

Broughty Ferry Community Council

Minute of Ordinary Meeting held in Broughty Ferry Library on Tuesday 1st October 2024.

Meeting opened at 7.00pm

1. Community Councillors Present

Neil Conney (Vice-Chair), James Doig (Secretary), David Easson (Treasurer), Stan Nutt (Licensing), Fiona Potton, Norma McGovern, Charlie Delaney, Molly Laidlaw, Kenny Matheson.

In Attendance

Nil.

Ex-Officio

Nil

Apologies

Doreen Phillips, John Watson, Chris Johnston, Lorna Murray, Isabel McLean, Tara Javed, Christine Rea, Bailie Derek Scott, Cllr Craig Duncan.

Members of the Public Present

17 members of the public were present.

2. Minute of Previous Meeting (3rd September 2024)

The amended draft minute (previously distributed) and an additional amendment in Matters Arising (the maximum number of people in the library after 7.00pm is 60) to the minute of 3rd September 2024 was agreed as a true minute, proposed by Kenny Matheson, seconded by Charlie Delaney and agreed by the members present.

3. Matters Arising

Lack of toilet facilities in central Broughty Ferry; discussions still ongoing ?.

The Library toilet is considered unsuitable for general public use.

It was highlighted to DCC that the library was the only community centre in Broughty Ferry, where the toilet facilities were unsatisfactory. DCC maintenance team will look at resources and conduct a report with regard to the required maintenance.

Update; There was a period in July when the toilets were not cleaned (by Tayside Contracts) on Saturday 20th, Monday 22nd Tuesday 23rd & Thursday 25th, during which, it was stated 240 attended on the Saturday 292 on the Monday & 251 on the Tuesday, in addition the library supplies the soap from petty cash. In contact with DCC, Tayside Contracts are to review and reassess the cleaning schedule.

Fiona intimated, due to regulations, the maximum number of people in the library at any one time after 7.00pm is 60.

Westfield Road Traffic Issues; Bailie Scott contacted the council's roads team about the issues raised by Westfield Road residents. The senior engineer has advised that he would like to deploy a mobile camera at the location to get a better understanding of the issue before determining what action might be required. I haven't got a date for when this might be done as there are a number of other sites requiring a camera survey).

Broughty Ferry Castle & it's Future, as highlighted at previous meetings, Funding is available for the next year, but how do we achieve continuation of the castle's future in the long term ?. Possibly as a museum, but would require a partnership with numerous people, and will require discussion with many Broughty Ferry businesses and interested parties.

Planning with regard to the castle are in progress. If the Castle was to close it would mean more toilet facilities (within the castle) unavailable to the public.

Pamphlets are available in the library regarding the possible closure, consultation, and communication.

It was noted that the consultation period has closed.

Flooding in Orchar Park (raised at a previous meeting) is to be further investigated by DCC and a solution found.

Bailie Scott intimated DCC Community Elections are probably due to be held in April 2025.

Update received, *[Nominations for community councils would be sought in or around April 2025. Beyond that first election under the new scheme the responsibility for subsequent election dates passes to the community council to set their own dates and to agree this with DCC. This must be within the 4 year cycle ie at some point in 2029 – assuming there are no local or national elections within that year].*

There are problems with debris and broken glass strewn over the wild flower areas on the Esplanade and will be raised at the next Beach Management meeting.

Update; Active Travel Project Manager to meet with the Landscape Manager on site to see what action is required.

4. Chairs Report

Vice Chair Neil, welcomed everyone to the meeting.

5. Matters raised by Members of the Public (Previously intimated)

Web form; Ref. Variation to liquor licence to allow live music, D.J's, karaoke in the Occidental Bar up to 12.00 midnight (Discuss under 9 Licensing Report).

Although the secretary had not received communication sent by residents, regarding the new school patrol crossing to be installed in Forthill Road, a number of residents in attendance raised the issue in a confrontational manner and the fact of a trapezoidal build out at the proposed crossing point (Drawing R4072 dated 06/09/2024, due to commence on 14/10/2024),

there had been no planning application or consultation with residents.

The secretary intimated he did not think it was a planning requirement, therefore DCC Planning Department would not issue planning notification to BFCC.

6. Police Report

Nil.

**7. Secretary's Report (Previously Distributed)
Correspondence**

- 8/7 - From DCC Community Learning & Development regarding a possible joint meeting with other Community Councils across the city. Following discussion, members felt a joint meeting could be of benefit to BFCC.
Date proposed, 21st October 2024 (which is the same day as the 'Introduction to the Scottish Planning System' training event).
- 16/9 Web form; Ref. Variation to liquor licence to allow live music, D.J.'s, karaoke in the Occidental Bar.
- 19/9 From DCC; Proposals relating to Traffic Regulations (20mph zones Panmurefield Village & Camphill Road areas).
- 24/9 Decision notice 2400182/FULL review.
- 24/9 Above Review; Reply from Planning Secretary to George Laidlaw & DCC.
- 24/9 Info regarding UNCRC Event for Community Councils (Web, Microsoft Teams Link, 2nd October 2024).
- 25/9 From DCC; Application for premises licence (Slushy Dundee).
- 27/9 From DCC; Menzieshill & Elmwood Areas (20mph zone order).
- 30/10 Community Council, joint meeting, 28th October 6-7.30 (Maxwell room, Hilltown Community Centre.

Holiday; The Secretary intimated his apologies for the meeting to be held on Tuesday 3rd December 2024. (Can forward Agenda prior to holiday, but not Reports). Someone required take minute and lock-up.

8. Planning Report 2nd – 27th September 2024 (Previously Distributed)

Of the 14 Planning and 3 tree applications validated and examined during this period, none required attention.

The demolition and newbuild applications at **421 King Street** supported by BFCC were granted subject to conditions.

A notice of Review of the decision to refuse the application relating to **26 Westfield Road, Broughty Ferry, Dundee**, was received on 24th September. The Planning Secretary will speak to this during the October meeting.

The September meeting instructed that the Planning Secretary inform the planning department that it objected to Kirkwood Homes application to remove all references to primary education contribution in a Section75 Agreement attached to the decision notices **18/00115/FULM** and **19/00799/FULM**. This was sent and dated 4th September 2024.

Dear Craig Swankie,

24/00485/MDPO and 24/00494/MDPO

The former seeks to remove all references to primary education contribution of a section 75 agreement attached to a decision notice referring to **18/00115/FULM**, and the latter seeks the discharge of the primary education contribution referenced in a decision **19/00799/FULM**.

These applications were brought to the attention of the Broughty Ferry Community Council at its regular meeting of 3rd September 2024 and caused much concern, so much so that **it unanimously agreed to object to the applications in the strongest possible terms.**

The section 75 of the Town and Country Planning (Scotland) Act 1997 agreement between DCC and the developer that is subject of these applications provided great comfort to BFCC in that it formed an integral part of the Government Reporter's appeal decisions of 19th June 2019 and 7th October 2020 that allowed the appeals and granted planning permissions. The record will show that BFCC objected to both the original applications, the increased pressure on local services being high in its concerns. The concern relating to primary education provision was mitigated somewhat by the contribution agreement.

In the appeal decision dated 19th June 2020 paragraph 3, of the Reporter's **Reasoning**, provides information that the section 75 agreement secured the staged payment of financial contributions to the council in respect of the provision of education facilities and highway works related to the proposed development. *The first of these is an index linked sum of £5,137, in respect of each of the 150 dwellings to be constructed at the site, towards primary education within the community.*

This was carried forward in the appeal decision of 7th October 2020.

The applications now being considered appear to be based upon the capacity of the Forthill Primary School not being satisfied according to the content of the section 75 agreement. The reporters of both appeals make no mention of the capacity of that particular school but clearly state that the financial contribution of the index linked £5.137 in respect of each of the dwellings is **towards primary education within the community**. It was that statement that provided some comfort to BFCC on behalf of the community it represents.

While BFCC realises that while it must consider these applications within planning guidelines, these particular ones give good reason to stray beyond them. Of the 250 dwellings authorised, evidence shows that the majority have now been completed and occupied. When fixing the selling price of each of the dwellings the developer must have taken heed of the section 75 agreement so that the buying price would include the agreed contribution. Should that be the case then the developer stands to gain not less than an additional £1.25m should these applications be successful.

Finally, Section 5 of the Supporting Statement attached to the application **24/00485/MDPO** refers to the council's justifications regarding the agreed primary education contribution. Its author makes great use of hindsight in an attempt to cover the incompetence of the developer's representatives who negotiated the agreement. In signing the document, the developer must have been satisfied at that time that its negotiators had covered all the points now being raised in this section 5. Or did it sign to make progress only to regret it now and attempting to close the gate after the horse has bolted?.

With reference to the above, correspondence received from Planning Department on 1st October 2024, Kirkwood Homes have lodged an appeal against the refusal of planning permission with the Scottish Government. The letter submitted to Planning Officer Craig Swankie by Planning Secretary John Watson and highlighted at the meeting, has been copied to the Reporter as part of the papers relating to the appeal.

9. Licensing Report.

Occidental Bar, Queen Street, variation to licence to allow all types of music (live, D.J.'s, Karaoke) during core hours (up to 12 midnight).

Again, the large number of Broughty Ferry residents present feverishly objected to the application, requesting BFCC to also object. Following a heated debate, it was proposed by David Easson to object to the application, seconded by Charlie Delaney. The Licensing Secretary was instructed to write to the Licensing Board, objecting to the application due to loss of amenities, the close proximity of houses and noise issues.

He intimated he would check the application with the licence board department and visit the premises in question.

Application for Premises Licence; Slushy Dundee, Unit 804 Keepsafe, Claypotts Castlecroft Business Centre, Tom Johnstone Road. (sale of alcohol off the premises from 10am to 10pm).

No action required from BFCC.

10. Public Relations Report

Nil

11. Beach Management Report

More details will be forwarded at the November meeting as there is no written report, there are items of ceramics and glass surfacing, stated previously as being due to tides and movement of soil. The present fencing around the wild flower meadow is due to be removed at a future date, but due to the items surfacing, there is a possibility of injury to animal's or persons.

Erosion will probably affect Broughty Ferry (similar to Montrose) in the future.

The active travel project, walkway at Bridge Street required to be re-laid as it was not up to the required standard.

There were issues with the Braw Tea pavilion & teddy bears picnic which was held in the YMCA.

Fiona was thanked for the work she carries out on behalf of the Community.

12. LCPP Report of 5/9/2024.

Bus stop removal/rationalisation; Consultation completed, and due to the number of concerns expressed about potential increased distances between stops, suggesting it would negatively impact on public transport accessibility especially for those with reduced mobility. They are not progressing a bus stop rationalisation at this time and may be revisited in the future, which would however be subject to further consultation. Officers will continue with the removal or relocation of individual bus stopes that have become redundant through changes in the bus network or where safety necessitates.

Community Empowerment staff changes; Joanne Kelly has moved to a new position, leaving Christine to cover two wards on her own.

Community Regeneration Fund Application; One application received this month, supported by meeting members.

Alcohol & Drug Partnership Funds; £4.000 available for distribution, application received from the group working from the Dawson Park pavilion for £2520.

Frequency & format of future meetings discussed (suggestion of 2 per year plus informal meetings).

BFCC attendees felt the meeting was a waste of time given there were no DCC Department Heads in attendance.

New pedestrian crossings highlighted (there was some discussion on the one on Balgillo Road at Forthill Road).

Resurfacing of the Esplanade to be carried out at a date to be determined.

Next meeting; 14th November in Balmossie Fire Station.

13. Matters Raised by Community Councillors

David Easson stated that Broughty Castle (museum) is leased to DCC by Historic Scotland (this is also highlighted in 3. Matters Arising).

Fiona, Norma & Neil agreed to consult with DCC Leisure & Culture Department regarding the proposals possibilities of retaining, it as a museum.

14. Contributions from Elected Members

Bailie Derek Scott's Report (Previously distributed)

I was contacted by several residents following commencement of the SGN works on Dundee Road. I raised the matter with the council's road team and was advised that SGN would make changes to the traffic management arrangements to mitigate disruption.

'RESIDENTS ACCESS ONLY' signs have been positioned at the Grove Road/Dundee Road junction and Grove Road/Albany Road junction to deter people from using Grove Road as a 'rat run.' The sub-plates on some of the signs on Dundee Road which read, 'NO ACCESS BEYOND GROVE ROAD,' were amended to 'NO ACCESS BEYOND VICTORIA ROAD.'

SGN changed some of the signs to larger frames to allow the signs to be seen more clearly visible by motorists. They also amended some of the diversion signs to make it clearer for motorists to follow the official diversion.

Sadly. Due to the nature of these works, coupled with the road network constraints and volume of traffic, disruption, particularly at peak times is unavoidable. The diversion route around the road closure requires to be accommodate all classes of heavy vehicles and this restricts the diversion route options available.

At the last meeting I mentioned that I had asked the council's legal team if they could check whether the damaged wall in Davidson Street becomes the property of the Crown given there is no owner for the land that wall is part of. I received the following response;

'Unfortunately, land will only pass to the Crown where the Crown agrees to accept such a transfer. This is a particularity of property law in Scotland which essentially gives the Crown discretion to not agree. Experiences that the Council has had with the King's and Lord Treasurer's Remembrancer ("KLTR"), being the Crown's representative in Scotland who deals with ownerless property, known as "bone vacantia," is that there is a great reluctance to take on ownership of any asset where there is the possibility of 'negative value,' which is the case with the wall in question. The Warm Spot initiative at St James is recommencing on 12th October. It runs every Thursday from 11-3pm.

Debris on the beach was raised as an issue at the last meeting. I contacted the manager of the active travel project about it, and he advised that the area where debris was found was also where some glass bottles were uncovered during remediation of the soils last year. These are believed to originate from the subsoil which historically has been used as a waste tip for such items. The saturation of the soils over last winter and spring months has likely resulted in some of these glasses migrating to the surface. There are also areas that have some large boulders that will also require to be removed prior to the maintenance period, which will commence later in the autumn season. A meeting was to be arranged with the council's landscape contractor to walk over the site to determine what further action may be necessary.

Cllr Craig Duncan's Report (Previously distributed)

Dawson Park Yellow Markings; In recent weeks at the request of the Dundee Dragons who provide and oversee specially adapted cycles for people with health conditions to get some exercise in Dawson Park. I asked the council to refresh faded yellow hatching markings at the car park near Ellieslea Road to discourage parking which blocks access for the cyclists. This has been done but at the request of the "Dragons" I have sought and received assurances from the council that these markings will be extended to the junctions of the paths used by the users of these adapted cycles.

Gas Mains Replacement Works; Most people will be well aware that gas mains replacement works are currently underway in Broughty Ferry and although Scottish Gas Networks (SGN) have a statutory right to conduct these essential works, I have been in frequent contact with the council who have in turn been in touch with SGN to suggest changes to the original layout to ease traffic flow and for example prevent Grove Road being clogged up with volumes and types of traffic it was never designed for. Things have certainly improved and I will continue to proactively monitor the situation by personal site visits as well as reacting to residents contacts.

Overflowing Recycling Bins; Recent weeks have seen a huge number of complaints in addition to what I myself have observed of recycling bins absolutely overflowing in car parks and communal public and private housing areas. Apparently this has been due to lack of drivers occasioned by sick leave and although I am pleased to say that things seem to be getting back on an even keel, the council must keep on top of this.

Castle Green Attractions; I have been appalled that this year the Crazy Golf and Kiddy Karts at popular Castle Green have been unavailable this year apparently due to long term staff absence due to sick leave and I have made it plain to the council that these attractions must be restored and if that means hiring or redeploying staff so be it but is utterly unacceptable that Broughty Ferry it's residents and businesses be let down in this manner.

Road Markings; There are too many examples of faded road markings in Broughty Ferry, some of them almost invisible and posing a potential hazard to confused road users and I have repeatedly highlighted this to the council, for example many barely visible 20mph roundels in central Broughty Ferry.

Brook Street / Gray Street Pedestrian Crossing; I continue to press the council for a proper pedestrian crossing in this vicinity.

Orchar Park Pavilion; As ever I keep urging the council to attend at long last find a positive repurposing of this asset and share the disappointment of the residents who cannot understand why this has taken so long but I am at least glad that physical security has been improved and will keep proactively pursuing this long outstanding matter.

15. AOCB

There was no further update with regard to the Ferry Fridge, everything in place, but waiting on the signing of the lease by DCC.

Castle Green equipment, it was asked if it was fit for purpose? following vandalism.

With regard to the Orchar Park Pavilion / Bowling Green as mentioned in Cllr Duncan's report. Could it be utilised as a community garden, similar to the Fairmuir bowling green?.

Date of next meeting;

The next Ordinary Meeting will be held on Tuesday 5th November 2024 at 7.00pm in Broughty Ferry Library.