resources ... like prime quality agricultural land ... as one consideration in the prioritization of land release under Policy 1”
- “identifying environmentally sensitive areas and important natural and historic assets where no or very limited development would be permitted, such as some coastal areas”

It was pointed out that had the last 3 proposals of the Plan been in place already, this would have had implications for the Planning Application for Housing West of the Square.

Rob advised vigilance in consideration of Policy 5 Housing:

- The average annual housing build rate for the St Andrews & East Fife market area is proposed at 210, whereas the present rate in the Fife Structure Plan is 220 or 270 when the “new Strategic requirement” is added in! RM advised that this represents reduced pressure on our area, which is to be welcomed. Discussion took place.
PROPOSED PLAN ACTION PROGRAMME

Under Action Programmes we support phrases like

“Supports the delivery of sufficient supply of new homes in places where people want to live”.

EQUALITIES & HUMAN RIGHTS IMPACT ASSESSMENT

Rob proposed that the KCC Planning Committee meets next Wednesday, at 7.30pm, 29 June, to agree what our response should be to these and any other matters arising.

5. Treasurers Report.

Deferred in Alistair Duncan’s absence.

6. Any Other Business

a. **Bus Service.** KH has been contacted by a resident with a complaint about the size of the 9.33 bus. It is too small. Discussion took place and it was agreed that KH would write to Stagecoach on behalf of the residents of the village.

b. **Gardening Committee.** KH gave thanks to Eileen Brown and the other members of the Committee and all who have helped with the tubs. EB is going to provide Nick Lunan with gardening committee news and dates so that these can go on the KCC website.

c. **Rights of Way in Village:** This to go on Agenda for next meeting.

7. **Date of Next Meeting:** Monday 5th September

