

MUCKHART COMMUNITY COUNCIL

Minutes of the Meeting of Muckhart Community Council, held via MS Teams, on Wednesday 2nd December 2020, at 7:30pm

Present:	John Anderson (JA)	Chair
	Mike Wilson (MRW)	Secretary
	Danny Conroy (DC)	Treasurer
	Philip Lord (PL)	Minute Secretary
	Jonathan Bacon (JB)	
	Stuart Dean (SD)	
	Jon Jordan (JJ)	
	Marlene White (MW)	
	Peter Wyatt (PW)	

Councillor Denis Coyne, Stuart Cullen (Clackmannanshire Council re flooding)

Status: **Approved**

1. Apologies for Absence

JA welcomed members, Councillor Denis Coyne, Stuart Cullen, Flooding Officer, and several residents to the meeting which was being held via MS Teams due to the current Coronavirus situation.

Apologies for absence had been received from Councillors Kathleen Martin and Graham Lindsay, PCs Barry Ritchie and Barry Reiter and members Matthew Pease (MP) and Val Whyte (VW) (who was having difficulty connecting to the Meeting).

2. Declarations of Interest

Re Item 6 - JA re discussions relating to flooding, due to his position as Property Convenor for Muckhart Church.

3. Minutes of Meeting on 28th October 2020

The Minutes of the meeting of 28th October 2020 were approved, with a minor amendment agreed to item 13, proposed by JJ, seconded by JB.

4. Matters Arising

- Re Item 4, Matters Arising, 28th October, 3rd bullet (Dog noise): JA reported that the issue was now being looked into by the Council's Planning Department and Environmental Services. He noted that neighbours were also involved. The issue continues to be investigated
- JA also confirmed, re Burnfoot Windfarm funding, that the committee had approved Muckhart's request to become a member of this group which means that the area will be entitled to funding made available from the windfarm
- Re item 4, Matters Arising, 28th October, 2nd bullet (Muckhart Primary School:

Update): supplier Briskona. He had been advised that a BT Openreach survey had now been completed and that plans are now underway to install a long term, fibre-based connection to the school to provide access to a superfast broadband service. Briskona had also advised that it has written to those properties located close to the school, along Golf Course Road, at Blairhill and also at Mossspark which are entitled to claim government vouchers worth £400, and some valued at £5,000, to cover installation costs for equipment to access a superfast broadband service. It was agreed that MRW would upload a post onto the MCC web-site, outlining the latest information

ACTION: MRW

- Re item 17, AOCB, 28th October (re vehicle charging point): MRW reported that he had been in touch with Lesley Deans, Transport Officer, who confirmed that the Council is waiting for SSE to confirm a date to connect the power supply. She advised that it is likely that this work will take place sometime in the New Year, due to the disruption caused by the Covid-19 situation
- In relation to the energy plan for the City Regeneration project, JJ noted that he had recently been involved in a consultation regarding hydrogen energy for consumers. However, he was concerned that Muckhart is off the grid for gas distribution (like many rural Scottish villages), raising the question of how the village could be connected. JJ will look further into the possibilities available. Attendees from the community noted the H100 scheme in Fife and the possibilities for coppicing

ACTION: JJ

5. Police Report

The Police Report showed that there had been one crime reported in the area since the last meeting, which had been resolved.

The Report was accepted by all and JA thanked the Officers for their input.

6. Kirkhill Flooding

JA referred to the three flooding events which had taken place in Kirkhill. He reported that a group including representatives from the Council had looked into the problem caused by water coming off the hills. They noted that water, which previously ran through the eastern drain, down past Balliliesk, had been diverted to the western drain, which eventually runs through Kirkhill. This, in turn, contributes to flooding in Kirkhill. One solution would be to reconnect the eastern flow to its original drainage channel. A consultant has offered to provide a report for £600 which Stuart Cullen (SC) confirmed the Council would fund. On a more positive note, a resident also suggested that low flood turbines could be installed.

SC was then invited to talk about flood events. He noted that there was experience to be gained from other groups along the Hillfoots who had experience with handling floods. SC stressed the value of local flood groups, such as those set up in Menstrie and Tillicoultry and a new group recently set up in Alva. Such a group could be usefully established in Muckhart and it could liaise with the other groups to help develop a local Flood Plan. Whilst noting that the Kirkhill situation was much less serious than other locations within the Ochils, SC would be happy to help establish such a group in Muckhart and the Council would provide on-going support. JB agreed to lead this effort for MCC. JA thanked SC for his input.

ACTION: JB

7. Muckhart Lend a Hand: Update

MRW advised that MLaH was continuing to provide support for those still requiring it. Further to discussion with the MLaH Co-ordinator, he had forwarded a response to the Council regarding its request for suggested methods of payment to volunteers, e.g. for shopping purchased, from those self-isolating, to avoid them having to handle cash. It was suggested that the Council could set up a central fund from which volunteers could request re-payments. This continues to be under review.

MRW also reported that, since our last Meeting, a consultation relating to how volunteer and support groups are working together during the Covid situation had also been passed on to MLaH and that several important posts had been uploaded onto the MCC web-site. These included information from the Council relating to those self-isolating; an edited version of a CTSi bulletin, entitled 'Preparing for Change'; and an announcement re Mobile Covid Testing Units, at Alloa Town Hall Car Park.

8. Scheme of Establishment Consultation (including Community Council Boundaries, Governance, etc.)

MRW noted that this Friday, 4th December, was the last day to respond to the current Council consultation. It was noted that the Officers had met with MP to discuss a proposed re-alignment of the current Muckhart CC boundary with Dollar. This was agreed by members, together with a proposal to retain the current composition of MCC at 12 members. It was agreed that MRW would submit these proposals in an MCC response to the consultation.

ACTION: MRW

9. H49 Planning Application Appeal: Update

JA introduced this topic, noting that members had been invited to meet, on several occasions, since the October Meeting, to discuss the preferred MCC response to the Government Reporter's decision to uphold Springfield's appeal following the Planning Committee decision to refuse the Application. Three aspects required discussion and agreement: a) whether to mount a legal challenge to the decision; b) whether to complain about the process undertaken by the DPEA in reaching its decision; and c) how best to engage with the Council re the Section 75 issues.

a) Whether to mount a legal challenge

SD reported that since the last meeting he had approached three law firms regarding obtaining legal advice. One could not provide advice, as they had client interests involved; the second stated they were unable to help; and the third could provide legal advice, however, the initial fee for this service would be £5,000. Should the matter be taken to the Court of Appeal, the firm had advised that the legal costs might total an additional £50,000. Were we to lose our case, the other party's costs would likely be charged to us, doubling the costs to around £100,000.

SD had also spoken to Planning Aid Scotland (PAS), which had provided a form, previously circulated to members, to be completed and returned to the Faculty of Advocates, to request preliminary legal advice, free of charge. The form would require us to set out and detail the legal grounds for our objection to the decision. Based on all of our earlier discussions, SD asked if anyone had been able to establish

whether or not any case could be made, suggesting that the lack of regard given by the Reporter to the health and safety risks, previously raised, could be one.

In view of the large sums of money that would be required to challenge the decision, combined with the low probability of success (calculated earlier to be around 25%), SD proposed that we should draw a line under the idea of submitting a legal challenge to the decision.

Various opinions were subsequently aired and discussed. Perhaps a case could be made on the risk elements; the poor virtual site “visit” done by mobile phone operated by an employee of Springfield; the lack of a case for sustainable development, as claimed by Springfield (it was noted that all shopping would need to be undertaken by car); and the unique nature of the village along the Hillfoots. Cllr Coyne suggested we could examine the basis of previous successful legal challenges. A member of the public noted that advice could be obtained from his neighbour who had knowledge of the legal system and who also had previous experience of dealing with Springfield. Others noted the high costs and the small chance of success. Members finally agreed, without dissent, to adopt SD’s proposal, namely, not to pursue a legal challenge.

b) Whether to complain about the DPEA process

SD suggested that any complaint required to be framed very precisely, focussing on the process rather than the decision itself. Two possible areas for complaint were the nature of the site visit together with the marshy area and associated safety issue. JJ noted that we could complain that the visit was not conducted in a professional manner. He also asked whether the community should respond too, and this was supported. A resident drew attention to the work done by Cllr Purves in Perth and Kinross over similar issues. It was decided that a small group comprising PL, JJ, MW and Alison Macdonald (a local resident) would formulate a draft complaint.

ACTION: PL

c) How best to engage with the Council re Section 75 issues

SD noted that he had sent MCC’s agreed Planning Obligation Proposals, together with a meeting request to Allan Finlayson, at the Council’s Planning Department. An initial response indicated that discussions will take place when appropriate. SD will follow up on this matter.

ACTION: SD

Further to our last Meeting, MRW confirmed that he had since discussed and agreed updates to the Proposals relating to the school with the Chair of the Parent Council. These had since been sent out to members for their approval and, subsequently, were discussed and agreed.

Marion Robertson (MR) issued a strong warning, based on previous dealings with Section 75 agreements, that accurate minutes require to be taken during any meeting or discussion that takes place, as developers have a track record of ignoring such agreements, once approved.

10. Muckhart Community Plan: Updates

The following updates were noted:

a. Infrastructure Working Group (IWG)

MRW reported that he had been in contact with the Council and had met with Suzy Hynds, from Roads, on 30th November, to discuss the Traffic Management and Road Safety improvements, agreed earlier with the Council and which are currently underway across the Muckhart area.

He noted that the road markings at the Yetts junction, of the A91 and A823, have now been re-painted and that a re-designed junction layout is under review. Deer Warning signs have also now been installed along Golf Course Road. Further to a query received, it has been confirmed that the signs have been installed in locations advised to the Council by a local resident.

MRW noted that new village gateway signs had now also been installed, as part of improvements to the zebra crossing. New signage, involving electrical works, will be installed, and the road re-surfaced and re-painted, which should take place over the next few weeks, depending on the weather.

A new gateway installed at the top of Maudie's Loan, in the wrong location, will be re-located further towards Yetts. When the electrical works take place at the zebra crossing, new solar powered 30/40MPH signs will also be installed, at the eastern approach to the village, which will replace the previous gateway sign.

Finally, an installation date will be confirmed for the agreed new No Through Road signs, to be located at the end of Beech Loan.

b. Public Transport: X53 bus service

PL reported that a meeting of the Perth and Kinross Community Transport group that he planned to attend, unfortunately, was scheduled at the same time as a meeting to discuss H49 and that the latter had to take precedence. However, he had subsequently spoken with the meeting convenor, P&K Cllr Barnacle, who advised that the meeting had gone very well and that it had been decided to arrange further meetings, to take place every two months. PL expects to receive minutes of the missed meeting.

MR noted that the bus operator had not been able to take advantage of the need to get children to school due to timetabling issues. She had spoken to First Bus who explained that their first priority had been to serve Stirling University. The dialogue will continue and PL and MR will continue to liaise on how best to promote the service.

The importance of encouraging Muckhart residents to use the X53 service was discussed, due to concerns that we could lose the service again. PL will consider how the service can be promoted within our community, perhaps using the MCC web-site and other publicity.

ACTION: PL

11. Planning Sub-Group

Planning Applications

SD noted that the Sub-Group had commented on a revision to the proposed development at Rossardan, relating to a revised location for the planned new house which would be closer to the western boundary of the site due to a retaining wall being built in the wrong location.

12. Muckhart Primary School: Update

MRW reported that the school had been temporarily closed as he understood that a staff member, unfortunately, had contracted Covid-19.

13. Treasurer's Report

DC had presented the Treasurer's Report, noting that on 27th November 2020 the balance of the account stood at £922.11. He noted that we are awaiting a refund for the hire of the hall due to the current lockdown. The Report was accepted by members.

14. JCCF: Update

DC noted that the next JCCF meeting was due to be held on Thursday of this week and that he will raise the consultation process referred to above. MRW queried item 4 on the JCCF Agenda, relating to the Roads service and a consultation, further to which MRW agreed to attend the JCCF together with DC.

15. Correspondence

MRW noted that there was nothing specific to discuss from the list circulated. He drew the attention of members to those items dealing with Covid-19 related issues and advice.

16. Community Council Elections: Update

JA noted that these are now likely to take place in the autumn of 2021.

17. AOCB

There were no matters arising.

18. Date of Next Meeting

JA thanked all for their attendance.

The next MCC Meeting will be held on Wednesday 27th January 2021, at 7:30pm, via MS Teams.

The meeting closed at 9:10pm.