

BROXBURN COMMUNITY COUNCIL

Held on The Old Town Centre at 7pm

Minutes 24th June 2013

Present:

Tom Roy, Chair. Ellen Glass, Secretary. Dorothy Knox, Treasurer; Murray Kane; Robert Morrison. Russell McLean

W.C.C: R McCabe; S Sutherland; M. Millar.

S Roy; H Ferguson; A Ryce; I. Callaghan,

Councillors: Diane Calder

L&BP. DNA

Guest speakers:

Chris Norman; Development Control Manager

Craig McCorriston; Planning Services Manager

Apologies: Councillor Tony Boyle; Steve Dowd;

Minutes approved for 27th May 2013

Proposed by: Robert Morrison **Seconded by:** Murray Kane

POLICE REPORT: - see separate report

Matters arising:

1. **NHS/St Johns Hospital.** At a meeting of Blackburn Community Council (CC) which was attended by Dr Jacobs - Action for St Johns, and J McGinty Leader for the Council and Gordon Beurskins. We were informed about the shortage of doctors and threatened downgrade of staff from 11pm to 7am to Nurse Practitioner cover or Doctors who are not expert in this area. Two respiratory Doctors have applied for a position in the Western General Hospital and they have been accepted. People are already being taken to hospitals such as Edinburgh Royal or Larbet, but increasingly the public are complaining. Although the problem is Nationwide we are concerned with West Lothian. Doctors have been appointed from Burma but have to have various checks done by the BMA and then be shadowed for 3 months at work. **Cllr Calder** to check if there is only a McMillan office, but no nurses left St Johns Hospital. The decision was taken that the community should be made aware of the concerns of the CC regarding the potential effect of staffing problems at St Johns Hospital, the effect this will have on us, as well as the emergency cover of Accident and Emergency and Pediatrics. To this end we are holding a public meeting, but date and time to be arranged. We will be inviting speakers such as Dr Farquarson, NHS Medical Director; and Dr Jacobs, Consultant Cardiologist and Action for St Johns. We also hope our MP, MSP's, and Ward Councillors will attend to answer your questions and work on our behalf. Winchburgh Community Council are holding their public meeting on the 1st July in the Community Centre at 7pm.

2. **Planning issues re applications, how they are taken forward etc.**

The chair invited Chris Norman; Development Control Manager & Craig McCorrison; Planning Services Manager to address the meeting and answer any questions.

Issues discussed were:-

- Planning training for CC members.
- General planning guidance for planning objections.
- Tesco; Contamination, investigation and decontamination; assurance about the adjoining road from Greendykes to Clarkson,
- Sainsbury's and the triangle of land from the viaduct to Glenmorangie north. The reason for not continuing, possible change of use of land by the council
- The effect of Diageo black contamination on the above decision.
- The effect it may have on Daltons application.
- The clearance of Vions site:
- The problems arisen at Winchburgh.

These are all in more detail on appended pages.

3. BMX. A cheque to be given to the Chair to pass on to Mr Swanson for the Broxburn Buccaneers BMX Club to purchase some needed materials.

4. NPF3. DK did not manage to attend the meeting in Edinburgh. We are still awaiting information from WLACC.

5. Buses: It has been hard to get the Bus owners to come to a meeting, so have suggested we have a combined meeting with the CCs. It is suggested that Uphall CC is hold a meeting about the buses in their Community Centre.

Action by Cllr JC

6. Wyndford housing public consultation. There was very little information available with pictures of other housing estates they hope to copy and the officer could not answer any questions about the site. It was a complete waist of time. Area is possibly undermined or of archaeological interest – details to come.

7. Andrew Bennie Public Consultation: (housing up from/behind Albyn Cottages). This event was cancelled without warning. They have since requested to come back to the CC later in the year. It was suggested we be wary of them coming to our meeting and calling this their Public Consultation. Ask them when they are now holding his public consultation

Action DK

8. Canal Towpath. We are still trying to get Community Payback team permission to work in this area as there is a problem with insurance. All agencies involved are trying to get this arranged. Its to do with H&S and the council.

Action Cllr DC.

Mr McBirnie is still trying to get this taken forward. The path has been widened from Parklands Bridge towards the north but the surface is still uneven, and the weeds are growing back. Nets to be contacted – **Action DK**

9. Double sided signs on A89. The company have moved the signs to the other side of the fence and have told council it is their land. Several people question this and feel it requires further investigation. If it is still WL Land they will have to move it, if its their land they need planning permission. Planning is aware. **Action Cllr TB**

10. Letter from Ms Muldoon Deputy Leader of the Council. She didn't get letter of response so it was resent. There was no reply.

11. Winchburgh Alliance formed in 1988 which now does something for the community. Changed to West Lothian Alliance and it has three aims which are: A) Education, especially dyslexia. B) Environment C) Heritage. At present one project. Former Post Office in Winchburgh – half belongs to Network rail and half the council. Had a meeting with them, very happy, car parking and village square. Unique Shale mining village as still got the cottages, miners hall and shale bing. They are possibly getting funding from Heritage Lottery, Network rail, Village regeneration and the developers. Alliance is the group who take on this kind of area. They have included Broxburn in it. Main aim at present is project for dyslexia (adults & children). It is hoped we can all work together to get things done. WLA would like a plaque remembering the miners on a wall in the hall relating their financial contribution.

The Battle of Flodden is also involved with the town due to the connection with the Earl of Seton who rode and died with King James IV. An old ward councilor wanted a statue for the mining industry, but he did not consult the community. It was applied for planning in a totally wrong place and was not granted amid much controversy. The person who made statue said it could be a stand alone monument.

12. Bus for WGH visiting is pre booked but **you must phone and state any requirements, such as a wheelchair, as seats need to be removed.** Bus route map and timetable were circulated. It is also in various shops etc.

13. Patient transport service: Free service 0300 1231230. Please see attached for details.

14. Shanks. Traffic Commissioner eventually wrote to say representation was invalid. Shanks have said that the TC is due to announce decision in next couple of weeks. Shanks would like to meet after the decision and we decide what we are doing. Council would not support us on the Environmental issues relating to Transport and the air pollution as well as public safety. One concession Shanks offered to make was that they would travel at 20 instead of 30 mph up Greendykes Road.

15. Gardens There has still been no work done to the garden at the Old Town Centre.

16. Scrap metal coming up at Exec meeting Council meeting. As well as use of cameras etc. Freedom of Information is also on the agenda. **Action Cllr.JC.**

16. West Lothian Access Fund. £4,500 still available as not taken up.

17. Livingston South 'blue green access' get money from the council to clean the burns. It would have to be for the Brox Burn if we applied as the canal is Scottish Canals problem..

18. Roof at Old Town Centre. There have been boys trying to strip the lead off the roof. This was reported to the group at the centre. **Action Cllr DC.**

19. Also can they move the **letter box** to the other side of the door for safety reasons. **Action Cllr DC.**

**Next meeting 26th August 2013
at 7pm
Broxburn Old Town Centre.**

www.broxburncc.org.uk

NB The meetings are recorded for purpose of the minutes unless someone wants to discuss a personal problem in which case it may be switched off if requested.

CC = Community Council WLA = West Lothian Alliance

Public Meeting on Monday 8th July in the Community Hall at Strathbrock Partnership Adult Education Wing from 6:30pm – 8pm. Regarding ongoing concerns about staff levels and its effect on service

Ref: TR:EG:DK.

PLANNING EXPLANATIONS, QUESTIONS AND ANSWERS.

CN. Quarterly training for CCs restarts 5th September.

A list of planning applications is sent to CCs and also on web. Contact case officer and they will send information relating to it.

West Lothian Core Development has been slowed down due to recession.

There are three weeks to respond to an application but ask if CC need extension.

There is a lot going on in the town.

Material considerations which can be considered are:- appearance, car parking, effect on neighbouring properties, designs use of land, road safety, fit in with other properties etc. They can't consider house values and views etc.

Kirkhill/Wyndford development slowed due to cost of road making & land owners' agreement etc. Cost of bridge over canal.

Glenmorangie site has black discolouration problem which could affect houses WLC change land use from residential to industrial use. As the land was not sold when Sainsbury's were told they were not suitable for that site and withdrew their application, it has removed money that would have been used towards the road to the north of the site.

Tesco are still keen to build at Candleworks site. The contaminated land has to be investigated fully by specialists as per planning permission agreement but not included in section 75.

CM: There is also a condition on transfer of land for housing to WLC. But they can't give details on legal advice. Planning has remediation included for this land.

DK then pointed out that the contamination experts who originally looked at the land & WLC Contamination officer had both stated quite categorically that the whole of the land area was to be decontaminated as one and that is the CCs concern.

CM: he will ask legal dept if he can give us information relating to contamination from the agreement. The road will go ahead from Greendykes Road to Clarkson Road.

EG: How long have they got to build this? Don't want land banking.

CN: Planning permission I will send to DK but it is more than just a token gesture eg up to roof height. They could leave it at this level if so inclined.

CM met with Tesco about 3 weeks ago and they have only shelved one store in Scotland.

TR: Why has it taken so long? Were told 6 months to start and haven't.

CN: Section 75 now complete – will send a copy to DK. It was a slow process and changes have been made to plans. CN will send a copy of both.

EG: and in this there will be deadlines listed?

CN Yes. Definitely it is dated.

HF: Why were we not allowed 2 supermarkets?

CM: Both in at same time. Retail capacity is an issue. Overall floor space was studied. Retail assessment was done by WLC –only sufficient capacity for one supermarket.

They could open one in an existing store eg old Haldane store. WLC must apply a sequential test which is to demonstrate that no town centre site available.

DK: Why were 3 CC's & the Traders Ass ignored when they backed an edge of town application then?

CM All those factors were before the elected members at the Planning Development Meeting. The department has to take all arguments into account and look at it being sequentially best. It is important to acknowledge the importance of CC's response but not overriding factor. They have to come to a recommendation on all points received. It was better placed in town centre position.

RMc: Does the council own the land?

CM: No not at Peniel. They do own a bit at the Candleworks.

RMc: so the council would receive money for the contaminated site but not for the Sainsbury site so it's a better decision.

DK; but the council would also get the land decontaminated and the road put through.

CM: Candleworks site has been earmarked for a number of years and is lying derelict though it has contamination issues but best site to develop with greater benefits to be gained.

EG Public consultation said bus would run there but more difficulty to get to Tesco and also comments about the road going through, so we didn't get what we want.

CN: Tesco best supermarket in town because out of town takes business out of town and closes shops. Local shops couldn't compete and Tesco have also added extended stay in car park which should help.

DK Linlithgow thrives on two, one at each end.

EG Bells black fungus contamination. Why have council just permitted them to expand if this is a problem?

CN: Storage of Ethanol requires Hazardous Substance consent. Black growth on all bonded warehouses – industry denies it is responsible. There is a Class action against the Whisky industry in progress in courts. The outcome could have major implications. They have changed their storage but there could be more growth.

EG Could they take more?

CN Black is from Angel share from the casks which must be kept at level atmosphere which is what denotes the specific named blend of whisky.

EG: Halls site. How much belongs to council? There used to be petrol pumps in there.

CN: The land is for Employment purposes, planning have been seen by various people about housing etc but they want to see employment land. Demolition warrant has been applied for and removing slab back to soil. There could be contamination there. A Method statement is issued with demolition warrant. SEPA also control site and will license removal from site.

DC: Believes there is contamination in bunding at front?

CM Will ask about this and get it checked.

TR: could be air pollution health issues if contamination is under the slab. Would you keep us informed?

CM Yes.

DK Can we get a copy of the warrant?

DC When they pulled down Parsons Peebles it was full of asbestos and although staff had been told while working there that there was none, there was and it has been put in the bunding.

CM Information may be covered as confidential because of detail of information included.

Public: How big is Tesco.

Public: Medium sized, no cafe – same size as South Queensferry.

Public: You said about keeping the fish shop and butcher etc so how will this not affect the local shops?

CN: It is the same if it was Sainsbury's. It's about new and old.

Public: Why is Winchburgh not getting a Supermarket?

CN: When more new houses are built there will be a new centre with shops.

SS: People don't want to buy the houses because they are too expensive and packed together.

DK: Business gets money for development of their business and if not used it has to be given back.

CM: yes.

DK: Down at the viaduct you let developers go ahead with plans and reports and apply for permission even when you changed your minds for use. Are you going to recompense them?

CN: No. Developer does it at his own risk.

TR: Clifton View, at the back end is earmarked for food and drink which is what Sainsbury's was going to do.

CM: The whole triangle of land, from the viaduct to the back of Glenmorangie is a triangle and is earmarked for economic development.

DK: Can you explain that?

CM: For business land, factory units and offices.

TR & DK they said they would comply with what you wanted.

CM: but they failed their sequential test because there was a better site applied for. The site is now an enterprise area. This gives the land owner some marketing advantage as in rates relief for anybody occupying the units, but only if they are based on food and/or drink production, not retailing.

DK: so this now opens the way for Daltons, who have been running a shredder machine, which is uncommissioned, for the last two years+ to get it granted because you have removed the housing.

CN: They lost their appeal.

TR: yes, but the applications have now been resubmitted.

CN: The application for housing is still there, the big problem is what I told you about funding the road.

CM: States the developer should have had a pre application consultation regarding the road. The land owner has given the statutory 3 month notice of intention to submit an application and Andrew Bennie's is coordinating it.

CN: I will get in touch about it tomorrow because it is about making a major application by Bennie. He did speak to us (ie CC.) but it was not a public consultation.

Cllr DC: To clarify, the triangle is one of the named enterprise areas, where is the other?

CM: West Wood. and Clifton View, the Council own two sites which are at the back of this area.

Public: To go back to Daltons. It was stated that the application for the shredder was refused? Well why is it running then?

CN: I will have to check as I wasn't aware. They lost the appeal.

TR Well it is still running and there is also an issue of height of mounds.

Public: well it should be shut down and SEPA should be involved. It should be investigated.

CN: In fairness there is only one person can deal with this sort of thing (enforcement).

TR: I was at the hearing with the reporter and was told there should be a noise base line done and the shredder commissioned. Black smoke belches out the top. We stopped phoning because you would not take any action. Brian Carmichael was supposed to be dealing with it.

CN: Will look into it and get back.

TR: we worked with you and put a lot of our time into it. They were breaking many rules and it was all reported although the business was not running fully and then they asked for all this extra metal tonnage and hours.

CN: Will get the case file reopened and find out what is going on.

Public: There is an application in to increase the tonnage and just walking past it, it seems as if they are exceeding that amount already.

Public: Just looks a big pile. He works in that business.

CN: That's the output for the year.

Public: Its because he has a place in Glasgow and Edinburgh & Leith and he wants to import from them to put stuff through the fragmentor because it makes a lot more money.

CN: had to leave at this point. Confirmed will send the information on the Candleworks and Housing.

CM: Tesco application consent is up to 10th May 2015.

TR: So they have been given four years to get this built. We as a community are waiting for this store to be built. Could be years before complete.

Public: So the council could get the site cleared for them and have a part store erected without costing them? They, Tesco, could sell it to someone else.

CM: That would be fine by the council as they would have a supermarket and cleared site in the town centre.

DK: The council had the money for it but had to return it as it was not used.

Public: Can't make a company build to a timescale. He approves of Tesco paying for these things as they will get our money when we go though the door. It's the usual Tesco with the Lawyers.

CM: That's why they got 2 years instead of the normal 3 years although they have already had a year.

Public: What happens if they change the layout or alter the plans as they build? What will planning do?

CM: Enforcement action to get them to stop or take it down. If successful it will come down.

DK: Why did you not go for Dobbies, who are Tesco, when they breached what the reporter had passed?

CM: There are different degrees of breach.

TR: You gave them retrospective planning for it.

CM: All the Procurator Fiscal would do is impose a fine which is nothing to the company. It is now a significant contributor to the area.

EG/TR: still don't contribute anything.

CM: They are creating employment and that is important.

Several: That's a laugh, they took on 300 and in a short space of time reduced their staff level to 50 of which about 20 are left. The jobs are not there as promised.

CM: But that is 20 people employed that wouldn't be.

EG: The extra land that they built on had no penalty. They applied for a car wash and now it's a franchise that's applied for/running it.

Public: The Vion site re the application to clear the site. Is there planning for a building? CM: No. Site is being actively marketed by Vion just now. Some people have asked planning if they can use it for various things.

DK: It said in one of the Regeneration Newsletters that we got that Planning would give sympathetic consideration on applications. What does this mean?

CM: Not sure probably fast track to get people back to work. There will be fast handling of applications. Enterprise zone commit to processing agreements about how quickly applications will be dealt with to get people back to work.

TR: Old School.

CM: don't know anything about it.

TR: Web is not being updated and there is a backlog.

DK: The longest took nearly ten months and the case officers should be able to answer concerns about the cases.

CM: Yes they should and if I have any problems get in touch with him.

DK: Problem was the lodge house is not on the plans although the Council Conservation department only signed it in November 2012 that it was going to add too much per unit to the other 18 houses therefore should possibly be demolished, not that it needs to be demolished. They don't pay VAT on a rebuild but they do on a renovation.

DC: Asked if Scottish Heritage was involved?

DK: Yes, they were involved after the fire and said they wanted the frontage kept., but it is just going to be half stone now.

EG: Can Jim give us a 3d image of what it will be like?

CM: Don't know but will find out.

TR: Any update on Winchburgh archaeological areas?

Public: Yes they have found some relics, not 200 ton of asbestos though.

DK: Where did your asbestos go?

Public: It went by dump trucks to Old Cathy where stored for 6 mths. and then by open top lorry to Middlesburgh. They have been told it is a SEPA & H&S matter. SEPA say ok as its now away and it is a planning and H&S matter but it is denied there as well. He has witnesses and it was reported in the papers. There was a deadline with the developers which is why it was so quick.

DK: What about the archaeological find?

Public: According to Wendy says its another site. Building has not stopped. Everybody has denied this for 6 months.

CM: There is not denial. They can remove under H&S to manage it. SEPA have investigated.

RMc: If there is contamination at Vion, the same could happen there, they will crush the concrete on site endangering health of residents. An archaeological site and asbestos dig didn't find anything, yet its there and been seen.

CM: SEPA & H&S are in charge.

Public: One of the worst is that the public report to you and you never listen to local people, you are quick to deny it. You are very adamant that things didn't happen but the people know it did. In 2006 planning listened to the community but now it's all the developers.

CM SEPA have investigated and its not our responsibility.

Public: At the end of the day it is the councils responsibility to look after us.

DC: Having difficulty with CMs comment. Doesn't matter which agent is involved, the council underpin the whole process and cannot possibly step back from it.

CM: They have to go back to agencies.

CLlr DC: There should be a rep from each agency working together. It appears that you all work apart from each other.

TR: Council should have a duty of care to the community.

CM: We would report to SEPA.

Public: Sorry it was me who reported it to them not the planning dept. You should have stopped the action as there was a breach of planning condition.

CM: Breaches are a matter of fact and degree.

EG: Where did it go to Middleburgh?

Public: Not sure, higher contamination stuff down there rather than Linlithgow.

Grontmyre who are in charge of this development, denied all knowledge of this for six months.

EG: Are we getting houses at Kirkhill?

AR: Kirkhill, Eastfield and West Calder have problems.

CM: I understand it is undermined or something but the case officer will tell us.

Chair thanked Craig for his time. He said always happy to brief us despite hard time given! We will get back to you.

Public: Asked about the CCTV on vehicle sites 24hrs per day.

Public: They deny any movements but this would clarify it.

Public: The site down south must take more contaminated material.

Public: Yes Grontmyre denied it for six months but I have a copy of the SEPA Transfer Notice. 99% of the concrete pad will be left on site.

DC: It's left in the ground at the back.