

STONEHAVEN AND DISTRICT COMMUNITY COUNCIL

Minutes of the 348th Business meeting held at 7.30 p.m. on Tuesday 12th January 2010 in the Cowie lounge of the Invercarron Resource centre

No.	Notes.	Action
	<p>Before the formal start of the meeting, the Chairman presented the Hannah Dyson Award to Emily Blake, and congratulated her on her achievements.</p>	
1.	<p>Welcome and apologies and declaration of interest</p> <p>Present: David Fleming (Chairman), Ian Balgowan, James Cleves, Ian Hunter, Michael Innes, Alistair Lawrie, Billy Mackenzie, Robert Michie, David Wood, Raymond Christie (arrived late).</p> <p>Kincardine and Mearns councillors: Cllrs. Peter Bellarby, Graeme Clark, Paul Melling(Area Chairman)</p> <p>In Attendance: Scottish Water: Ian Burnett Invicta (representing J Sainsbury Ltd): Steven Park David Strang Steel Knight Frank (representing Kirkwood Homes): Allan Rae Gillian Pettigrew, Chairman of the Allotments Association P.C.s Steven McKenzie and Susan Alexander</p> <p>Absent : Lenny Lawrence</p> <p>Apologies: Allan Sutherland, Cllrs. Wendy Agnew, Mike Sullivan</p> <p>Declarations of interest: None</p> <p>In asking for apologies for absence, the Chairman reported privately on the car accident involving the Dickinson family, and that Sam Dickinson was now in a Glasgow hospital, and would be there for some months. Mrs Dickinson had expressed thanks for the support that had been given from the whole community. On behalf of the Council, the Chairman has passed on sympathy and prayers for a complete recovery of all members of the Dickinson family.</p>	
2.	<p>Minutes of the previous meeting (8th December 2009))</p> <p>Two amendments were agreed, namely correcting the date and, in item 5.2, showing Allan Sutherland rather than Alistair Lawrie attending the meeting with the Minister. The approval of the minutes, subject to those two amendments, was proposed by Billy McKenzie, seconded by Michael Innes, and approved unanimously.</p>	
3.	<p>Crime report</p> <p>PC Mackenzie reported that there had been increased patrols over the period 11th December to 3rd January to combat increased calls about anti-social behaviour over the Festive Period.</p> <p>He introduced the Grampian Police mission document entitled “Platform for</p>	

Success”, and said copies were available from the website. The document set out the 9 main areas of priority for policing.

He stated that ongoing enquiries were being made to trace the individuals who were responsible for the fire-raising at the St Leonard’s hotel site.

The Chairman stated that he had briefly met Inspector Stephen Golightly, who takes over on 17th January. Sometime after then, he intends to meet with Insp. Golightly to review a number of arrangements between the police and the Community Council.

Public Issues

4. Severe Flooding in Stonehaven on 1st November

David Fleming said he had met that day with Willie Munro to clarify the progress and status of various reports and documents. That status was:

Document 1: The response to the 55 questions raised at the Community Council meeting of 10th November.

- This document was issued in draft on January 7th. It was incomplete in that a number of agencies had not sent in their response, but otherwise was up to date.

Document 2: The minutes of the Multi-agency de-briefing meeting held on 13th November.

- This document was still in draft because not all those attending had had a chance to verify the record. Furthermore, a number of addenda (e.g. logs and records of the flooding) were still awaited.

Document 3: A report by Stephen McFarland, Principal Flooding Engineer.

- Because the structure of Document 1 did not permit a logical discussion of the observations and requirements, Mr McFarland was writing a separate report into his investigations, and he will make recommendations about future actions. This will cover the purely technical area of flood alleviation, prevention and precautions.

Document 4: Aberdeenshire Council Strategic debriefing.

- This document was in preparation.

Document 5: Analysis of all the debriefings and other evidence available, to arrive an action plan for the Kincardine & Mearns Area.

- This document will cover all the aspects except those in Mr McFarland’s report. It has not been started yet.

Willie Munro had scheduled that all these documents would be complete by the end of February, and will be put into the public domain. He expected that there would be a need for community input to Document 5.

Ian Burnett of Scottish Water reported on two main issues from the previous meetings. A meeting on site had been held with Ian MacDonald and Sir Robert Smith M.P..

Scottish Water had undertaken dye tests, which showed that the outfall into the harbour by the Marine Hotel was only fed by surface water from the King’s Gate area, and cannot have had an influence on the High Street flooding. All road drains

(gullies) in the High Street fed into the main combined sewer under the High Street, which led to the Backies pumping station. That station had not recorded any overload during the night of 1st November.

In the area of the White Bridge. Ian MacDonald had videoed a number of outlets. Only one of these was a Scottish Water responsibility, and was a storm overflow from the Evan Street storm drain. It did not need to operate on the night of November 1st. All the other outlets were either from road gullies or the responsibility of private property owners.

The Chairman noted that no reports had been received from the Fire & Rescue Service or the Police. No further report was expected from SEPA.

The Chairman reported that he had a meeting with Alison Struthers, Flooding Engineer, and there was still no explanation why the flood water, having dropped from a peak at about 23:00 hours after it had stopped raining, stayed several feet deep in the Market Square and in the High Street area until about 10:00 on the Monday morning. Then, after some work by Roads Dept staff, the water drained away within about 2 hours. Miss Struthers is to interview the Roads Dept staff to gain more evidence. It is known that some drains (e.g. outside Michies the Chemist and Mimi's Restaurant) have since been discovered to be inadequate, and have already been re-built.

Ian Balgowan expressed the view that there appears to be a lack of coordination between the various agencies, and a lack of clarity about where the drains and connections are, and where the change in responsibility lies.

A member of the public stated that there had been a massive financial loss to townspeople, and this needed to be set against the cost of prevention. There needs to be a statement of how much is needed to prevent it happening again. The Chairman said that Documents 3 and 5 were intended to do that, and Willie Munro had stated that the public would be involved in their conclusions.

Another member of the audience stated that it was clear that the road gullies were blocked. Clearly there was a lack of maintenance, both in the form of repairs to the actual gullies, and the regular cleaning of them. It was also noted that there was no member of the Roads Dept there on the night to determine what emergency effort was needed.

It was mentioned that the built-up mouth of the Carron seemed to restrict the flow. The Chairman stated that this consideration should be part of Steven McFarland's report.

A further member of the audience felt that there was a danger that Aberdeenshire Council might be unwilling to criticise itself. The Chairman hoped that people would approach the report in good faith, and that the more that people in the community (and all agencies) were involved, the more accurate would be the analysis and conclusions, and the more the report would be believed. If anyone wished to participate, then they should leave contact details with any Community Council member.

Ian Hunter asked what the engagement procedure would be. After some discussion, it was agreed unanimously that the Community Council expected that a draft Document 5 would be published quickly. There would then be a public discussion, possibly in the form of a public meeting, followed by detailed revision of the draft. The scheduled completion date of the end of February was noted.

A member of the public (a hydrologist) was concerned about the level of

development on land where SUDS drainage would be feeding into the Carron. SUDS merely delayed the flood waters, and did not divert them. The Chairman agreed that this needed to be reviewed.

Cllr. Bellarby announced that a report about the effect of the flooding across the shire was to be considered by the Policy and Resources Committee of Aberdeenshire Council on Thursday. The report is available on the website.

A member of the public felt that people were frightened at the moment about the effects of the snow melting. There was a lot of grit going into the system. He asked for a report on the state of maintenance and debris clearance from the Roads Department.

5. Bervie Braes

5.1 Appeal to Scottish Ministers for funding

Cllr. Melling expressed concerns about the Bervie Braes. He asked that the Community Council and Aberdeenshire Council work together to press the Scottish Ministers to come urgently to a positive decision on the request for £5.7 million funding for the soil-nailing work. He stated that, in the light of the landslip on November 1st, the Bervie Braes were giving us a wake-up call. He did not want any major emergency on his watch. He was happy to be called an alarmist if that meant that the funding would be made available. He did not want an Aberfan style event in Stonehaven. The cost of £5.7 million would be much less than the cost of a disaster.

Cllr. Bellarby also expressed his concern and said he had written to John Swinney. There had been a report to the Infrastructure Services Committee on 3rd December 2010, and the Council had agreed that the Minister should be pressed to fund the full cost of the work

Alistair Lawrie said he was in favour of action now.

In reply to Ian Balgowan, Cllr. Bellarby said that the previously incurred costs for consultancy advice and temporary precautionary works should not deflect us from the present case. Whilst we might have to consider a “Plan B” if the money was not available, we should concentrate on getting the funds.

In reply to James Cleves, who asked why it taken such a long time to make this appeal, Cllr. Melling referred to the “wake-up call” presented by the landslip on November 1st, and that we needed to act now. Cllr. Bellarby added that it is only in the last few months that the readings from the monitoring of the Braes have shown the level of danger.

A member of the public remembered that the last time there was a slip on the Bervie Braes, piling was put in to support the cliff. He asked why this solution was not proposed this time. The Chairman replied saying that the public exhibition and consultation had agreed with the Engineers’ recommendation that soil nailing should be used this time.

It was agreed unanimously that the Community Council should write to the Scottish Ministers.

Secretary

5.2 Emergency Plan

The Chairman returned to a point raised earlier by Ian Hunter concerning the Emergency Plan for the Bervie Braes, whose existence has been revealed by an FoI

inquiry by the Press and Journal. He proposed a motion that the plan should be published and publicised. He noted that an Aberdeenshire Council spokesman had said it had been tested but could not state when. The only convincing test is one that is done under public scrutiny.

Michael Innes suggested that those who have to implement the plan, i.e. Fire & Rescue, Police and Aberdeenshire Council should come to the Community Council to discuss it.

A member of the public said that it was important that residents near the Braes should have a copy of the plan, so that everyone knew what should be done. Should the top level (Level 4) be reached we would not have time to go and read the plan. Action would have to be very immediate.

It was agreed unanimously that Aberdeenshire Council should be asked to urgently complete and publish the plan, and that a visible test be organised as soon as possible, to reassure residents.

Secretary

6 KMAP

In the absence of Naomi Gordon, this item was postponed.

7. Allotment Association

Gillian Pettigrew, Chairman of the Allotments Association presented details of a proposal to create some 30 allotment spaces in an area on the north bank of the Cowie, just upstream of the Quoiters area. She asked that the Community Council support this proposal, and that they submit the formal planning application.

She said that a number of local organisations had been consulted, and had agreed with the proposal. The land would be leased from Aberdeenshire Council.

A map of the area was circulated.

In answer to the Chairman, Mrs Pettigrew stated that the Allotment Association has now been properly constituted and has about 50 members.

It was agreed unanimously that the Community Council would be willing to submit the application. Mrs Pettigrew was asked to liaise with Michael Innes and the relevant planning officer to complete the necessary documentation.

8 Planning applications

8.1 St Leonard's site (applications 2009/3532 and 3533)

Michael Innes reported that the Planning Committee proposed that two letters be agreed. The first, on the consultation process, reported that the developer had undertaken a community consultation.

This letter was agreed unanimously.

The second letter set out 8 grounds for objection.

A number of members of the public amplified these with the following points:

- The development is in a conservation area, and went against most of the conservation area policies;

- The development was out of scale with the other buildings in the area;
- The volume of the new buildings was greater than the old, and therefore constitutes overdevelopment;
- The building materials for the new parts were out of context, whereas existing residents had been required (when making changes) to use materials that blended in with the existing materials;
- Within 6 feet of the surface, the soil is sandy and likely to be unstable;
- There will be light pollution from the stairwells;
- Any change of use has not been justified, and the town needs hotel facilities;
- Surface water needs to be collected properly, and the current drains cannot take more;
- A connecting wall is listed. It may collapse when the new road is dug out. Some tree roots penetrate the wall, and their removal will disturb the stability of the wall.
- There appear to be errors in the tree report.

**Planning
Secretary**

It was agreed unanimously that the letter, augmented with the additional points noted above, should be submitted objecting to the application.

9a.

It was noted that because some of the planning notices had not appeared, the deadline for consultation had been extended.

Notice period for consultation

The Chairman reported that a response to our concerns about the 14-day consultation period had been received that day and the matter would be discussed at the next meeting

9. AWPR

The decision by the Scottish Ministers on the AWPR had been announced 3 days before Christmas. S&DCC support the overall decision, but continue to object to the design of the Stonehaven junction.

Ian Balgowan expressed the view that the AWPR project representatives who attended the S&DCC meeting were extremely arrogant, and would brook no debate.

David Strang Steel said that he had met with Alex Johnstone MSP and Mike Rumbles MSP, and questions were to be asked at Holyrood. He felt it would seem unlikely that the Minister would change his mind. His team are considering asking for a judicial review, and were taking legal advice. The funding for the AWPR was still unclear, and therefore there may be still some hope. Therefore anyone who wishes to should write to John Swinney.

The Chairman had added a number of possible grounds for review to the list provided by David Strang Steel, and the paper was tabled with the agenda. The Council agreed that these should be followed up, and that it should work with the Strang Steels.

Chairman

Business Matters

10. “Meet the Aberdeenshire Council Leader” event, Portlethen.

It was noted with regret that the format was unchanged for this extra event. It was by invitation only. Ian Balgowan offered to attend.

Cllr Bellarby said this event had been organised because he felt that one event in Aboyne was inadequate for the area. Ian Hunter encouraged members to attend, even though he agreed with the Chairman’s views on the format expressed last month.

11. Christmas Lights

**Billy
McKenzie**

Various comments were noted. Billy McKenzie was asked to:

- Contact Inverbervie to see what could be learnt
- Talk to the house owners who had large displays
- Involve pupils at the Mackie Academy
- Contact all complainants, and ask them to help next year
- Determine what funds are required, and revert back to the Council to see what could be obtained.

He agreed to start this work.

12. Elections

The Chairman reminded the Council that elections were due in the Spring. Cllr. Bellarby offered to be Returning Officer again, and his services were accepted with grateful thanks.

Members were asked to spread the word, and to encourage residents to stand. The various deadline dates would be set out by Alistair Lawrie shortly.

Secretary

The Chairman also made the point that members should make it clear to enquirers that the commitment required was only to attend the 11 meetings per year. Also, he remarked that the sooner publicity was generated, the better.

Chairman

13. Timings of meetings

The Officers had discussed this, and recommended that meetings should start at 7:15 pm., have a short break (approximately 8:15 – 8:30), and conclude at 9:45 pm. During the interval, tea or coffee and biscuits would be available at a cost of 50p each and there would be a rota needed for these members to set and clear up after the refreshments. Michael Innes agreed to publish the rota.

**Michael
Innes**

This arrangement will allow a comfort break, and a time for networking.

It was unanimously agreed that a permanent alteration to the Standing Orders should be made to reflect these arrangements.

14 Future Dates

These were noted.

13. **A. O. C. B.**

Ian Hunter asked the Aberdeenshire Councillors why, when 25 years ago with record low temperatures, the schools remained open, yet this year, all the schools were closed, as were the leisure centres and the libraries.

Cllr. Melling said that the grounds for closure were that the Council had to ensure the health and safety of the children. The Chairman questioned whether the children would be safer in school or sledging down hills or walking on iced-up ponds or pavements.

Cllr. Bellarby remembered that some years ago a pupil had died because he had been dropped off from the school bus at the end of his house lane, and died before reaching his house.

A considerable debate then ensued, relating also to the (lack of) gritting of pavements, the need for local decision making, the thanks to all the council staff who had work hard, and the effects on all members of the community.

The debate was concluded by the Community Council asking the Councillors to review the policies and decision making to:

- make them as local as possible;
- ensure all adults (staff and public) understood and took on board their responsibilities;
- consider the effects on the whole community, and not just the council.

14. **Dates and times of next Business Meeting**

There will be an Officers' meeting at 7.00 pm on Tuesday 2nd February 2010 in the Invercarron Resource Centre followed by a Planning Committee at 7.30 pm, and then the Agenda Meeting at 8.00 pm

Next business meeting will be held on Tuesday 9th February 2010 starting at 7.15 pm in the Cowie Lounge of the Invercarron Resource Centre.

PLEASE NOTE THE REVISED START TIME