

MINUTES of a Meeting of Kinross Community Council
On Tuesday 27th June 2023 at 7.30 pm
In Masonic Hall, The Muirs, Kinross

Present: Councillor L McKay, (Chair), Councillor W Freeman, Councillor C Collins , Councillor E Leslie, Councillor H Phillips, Councillor T Stewart and Councillor M Wilson,

Ward Councillors: Cllr D Cuthbert, Cllr N Freshwater, Cllr W Robertson and Cllr R Watters

Members of the Public: Approx 35

Minutes: Mrs C Aird

1. Welcome and introductions

Councillor L McKay welcomed everyone to the June meeting of the Community Council.

2. Apologies for absence

Apologies for absence were received from Police Scotland.

3. Declarations of interest

No declarations of interest were received.

4. Police Scotland Report

Police Scotland were unable to attend the meeting but had provided a report advising that since the last meeting there has been 98 calls to Police from the Kinross area. There have been 19 crimes recorded on Police systems within this period.

DATE	OFFENCE	RESULT
28/05/2023	Assault – racially aggravated (High Street, Kinross)	1 reported to the Procurator Fiscal
07/06/2023	Vandalism (Green Road, Kinross)	Subject to live investigation
07/06/2023	Vandalism (Ochil View, Kinross)	Subject to live investigation
15/06/2023	Possession of a knife (junction of Lathro Court & The Muirs)	1 reported to the Procurator Fiscal
14/06/2023 – 16/06/2023	Fail to stop after accident (Green Park, Kinross)	Subject to live investigation
18/06/2023	Possession of a knife (Kinross Park & Ride)	1 reported to the Procurator Fiscal

Traffic Statistics

Community officers are aware of regular areas where there are complaints about speeding in and around Kinross. These have all been added to the speeding matrix and officers will continue to make efforts to carry out speed checks across the area during patrols.

Officers from Kinross have been carrying out speed checks over the last month at Springfield Road, Kinross as well as the A922 Muirs into South Street (Milnathort) Road.

Community Team Activity

The Team have been carrying out patrols of Loch Leven and Vane Farm recently in response to complaints about dangerous driving of off-road dirt bikes (as posted on social media). Offices would like to take the opportunity to remind residents that this is an offence under Section 34 of the Road Traffic Act 1988.

@PSOSPerthKin Twitter page is updated regularly with what officers are doing out and about in the local area under #KinrossCPT.

5. Kinross Open Spaces Action Group

Cllr L McKay welcomed members of the group to the meeting and invited Mr David West to address the audience. A briefing note had been circulated to attendees prior to the meeting.

Mr West advised that the group had asked to attend to set out their proposal for Davies Park, allowing members to become acquainted with the proposal. The group aim to secure the future of Davies Park for use by the community, and background information on the history of the park.

Mr West advised three developers had, over time, applied for planning permission for residential developments but had been refused each time. On the first application, a PKC officer had recommended a road to be built through the park but through the action of the Councillors that was ceased. A second attempt was made by bypassing the LDP process through an appeal to the Reporter. The third attempt commenced in 2022 with a PAN from Miller Homes stating their intention apply for planning permission.

Despite assurances, PKC and Councillors are unable to guarantee that a future Council will not approve an application and through community ownership using a Community Asset Transfer, this would stop the threat allowing the park to remain in the ownership of the community, and also guarantee this through a Fields in Trust status.

Through their ownership, the group are keen to enhance and develop the area through such things as a pump track and also plan to enhance the ground at Lochburn Park which is currently an open space (a consultation will be issued to determine what the residents would like to see this ground become). The group also plan to share their knowledge and skills to enable transfers to other local groups and others planning similar CATs.

The group, who are set up as a Scottish Community Interest Organisation (SCIO) have been working extensively with various PKC departments to make a case to allow purchase of the land which PKC would continue to manage via a lease, and a business plan has been drawn up showing how the group will be sustainable and has also identified a number of charitable funding sources for possible improvements.

Mr West went on to advise that current issues include convincing PKC officers that the approach is the correct one to take and have also identified an anomaly in the way PKC seeks money for repairs and maintenance of equipment purchased for Council-owned parks, this is based on the formula used to calculate the amount to be paid.

Mr West closed by thanking the Community Council for their time and in response to a question from Cllr D Cuthbert, advised that he would like the Community Council to confirm their agreement to the plan and also to endorse this.

Cllr McKay thanked Mr West for his presentation and asked whether cutting off Lochburn Park would save Davies Park. Mr West advised that it was the group's intention to own the two parks.

Cllr McKay then asked how residents and visitors would gain access to which Mr West stated that it would depend on what the parks were being used for, but there is no intention to put a road through either park. Cllr McKay also enquired as to who would take on the ownership after 10 years and was advised that the group currently consists of 140 members and they would be constantly recruiting new members and see no issues with regard to this.

In response to Cllr Watters comment regarding the old railway line path which was also vulnerable and could give direct access into a field, he went on to suggest that potential developers could build an underpass to which Mr West advised that PKC only own the path from GS Brown's land, they do not own the whole path. Cllr Cuthbert went on to ask if the path could be taken as far as Torridon Place and Mr West confirmed that the group would be happy to discuss this matter and would also welcome any thoughts on this.

In response to a question regarding the timeframe for a decision being made by the Community Council, Mr West advised that the process takes around 6 – 8 weeks to complete (currently at the week 6 point). Cllr Cuthbert also asked what would happen if the Community Council did not endorse the plan to which Mr West advised that the decision would likely be questioned but he did not feel that community engagement would be affected.

Cllr McKay stated she had asked representatives from PKC to attend the meeting but they all declined but would be interested in hearing about the plans.

A member of the public advised that the land is all currently owned by PKC but the group are not aware of any conditions to the deeds, at which point Cllr Watters advised that he was enquiring with the legal team about this but would need to withdraw from any future discussions due to a conflict of interest. Cllr C Collins enquired as to what was to stop a developer going direct to the Reporter and having any objections overruled, to which Mr West replied, nothing.

Cllr McKay asked if PKC had agreed to take over maintenance of the parks should the group take over ownership and Mr West advised that it would be up to the Councillors/Scottish Government to decide this. He also stated that a number of parks across PKC are maintained by PKC but not owned by them.

Cllr W Freeman enquired as to whether there were any tree protection orders (TPOs) which could be applied for but he was advised that this would not stop developers.

With regard to funding, Cllr McKay enquired what would happen if funding ran out and Mr West advised that any application will be asked for the group to be treated the same as any developer, e.g., £1000 per year x 15 years. He did not expect there to be any issues with funding. Cllr McKay then went on to comment that people say they will provide funding but when it comes to it, they change their minds and as such, asked if this would delay the park going through. Cllr E Leslie asked if it was intended to charge for the use of the pump track once it was built, with Cllr McKay asking if the track would be closed to people living outwith the area. Mr West confirmed that there would be no charge for the use of the pump track and it would be open to anyone.

Cllr McKay thanked Mr West and the group for attending the meeting. She advised that she would like to garner opinions from PKC officers before deciding what action to take. Cllr McKay confirmed that the CC would be in touch as soon as a decision had been made.

In a separate discussion, it was noted that the play park was requiring to be repaired, with the chute having been removed, fencing lying all over the park and railway sleeper steps not being replaced.

6. Minutes of meeting held on 23rd May 2023

The minutes of the May meeting were accepted as an accurate record. The minutes were proposed by Cllr W Freeman and seconded by Cllr E Leslie.

7. Matters arising from meeting held on 23rd May 2023

a) Parking Restrictions

Cllr Watters advised that PKC had agreed to all suggestions made by the Community Council and would forward the email from PKC to Cllr Mckay.

ACTION: Cllr R Watters

It was confirmed that the hedges on Gallowhill Road had been cut and the area was now looking tidier.

An email regard land registry would be forwarded to the Community Council.

b) Goal Posts at Myre Park

Cllr Cuthbert confirmed that he had arranged to speak to representatives from the Colts and would feed back to a future meeting.

c) July meeting

Cllr H Phillips confirmed that Mr M Ruskell MSP had been invited to the July meeting to discuss concerns about Loch Leven.

d) HGVs in Gallowhill Road

A member of the public confirmed that the number of HGVs using Gallowhill Road had reduced but not stopped.

8. Kinross Town Centre

Cllr Cuthbert confirmed that the owner of the Clock Tower had been located and therefore an email had been sent requesting the clock be repaired and maintained appropriately.

9. Planning Matters

(a) Planning Applications received

23/00917/FLL - alterations and partial reroofing to dwellinghouse, Middle Balado House, Balado, Kinross, KY13 0NH

23/00911/FLL - erection of a dwellinghouse and associated works (revised design) at land 20 metres North West Of Tillyochie Farm Cottage, Balado. It was noted that a bat survey would be required to be undertaken at this property.

23/00794/FLL - erection of replacement boundary fence and gate at land north west of Old Cleish Road, Kinross, KY13 8EN. Cllr M Wilson advised that it would appear that a photograph included in the application was not of the area of concern. A high gate/fence had already been installed and it was agreed that an objection be submitted to PKC. The deadline for any comments had been extended to Monday 3rd July 2023.

23/00842/LAW - erection of replacement extension (proposed) at 10 McBain Place, Kinross, KY13 8QZ

23/00762/FLL - erection of office/workshop building, formation of parking area, hardstanding and associated works at land north of Macduff Place Kinross. Members were advised that letters had been issued to properties to one side of the street. It was commented that the

land would be used for the repair of agricultural machinery and it was expected that if approved, planners would be restrictions on opening hours and noise levels.

(b) Planning Applications determined

23/00728/FLL - alterations and extension to dwellinghouse at 17 Alexander Drive, Kinross, KY13 8TY **(APPROVED)**

23/00625/FLL - Change of use of agricultural land to storage and distribution (class 6), siting of 54 storage containers, formation of vehicular access and associated works at Land 250 Metres South Of Jetrigg, Kinross, KY13 9JT **(WITHDRAWN)**

23/00590/LAW - erection of a garden studio (proposed), 3 Hopefield Place, Kinross, KY13 8FS **(APPROVED)**

23/00202/FLL - change of use of and alterations to workshop/restaurant/offices to form restaurant with function room/ancillary hot food takeaway/offices, erection of workshop/store, installation of replacement decking, fence and canopies over outdoor seating area at Loch Leven Fisheries, Pier Road, Kinross, KY13 8UF **(APPROVED)**

23/00613/FLL - extension to dwellinghouse, 4 Renton, Drive, Kinross, KY13 8FN **(APPROVED)**

(c) Other planning matters

No other planning matters were raised at this time.

10. Reports from PKC Councillors

Cllr W Robertson –

Advised he had received a number of complaints regarding barking dogs. He asked the community to be aware of the noise levels and to report any incidents.

He raised the issue of the loss of the NHS dental service in the town advising that the dental practice in the town was now private. He has written to the dental practices but had no response and to NHS Tayside who have advised that funding is available for employing dentists. He will update a future meeting.

ACTION: Cllr W Robertson

Whilst disappointed that the practice was now private, he reminded the community that it was important to continue oral treatment, advising that the closest NHS practice was in Coupar Angus but there was also an emergency service available at Broxden.

Cllr D Cuthbert –

Commented on the enforcement order served on Kinross Beer Garden (23/00196/ALUNDV) and the subsequent petition. Cllr Cuthbert advised that a planning application had been made in March 2022 (22/00386/FLL) and subsequently withdrawn, hence the enforcement order. However, the Green Hotel had been advised to submit a planning application and as such, the enforcement order would be suspended meantime.

Cllr R Watters –

advised that responsibility for the Common Good Fund (CGF) had been given to Kinross Local Committee (KLC). As such there is a mismatch between who is responsible for the Fund in that this is legally a Kinross Fund which was originally set up to cover the Kinross burgh with representatives including Ward Councillors along with a KCC member, whereas the KLC representatives cover the whole of Kinross-shire and Glenfarg.

Cllr Watters enquired if the preference was for KLC to remain responsible for the Fund or whether there should be a request to reconstitute the Kinross CGF in line with other CGFs in the PKC area.

In response, Cllr Cuthbert advised that there would be a development day arranged for the near future and that was the place to discuss this issue. The development day would also allow schemes of delegation to be discussed and updated and taken to the PKC meeting on 30th August 2023.

It was agreed that KCC would discuss outwith this meeting with Cllr Watters submitting an amendment on KCC's behalf.

ACTION: Cllr R Watters

A member of the public asked what type of support groups get from PKC, e.g., financial representatives, secretariate officers, and was advised that the KLC was a proper committee of PKC. He also asked whether the CC had received notification of a consultation by PKC re the Common Good Fund and assets. Community Councillors were unaware of the consultation and would check back. Cllr Cuthbert advised that the Chain of Office for the Provost, along with the Provost's chair, pictures etc.

It was agreed that Cllr McKay would review the consultation on the PKC website and report back.

ACTION: Cllr L McKay

Cllr N Freshwater –

Advised he had not received a response about the fly tipping on Old Cleish Road (asbestos) and would chase this up.

Two sets of VAS were ready to be placed in Gairneybank/Gairneybridge, and volunteers had also been recruited to the speed watch campaign.

11. Reports from CC representatives

Cllr L McKay –

Raised an issue re 'private parking' signs on the fence at Millbridge Hall car park, advising that these were unofficial and therefore could not be enforced.

Requested that Councillors investigate the fence at the suds pond in Market Park and asked for a letter to be sent to Greenspace requesting that slabs be fitted to several areas in Kirkgate Park where people had had barbeques in the recent good weather and left scorch marks on the grass. She also raised an issue with the traffic lights at the end of Gallowhill Road and was advised to write to Clarence.

ACTION: Cllr L McKay

Members were also advised of staffing issues at the Post Office in Greens, which is because of a delay in training staff.

12. Licensing Applications

An application has been received from Premier Convenience, who are looking to take over the Baillies site at 83 High Street and have applied for a licence to sell alcohol.

13. Correspondence

Lack of Child Care Facilities

An email had been received from a concerned resident about the lack of services for families, e.g., childminders, nurseries etc. and it was recognised that this stemmed from the lack of infrastructure when approving planning permission for residential developments.

The same resident had also raised concerns about play park equipment not being replaced and

Cllr Freshwater agreed to follow this up with PKC.

ACTION: Cllr N Freshwater

14. AOCB

CCllr Mckay advised that a new email address had been created for Kinross Newsletter Fund. Any correspondence should be sent to: kccnewsletterfund@gmail.com

A member of the public enquired as to whether there was any update available regarding the development of BCA and was advised that while they were aware that the public consultation had taken place, there was no further information available at this moment.

15. Date of next meeting

The next meeting will be held on Tuesday 25th July 2023 at 7.30 pm

Meeting closed at 2139hours approximately
All minutes are draft until considered at the next meeting