



## ***Minutes of the meeting held on***

19<sup>th</sup> October 2016

### **I. Present/apologies for absence:**

Present: Jamie Pearson (Chair), Dawn Roberts (Rural Forum Rep/Secretary), Meg Duckworth (Planning/Licensing), 9 members of the public

Apologies: Ken Smith, Ron Garvie (LDP/roads)

Approval of Minutes of last meeting:

Approved

### **II. Police Report**

- None

### **III. Questions Regarding Council Adoption of Road Verges**

- It was hoped that there would have been a representative (Jim McGregor) present to answer questions however he was not available this week MD to request his attendance for the next Community Council meeting and supply some points for him to answer
- The Council was informed that that Stirling Council have still not answered when the road verges were adopted, only that the owners of the properties do own the land, however they have no rights to object if work was done by Stirling Council on the property (ownership not affected).
- email report from Jim McGregor below:

Jamie

Thanks for clarification. I have already committed to attend the Buchlyvie Community Council meeting this week and unfortunately do not have anyone else available for Wednesday evening.

Hopefully the information below will help clarify the position in terms of adoption and general principles followed by the Roads Service. The attached plan indicates the extent of the publicly adopted road and this is based on historical information passed down through predecessor Au-

thorities. This is the record we work to but it is not fully comprehensive and open to question should anyone have supporting documentation that suggests otherwise.

This Council's interpretation of the Roads (Scotland) Act 1984 is that the public road consists of the carriageway, footways and verge up to the adjoining boundary (wall, hedge, fence line). Maintenance of the boundary will be the landowners responsibility. In the majority of cases most landowners will own the solum of the road up to the centre line. Whilst their title shows ownership of the land if the area has been adopted then the council will have control over this area and be responsible for maintenance.

It is quite rare for the Council to have ownership of the land on which a road is built (unless it has been purchased for a road realigned scheme or a completely new road). I have highlighted in red below a response to the individual questions raised:

Questions raised relate to how and when did Stirling Council adopt the portions of the individual properties – Historical adoption plan handed down through predecessor authorities. In the case of newer builds, then there is a formal written adoption process. It is normally agreed through a planning application that a road will be widened/upgraded/new footway built to the council's adoptable standards and on completion offered to the Council for formal adoption. If the work has been completed to an acceptable standard then it is formally adopted by the council.

The legal position of ownership of the property versus adoption by SC – Both ownership and adoption run parallel to each other. However if the area has been adopted then Council permission is required to work on or alter that area within the public road boundary. Ownership is not affected by this.

The extent that the roads department can control use of the property – Use of the property is not a matter for the Roads Service and change of use may require Planning Consent from the Council's Planning Service. However I reiterate that any change within the public road boundary requires the Road Services approval.

Owner's rights over their own property – Ownership is not affected other than as described above for any land located within the public road boundary.

Hopefully the above will help clarify the position. If not then I am happy to attend your next Community Council meeting to discuss further.

Regards

Jim

**Jim McGregor**

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- At least 16 houses on the Main Street, 22 near the Clachan, and some near the Menzies hall are affected.
- Stirling Council has said there is a PDF on their website of which houses are affected in Fintry

#### **IV. Stirling Councillors Report**

- CLL Graeme Lambie present
- March 2017 - Road between Bogside and Village 30mph sign on the way towards Denny will be resurfaced
- *Question from MD* - Did Balforn High School fund the school transport of the younger years to other schools, or was everything paid for by Belrock?

#### **V. Development Plan Review**

##### **Local Development Plan Consultation - Summary of Representations - Housing Allocation - H098 Menzies Terrace Fintry**

61 responses have been received in response to the proposed Local Development Plan consultation, and are summarised below.

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##### **Fintry Community Council**

Fintry Community Council conducted a survey of residents. The results showed that the majority of Fintry residents were against as many as 40 houses proposed. There is a preference for less houses. Residents also expressed concerns about flooding in the area and access through the estate.

##### **Modification**

Reduce the number of houses proposed. Add a reference to address flooding issues.

56 responses from local residents objected to the H098 – Menzies Terrace housing land allocation for one or more of the following reasons:

**i) Flood Risk, with references made to:-**

[if !supportLists]· [endif]Flood Risk Management (Scotland) Act 2009 sets in place a statutory framework for delivering a sustainable risk based approach to manage flooding. Stirling Council has a duty to exercise its functions with a view to manage and promote sustainable flood risk management. Continuing to allocate the H098 could be construed as exacerbating an already unmanageable situation surrounding the site.

[if !supportLists]· [endif]Village in narrow section of valley floor where water gathers from surrounding hills. Flooding takes place on an annual basis. Historic patterns of development avoid areas of flood risk. Some neighbours have already carried out unauthorised land raising. Climate change can only worsen the situation.

[if !supportLists]· [endif]Site uphill from Menzies estate. The area floods severely from outflow of Culcreuch Castle pond.

[if !supportLists]· [endif]Regular occurrences of flooding of properties and gardens in the Menzies estate. (supported by photographs). Regular flooding on Kippen Road at junction with Menzies Avenue preventing access. Cars have been damaged and residents unable to get to and from work (supported by photographs). Artificial river banks at Fintry Sports Club and the South Gate Lodge of Culcreuch Castle now direct water toward the Menzies estate.

[if !supportLists]· [endif]Flooding can be due to saturated ground conditions as well. Another problem is drainage can be via cundies, the location of which is unknown. If this network was to disrupted it could cause catastrophic problems for existing houses.

[if !supportLists]· [endif]Privately financed drainage have already been implemented in the adjoining field. The pipe, which joins existing drainage at the head of Menzies Terrace, passes through the north western part of H089.

[if !supportLists]· [endif]Potential risk to flooding should be fully investigated and mitigation measures put in place.

[if !supportLists]· [endif]Proposed development will have to have a drainage scheme that is integral to an overall improvement scheme for the village, otherwise further flooding will occur.

[if !supportLists]· [endif]An independent flood risk assessment is vital and should have been done prior to the land being discussed for building - which would have saved time, money and distress.

[if !supportLists]· [endif]Will the burn be removed?

[if !supportLists]· [endif]Existing properties can have difficulty securing adequate flood insurance. If development increases flood risk this could leave houses uninsurable and severely devalued.

[if !supportLists]· [endif]If development proceeds and existing properties are flooded Stirling Council will be held liable and could be subject to legal proceedings to recover all costs.

## **ii) Waste Water Treatment Works (WWTW)**

[if !supportLists]· [endif]Sewage problems exist at present and any additional housing will make matters worse, including local wildlife. There is serious concerns about the capability of the WWTW to accommodate the present needs of the village, never mind a further 40 houses.

[if !supportLists]· [endif]Scottish Water's comments in the settlement statement that there is capacity should be verified by an independent consultant.

[if !supportLists]· [endif]Scottish Water do not intend to upgrade WWTW, therefore additional housing will only make matters worse - 80% increase relative to the Menzies estate and 25% relative to the village as a whole.

[if !supportLists]· [endif]In times of flooding the WWTW backs up resulting in raw sewerage in surrounding land, private gardens and surcharging into residents housing. This is a serious health risk, particularly for children, and also affects local wildlife.

## **iii) Adverse impact on village character and amenity with references made to:**

[if !supportLists]· [endif]Will affect rural character of village which will end up more like a town.

[if !supportLists]· [endif]Any development should protect significant trees.

[if !supportLists]· [endif]Menzies Estate designed to allow every house to back onto farmland or parkland. This will be taken away.

[if !supportLists]· [endif]The development will impinge on the Local Landscape Area and historic setting of Culcreuch Castle.

[if !supportLists]· [endif]Site contains historic remains of a lade and waterways built for Culcreuch Mill. These features, along with two oak trees, should be preserved and included in any site layout plans.

## **iv) Scale of Development**

[if !supportLists]· [endif]Previous advice that further house building would be limited has been disregarded and even more houses built.

[if !supportLists]· [endif]A development of 40 houses (wherever they are placed in Fintry) is excessive, and does not constitute 'modest' development as laid out in the Spatial Strategy in the Local Development Plan.

## **v) Nature Conservation**

[if !supportLists]· [endif]This area is a nature corridor, with pine marten, woodpecker, peregrines, sparrow hawks and merlin. It is a unique habitat for toads and newts and other key nature species.

[if !supportLists]· [endif]Endrick Water is a spawning ground for salmon and a European 'Special Area for Conservation.'

[if !supportLists]· [endif]Trees and hedgerows are home to wild animals, and the whole area provides a safe and natural walking and play area away from roadways which contribute to the local amenity.

[if !supportLists]· [endif]Object to the felling of the mature trees.

[if !supportLists]· [endif]Felling will have the negative effect of adding up to four thousand litres per day to the present water table.

### **vi) Access and Transport**

[if !supportLists]· [endif]Roads leading into Fintry already poor quality and inadequately maintained. Will not cope with any increases in traffic.

[if !supportLists]· [endif]Menzies Terrace has poor visibility with Menzies Avenue.

[if !supportLists]· [endif]Demand Responsive Transport does not provide a satisfactory public transport solution for the village. Recent revisions have made it even more unsuitable. Any contribution should instead be directed towards provision of a regular scheduled service. This would help those in low income households in the proposed affordable houses without car access.

[if !supportLists]· [endif]Access via Menzies Terrace is too narrow and it will be too busy. Not suitable for construction traffic. Used by children to play and cyclists. Construction traffic should take access via the Culcreuch Castle estate.

### **vii) Infrastructure**

[if !supportLists]· [endif]No shops in the village.

[if !supportLists]· [endif]No capacity at Balfron High School.

### **viii) Other comments**

[if !supportLists]· [endif]Part of the map shows an area in a privately owned garden.

[if !supportLists]· [endif]Existing properties would require a property inspection prior to any digging/piling /drainage work to establish baseline for structural conditions of existing houses.

[if !supportLists]· [endif]Due to large increase in wood burning stoves in the village, sensible to designate the area a smokeless zone before more houses are built. On a calm winter's day air quality already bad in the valley bottom.

[if !supportLists]· [endif]Council documents hint at a lack of organised food areas. Future planning should allow and reflect this.

[if !supportLists]· [endif]Village does need housing for elderly residents, e.g. 2 bedroom bungalows to free up family homes and allow long standing residents to continue to live in the village.

## **Suggested Modifications**

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[if !supportLists]· [endif]Due to significant flooding issues and well established capacity issues with the Waste Water Treatment Works the H098 site should be removed from the Stirling LDP.

[if !supportLists]· [endif]Reduce scale of allocation to maximum of 20 units.

[if !supportLists]· [endif]There should be a guaranteed commitment to address known sewage treatment and drainage infrastructure issues before any increase to number of homes.

[if !supportLists]· [endif]Local access routes should be upgraded before construction traffic and another 40 houses allowed to add pressure onto local roads.

[if !supportLists]· [endif]Alternative access via the Culcreuch Castle estate would alleviate access issues.

[if !supportLists]· [endif]Finalisation of plan should be delayed to allow investigation of more appropriate sites. Village survey favoured developments of 2-5 houses, possibly with own mini-sewerage system, and also supportive more social and affordable housing.

[if !supportLists]· [endif]There should be an alternative access during the construction period.

[if !supportLists]· [endif]Site drainage scheme should be integral to an overall improved village scheme for the village, to reduce flood risk.

[if !supportLists]· [endif]As a minimum public transport should be provided to and from Balfron to provide access to regular scheduled services to Glasgow and Stirling.

[if !supportLists]· [endif]There should be minimal development of new housing in Fintry.

[if !supportLists]· [endif]Far fewer buildings built on higher ground only.

[if !supportLists]· [endif]Whole area made a smokeless zone before development.

## **Letter of Support**

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Three letters of support from local residents have been received, referring to one or more of the following matters.

[if !supportLists]· [endif]Affordable housing will attract young people with children and support local primary school and nursery. It would also provide an opportunity for local residents to remain in the village rather than go elsewhere. Population growth would also potentially expand village amenities such as a shop/post office and bus service.

[if !supportLists]· [endif]The site is discrete and could be expanded further in the future.

[if !supportLists]· [endif]The building of smaller houses would allow long term residents to downsize but still remain in the village.

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### Scottish Environment Protection Agency

[if !supportLists]· [endif]Support the inclusion in the Key Site Requirement for a Flood Risk Assessment to be undertaken, development on the functional flood plain to be avoided, and the identification that water resilient materials and measures may be required.

[if !supportLists]· [endif]Support the fact that early contact is required with Scottish Water regarding foul connection and capacity as this informs developers that there may be a need for additional expenditure to achieve a sewer connection at this site

### VI. Kingsburn Windfarm Community Benefit

- Monday 17 October - official opening - JP attended
- 9 turbines - One has been allocated for community benefit
- As the 6 communities have yet to reach agreement - the developer has now decided the payment should be split equally 6 ways for first 3 years.
- The expected income per annum is £130,000/6 - the money will be passed to Foundation Scotland who can either administer the fund or pay it to an acceptable trust fund.
- JP has discussed with FDT the possibility of managing the fund on behalf of FCC - as Fintry Goodwill Fund - Although the money will be transferred to an account held by FCC and elected councillors will still make the decisions on how the money should be spent
- Should be in the before Christmas

### VII. New Floodlights on the Sports Field

- email report from D Spence Chair of Fintry Sports Club
- Planning approval for 4 new lighting poles
- Planning application for a further 2
- All trenches have been back filled, wiring should be done soon
- Grass will regrow over affected areas next summer



- This is a rugby club project - not the Sports Centre

### **VIII.Safety Barriers on Sports Field**

- A proposal to erect safety barriers on the path along to the Cemetery was agreed and A.Mason will be asked to erect them.

### **IX.Litter Pick Around Fintry**

- Organised by Edel Mooney
- Taking place 13<sup>th</sup> November

### **X.Interim Community Council Elections**

- Nominations should be in by Friday 23 Oct by letter
- Anyone can be nominated by someone in the village
- There are 5 positions available - if there are more applicants, there will be an election
- Councillors will elect office bearers

### **XI.Finance**

- No change
- W. Nugent is to send a bill for work when finished

### **XII.Planning**

- W Nugent - permission requested for a garage and store
- A Haslam - change of use of Granny Flat to self-catering accommodation approved
- Roof and extension at 1 Menzies Crescent approved
- MD has tried to contact planning Officer Dawson and Planning Officer Jeffrey to confirm that the enforcement order on The Cleric on Main street has now been complied with- Received no response (apparently all 'currently on annual leave')

### **XIII.A.O.B**

- Member of public complained that Rugby Club have left hazardous grass cutting machinery parts on Sports Field, and there is also a possible a danger of exposed wiring at existing flood lights.

- Member of public complained about the mess of the sports field Community Council will ask Sports Centre when the field will be restored to original state.
- Member of public asked who is responsible for picking up litter after football and rugby games - there are also no litter bins -
- DR as secretary will write to Douglas Spence about these issue.
- Member of public requested that benches taken away from Community Garden to Fintry Bowling Green. It was agreed that one bench will be placed back at the Community Garden initially and a second possibly in summer - those requesting reinstatement were asked to move the bench around so that the grass under can be cut by council

#### **XIV. Correspondence**

- Communications from Chair of Balfron council - loss of after school bus passes. Fintry pupils have long since had to pay £1 to Crescent Cabs although FDT pay remaining charge of £1.50.

#### **XV. Date of next meeting**

- 9<sup>th</sup> November 2016

## **Fintry Community Bowling Club**

#### **I. Present**

- Jamie Pearson, Angela May, Meg Duckworth

#### **II. Update on any relevant progress**

- Confirmation from Scottish Parliament to congratulate on receiving £4966 from Big Lottery Fund for celebrations
- Discussion on how money can be used - Fling funding and maintenance

#### **III. A.O.B.**

- Water needs to be disconnected

#### **IV. Date of next meeting**

- 9<sup>th</sup> November 2016