

# Royal Burgh of St Andrews Community Council

## Minutes – January 2009

### For Approval

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## 1. Attendance

### Community Councillors

Shaun Atkinson, Alex Bain, Ken Crichton, Dave Finlay, Ken Fraser, Zoe Smith, Patrick Marks, Ian Goudie, Marysia Denyer, Rob Fett, Henry Paul, Judith Harding, Laurence Reed, Matthew Verrell, Ray Pead, Derek Skelhon

### Students' Association Representatives

Matthew Guest

### Nominated

Jude Innes

### Co-Opted

Penny Uprichard

### Fife Councillors

Frances Melville, Bill Sangster, Robin Waterston, Dorothea Morrison

### Apologies

Catherine Rowe, Andrew Keenan, Judith Harding, Mathew Verrell

## 2. Minutes of December 2008 Meeting

Page 2 – Ms Uprichard pointed out that Lade Braes Walk was three separate words, not as recorded.

3.3. In the 10<sup>th</sup> paragraph the statement "3500 students in accommodation" should read "3500 students in the university".

## 3. Presentations

### 3.1. Inspector Bruce Thomson

#### 3.1.1. Shoplifting Prevention Measures

Following on a query from a previous meeting Inspector Thomson reported that nine major local shops had been issued with radios by a private company, as a method of exchanging information about suspected shoplifters.

#### 3.1.2. Crime Figures

Inspector Thomson also reported a continuing reduction in serious crime with no violent or sexual assaults for a lengthy period. The main problems were some incidences of anti social behaviour. He felt that St Andrews remained a very safe place to live in and hoped that this was the perception of local citizens.

### 3.1.3. Break-ins at South Street

Cllr Morrison asked about the recent break-ins at the Garden Centre and a nearby shop and whether the CCTV in the area had been helpful to the police. Inspector Thomson said that CCTV was working, but due to the nature of the offence nothing specific had been found so far to apprehend the offenders.

## 3.2. Presentation on Planning Matters by Ms Uprichard

1994 start of the St. Andrews Strategic Study under Fife Regional Council. An exemplar of good practice, published by Fife Council in 1998. The only document expressing the wishes of St. Andrews residents. Among its conclusions were:

*St. Andrews is at its landscape capacity and no major expansion should take place The landscape setting of St. Andrews is crucial to its character and must be protected and enhanced*

*There is a need to contain the spread of the town and a Green Belt must be seriously considered*

*Major new housing development would result in an unacceptable impact on the quality of the town's environment*  
Also

*This Study will be treated by Fife Council as a material consideration in dealing with any planning application submitted in the St. Andrews area.*

None of these conclusions has been implemented.

**1996** - Local Plan (frequently referred to by developers - rightly - as out of date). New Local Plan not likely to be approved until 2011 - 15 years on . .

**July 2002** - the Structure Plan was approved. This and the Local Plan together form the Development Plan. These are statutory documents with which compliance is required. Policies SS7 and SS8 (St. Andrews Green Belt) were included by the Scottish Executive against the wishes of Fife Council. SS7 says that the Green Belt is 'to encircle the town' - a phrase omitted from the Draft Structure Plan - an omission that I hope will be strongly criticised. SS8 says that development prior to the setting of the boundaries would be considered premature, confirmed subsequently by the Chief Executive and Head of Planning.

In responses to every comment about this Green Belt, Development Services said 'The Green Belt was never intended to be continuous', and later admitted this was an error.

**2002** - Before the Structure Plan was approved, Fife Council had started a new 20 year Structure Plan. The then Head of Planning, Mr. Rae, said that a new Local Plan would be published in 2003.

Mr. Birrell subsequently wrote that ' .. preliminary work has already started on the designation of the green belt around St. Andrews ... ' There is still no such designation. Later Mr. Rae wrote ' ... Let there be no doubt, therefore, that this matter will be taken forward. Inaction is not an option. '

Sir Menzies Campbell, Provost Melville and others wrote to the Council requesting an alteration to the 1996 Local Plan to provide Green Belt boundaries. This was refused on the grounds of cost and delay.

**In October 2002** a Scoping Brief for a huge housing development, golf courses, a relief road and a Science Park was lodged by planning consultants Montgomery Forgan. Partners in this project were the University and Headon Developments.

**In January 2003** the Council's reply to the Scoping Brief was not particularly encouraging. On 31<sup>st</sup> January notices about the new 20 year Structure Plan were published in the local press. This was not expected and probably few people saw them ..

**On 6 February** a planning official wrote to Montgomery Forgan suggesting that the best way forward was through '*full participation in the Local Plan preparation process*'. After mid - February 2003 there is no further correspondence. Presumably the prospective developers were told that the western extension would be included, not in the Local Plan, but in the Structure Plan.

To clarify the roles of the respective Plans - the Structure Plan should set the strategy and the housing numbers, the Local Plans the sites. The current process has turned this on its head. It is clear where the St. Andrews western expansion - 1,000 houses and a distributor road - and the Cupar development of up to 1,400 houses and a bypass are intended to go. If approved in the Structure Plan, they will presumably pre-empt the Local Plan.

**In March 2005** six Draft Plans were published - Structure, Local, Transportation and three others, totalling 650 pages. (The Transportation Plan was 'approved' 3 months later with no publication of objections.)

Subsequently there were 2,500 objections to the Structure Plan, representing thousands of people through Community Councils and environmental bodies. Statutory consultees Historic Scotland, Scottish Natural Heritage and the Scottish Environmental Protection Agency also objected, and have maintained those objections. Dundee and Edinburgh City Councils also objected.

When the second draft of the Structure Plan was published, it included without any consultation three SDAs - Strategic Development Areas of over 1,000 houses - in Cupar, Dunfermline and St Andrews. The Structure Plan language was increasingly dictatorial '*Dunfermline will be expanded. " Kirkcaldy will be expanded as the main centre at the heart of mid-Fife', - 'Expansion to the East (of Kirkcaldy) will commence early in the Plan ... with 2,500 new houses ..*'. The Plan supports '*revitalisation of Cupar*' by a new relief road and up to 1,400 houses. In St. Andrews the strategy is to realise its potential as '*an economic driver for the whole of Fife*', with up to 1,100 houses, distributor road, a 10 hectare business park and a 10 hectare science park. In the present economic climate, this is unrealistic, but if the Plan is approved the sword of Damocles will remain suspended over our heads ..

**In April 2006** the Environment and Development Committee in Glenrothes unexpectedly approved an amendment removing the three SDAs, reducing the Plan period from 20 to 12 years, reducing housing by one-third, and concentrating development in central Fife. This temporary setback was overturned in the full Fife Council the following month, with Labour Councillors under a three-line whip.

**In July 2006** the Structure Plan went to Scottish Ministers. It was then returned for a Housing Land Reappraisal. There was a Council consultation on this at the end of 2007 and it was returned to Ministers, with a six-week consultation ending in March 2008. The Modifications and Strategic Environmental Assessment for the Modifications were published on 9<sup>th</sup> January 2008. In the Modifications to the 2002 Structure Plan, on a number of occasions the Reasons said '*and in response to objections*'. I cannot find those words in the present Modifications.

The Modifications do not seem to merit a further nine months delay. The main alteration is an addition of 3,000 houses in Central and West Fife. The requirement for affordable houses in St. Andrews remains at 30%. For every 3 affordable houses, St Andrews would have imposed on it 7 of the kind developers want. Only **one** affordable house was built in Fife in 2007/8.

It is understood that the legislation for **City Regions** will be published this month, dividing Fife between Dundee and Edinburgh. With the co-operation of Scottish Ministers and the SEA Gateway Office, the Structure Plan may be able to squeak through in the nick of time, fulfilling the Council's aim. The Executive Summary to the Modifications states:

*'Although the 20-year timescale covered by the Structure Plan may make it seem distant in most people's lives, the Plan will have a dramatic impact on the way Fife functions through to 2026.'*

35,000 houses in Fife - 1,000 in St. Andrews and up to 1,400 in Cupar - with no clear plans for infrastructure - will certainly have a dramatic effect, **as will the increased urbanisation of Fife by 15%**. Is this really what people in Fife want? Will City Regions have strategic responsibility for Fife, or will the Structure Plan prevail? Nobody can say.

**The University** - in the past 30 years the University, as the town's main landowner, has put up many buildings in St. Andrews, not all of them in keeping with town's status as '*the most important small historic burgh in Scotland*' (according to Historic Scotland), and a number of them on Greenfield sites. There are references to building in accordance with the master plan, but there is no current master plan, simply ad hoc development. Has any other university in Britain applied to build 1,000 houses, not for staff and students but for sale?

In a recent Courier article Principal Dr. Lang announced plans for two new research centres, and said that a recent presentation was '*an early warning to townspeople*' of what the University wanted to undertake in the future. He said that '*It will be our aim to progress them in a manner which respects the local townscape and benefits the town and the local economy wherever possible.*'

Dr. Lang's statement is similar to those in the Draft Plans, which announce huge development, and then refer to the need to protect the town's environment and landscape setting. The Local Plan also says that '**the environmental impact on St. Andrews could ... have a wider national and international significance**'. Enormous damage has been done to the town in the last decade, but the present plans are likely to destroy it. The need for 1,100 houses in St. Andrews (with hundreds more in the Local Plan) cannot be justified. On the Local Plan figures, they represent about 30% development, not the stated 5%.

Fife Council refers to the General Register Office figures, saying that they forecast an 11 % increase in population in Fife. But the GRO figures are '*predictions*', based on past trends. If next year's figures, taking account of the credit crunch, are lower, will the 20-year Structure Plan be re-assessed?

The Council now intends to dismiss the Alison Grant Landscape Capacity Assessment and Green Belt Study of St. Andrews (a requirement in the 2002 Structure Plan) because current proposals represent far more development than in 2003, when her Study was published. Is that logical? Her clear and detailed reasons for stating that there is very little scope for development round St. Andrews are still valid.

**Local Plan and SEA** - The foreword of the Draft Local Plan by Councillor Rumney says that *'The finalised draft Local Plan has been shaped by the community following receipt of over 3,000 public comments .. , 'The Local Plan has been shaped by officials, who have largely disregarded local views .. The 3,500 objections to it have never been published, and it would be difficult to find evidence, at least in North East Fife, that they have been taken into account'*.

It is also difficult to have confidence in a Strategic Environmental Assessment, which says that *'the setting of St. Andrews from the north has been radically changed by new hotel and university developments'*. Do they mean 'from the west'? The Landscape Study, referring to the Castle Course in 'South St. Andrews', says *'The golf course development adjacent to the coast has altered the character of this area'*. Clearly the 'Change St. Andrews

Coalition' is on target.

The intention to *'provide a scale of development to deliver a development funded distributor road'* is also confusing - is the proposal to have a road, or to build the houses to fund the road? The intended removal, despite strenuous objections, of 20 Areas of Great Landscape Value round St. Andrews through the Fife Landscape Study can only be to assist development.

Fife Council is developer-led. Officials have ignored the requirement that development should be considered premature to Green Belt boundaries, and have failed to comply with the Development Plan. Planning reports for the last few years have frequently misled Councillors by misquoting policies, omitting relevant guidelines, and recommending approval for development in prospective Green Belt, outside the settlement, in AGL Vs, and in the Outstanding Conservation Area, etc. Summaries of comments from statutory consultees are selectively quoted, paper copies of planning papers are no longer available to the public except through Freedom of Information requests, and compliance with these requests is delayed as long as possible. The Outstanding Conservation Area has not been protected and is a mess.

The Council's references in the Local Plan SEA to *'the landscape setting of St. Andrews, which is internationally recognised as a historic town'* are cynical. So is its proposal to include the Links in Green Belt, 'but not subject to the constraints of Green Belt'.

## **GREEN BELT**

Scottish Natural Heritage said in an objection that the Green Belt in the Draft Local Plan is inadequate to protect Green Belt areas, and encourages development. The policy should identify that no development is permitted, except in specified circumstances. SNH also urged Fife Council to *'actively demonstrate their commitment to retaining and enhancing AGLVs'*, and queried the 'white land' on the Local Plan map - the southern hillside, which should be Green Belt, instead of being earmarked for possible development. In SNH's view the boundaries should be set BEFORE the sites for housing.

**POPULATION FIGURES** - the Local Plan says the St. Andrews population is 16,500, including students - said to be 7,000. This must be wrong - the residents in 1996 numbered 14,000. I believe the correct number of students is more likely to be 9,000 than 7,000.

**HOSPITAL SITE** - when the application for the hospital site came to North East Councillors in August 2006, it included provision for extension of an access road to the eastern boundary of the site. The existence of this access road became known to Community Council during a presentation on the hospital. In the strong objection submitted for Community Council by Dr Goudie, he stated that *'it seemed staggering that officials would slip through.. a clause opening the flood-gates to urban sprawl along the southern hillside without drawing it to anyone's attention'*.

In giving outline planning approval, Councillors decided to omit the reference to this access, and this was recorded in a report by Mr. Winter, Head of Development Services, to the October 2006 Committee.

At the November Committee, the Planning Report included the words *'The location and standard of this access road is confirmed in the missives as agreed with the vendor, and the requirement has been incorporated in all of the bidders submissions'*. Councillors had no power to remove it. I have a copy from the Land Registry of a document, which shows the sale to Scottish Ministers (on behalf of the N.H. S.) of land at Largo Road by Hermiston Securities, part of the Muir Group, and the University Court. (The Muir Group lodged a huge application to build on the southern hillside before the 1994 Local Plan Inquiry, but withdrew it before the Inquiry.)

A Councillor asked whether the access could be restricted to agricultural use. A planning official and a Law and Admin Official refuted that, saying that it was not a planning matter. Anyone coming up Largo

Road who looks left at the roundabout before Morrisons will see the tarmacked access road, which it is believed it intended to facilitate further development.

In an exhibition about the Structure Plan Reappraisal of the Housing Land Requirement in 2007, a Council leaflet stated that:

*'Fife Council does not propose development on the St. Andrews southern hillside.'*

The Draft Local Plan includes a section headed 'Development Options Appraisal'. After providing inaccurate comments on the Strategic Study, this section states as follows:

*'There will be an impact on the town's setting requiring landscape mitigation and careful design. Long standing community resistance to development at the southern edge of the town, but carefully designed development with advance planning and integrated green spaces is possible'.*

This statement makes it clear that statements by Council officials are unreliable, and can be altered whenever convenient. It is also clear that the Council have no appreciation of the landscape setting of St. Andrews, and that, having failed to install a Green Belt, they intend to continue circumventing it whenever possible.

'**Mitigation**' is described as '*a means of reducing the significance of adverse effects*'. In these Plans '*mitigation*' seems to imply that development can be made invisible. Where landscape is concerned, this is impossible. Nor is it true to say, as has been said on a number of occasions, that development '*enhances*' landscape.

Sir Humphrey used to say ominously, '*what a COURAGEOUS decision, Prime Minister!*' In this vein, Fife Council's decision to ignore all objections, to press ahead with Structure and Local Plans, which are deeply flawed, and to risk a legal challenge, might be termed 'courageous'.

**Legal challenge** - as there is no third party right of appeal, residents have only one recourse, and that is Judicial Review. These Reviews consider the procedures involved, not the merits of the case. In other words, a legal challenge in connection with housing numbers would not consider whether or not the housing was a good idea, but would investigate the procedures involved.

In this case there are thousands of objectors instead of the six petitioners who brought a Review against Fife Council about St. Andrews Bay. I should just like to make one point at this stage, in case a Review should be contemplated. Anybody who wanted to support such an action and send a financial contribution would **only** be liable for that contribution, whether £10 or £1,000, but not for any costs which might arise from the Review. In the same way contributors to a charity are not liable if that charity fails financially or is found guilty of irregularities.

In committees I have often had the impression that applications are given credibility simply because they are there. The Draft Structure and Local Plans brush aside the Tyldesley and Grant Landscape Assessment, the St. Andrews Green Belt, the Strategic Study, and thousands of objections. They predict huge economic growth, based on mythical house buyers. They treat Fife's towns and villages as disposable assets, and say that protection of historic landscape can be 'balanced' against development - an impossible equation. Fife appears to be a victim of the existing 'Concordat' whereby the Scottish Executive agrees not to interfere with local authorities provided Council Tax is frozen.

As Ministers appear to have overridden previous objections in issuing the Modifications, it is unlikely that this further consultation will result in much change. I hope though that every Community Council member will object to these Plans, even if only in the words 'I OBJECT to the imposition of over 1,000 houses and a distributor road on St. Andrews'.

Ms Harding thanked Ms Uprichard for her presentation. She acknowledged her inexperience in the area of objecting to planning applications, apart from writing a letter and wondered what the Community Council could do as a body. Ms Uprichard replied that in the past newsletters had been issued to alert local people to the threat of housing development in St Andrews and thought that it would be a good idea to do this again. She thought that because of the timing of the various planning matters, just before Xmas a large number of local people would be unaware of their existence and needed to be made aware. She felt that it was up to the Community Council to inform the local residents of what was happening. Mrs Denyer also thanks Ms Uprichard for her presentation. She felt that something had to be done to protect St Andrews from development, which could spoil its attraction as a medieval town for locals and tourists. Mr Crichton commented on the value of the contributions of Dr Goudie and Ms Uprichard and accepted the importance of planning decisions on the future for future generations. He was however also concerned about the amount of time taken up in CC business. Ms Smith cautioned Ms Uprichard about the need for the Community Council to have accurate figures in any debate and queried her claim about student numbers being around 9000, as on good authority she'd been informed they were 7812. Ms Smith also queried another of Ms Uprichard's claims in her presentation on the "unreliability of council officials". Ms

Uprichard in reply quoted two statements about the Southern Hillside, which appeared to contradict one another as to whether there would or wouldn't be development. She felt that this demonstrated her point.

Cllr Waterston felt that the crucial plan to concentrate on would be the Draft Local Plan 2009 when it was published. He felt that it was at that point when the DLP 2009 was published; that he hoped the Community Council would find the time to look at that document as he felt it would be very influential. Mr Skelhon asked Cllr Waterston if past recommendations had been superseded. Cllr Waterston acknowledged that that would be the case. He added that in the Government's responses to the Structure Plan there were proposals for up to an additional houses in St Andrews, and to which he felt some responses could be put in, but in his own view it wouldn't be time well spent to put in any detailed objection. He went on to talk about the Green Belt and its exact position around St Andrews as a major issue still to be determined, and he said that this would be looked at in the consultation phase of the 2009 Local Plan and any following local enquiry. He felt that a lot of other stuff in the Structure Plan was essentially overtaken by this time.

Ms Uprichard made clear her disagreement with the views expressed by Cllr Waterston as to the priorities for objection. She still felt that the Structure Plan was more important at this time and added that the probably location of proposed additional housing was clear as detailed in the scoping brief issued with the 2002 Structure Plan of which she had a copy. In reply Cllr Waterston said that there were no maps in the Structure Plan, so it was impossible to make any reference to specific locations. He added that comments would be possible in the consultation on the next version of the Local Plan in which probable locations would be detailed.

Dr Goudie in reply to Cllr Waterston said that he believed the Structure Plan to be the more important document because its set the total of additional houses, whereas in the Local Plan one was only able to look at the locations and decide what numbers of houses should go in a particular location. He felt that the Structure Plan was even more important this time as it was departing from previous precedent. He went on to explain that roughly there was a shortfall of over 3000 houses in the St Andrews and North East Fife area, and over 2000 of those were to go in strategic land allocations in areas which were at least partially designated. He felt that when it came to the Local Plan there was relatively little to talk about compared to the major decisions in the Structure Plan. He thought that over a thousand houses were likely to end up in the St Andrews West area and that the Council already had some plans drawn up to take this into account. He claimed that over 2500 objections to the Structure Plan were essentially being ignored or marginalised by officials. He also expressed dismay at the response of the Scottish Government to the Structure Plan just before Xmas, which he believed to be essentially political. He then talked about the Structure Plan Modification document and claimed that the problems went right to the heart of it. He cited Para 1.12, which was citing population growth projections for 2006 from the General Register Office for Scotland of 11% growth in Fife until 2031. He cautioned that the statisticians at GRO weren't predicting the state of the world but just extrapolating from what has previously happened. There had been a large growth of population, particularly in the past few years in West Fife, but he cautioned against treating this as the way growth will continue as he felt the Structure Plan seemed to be doing. He added that it was quite misleading to use such figures based as they were on a short period of growth, to then use the figures to calculate housing need. He felt that these figures were at the heart of the document, but claimed they had been glossed over, despite this issue being mentioned in earlier submissions from Community Council. He also felt that it was a hugely important issue, as it would affect the lives of everyone in St Andrews in the years to come. He was also critical of the timing of the publication of the document in the run up to Christmas, with only a few weeks now to construct a reply.

Dr Goudie admitted that the Community Council had a very difficult job on its hands and he couldn't see a newsletter being produced in the time available to alert the public. A modified version of a previous objection might be the best that could be achieved. He also found the way that the modified Structure Plan was being backed up by environmental assessments quite depressing. Having seen the environmental assessment relating to the local plan he felt that objecting was almost a pointless exercise given that the environmental reviews were produced by the same people who produced the policy, so he felt that it wasn't surprising that they were saying it was acceptable. He added that few aspects of the review were quantified in any scientific way.

Mr Fett commented that he agreed that it was very important to put in a response on these issues. He recognised the impossibility of wading through the hundreds of pages of detail to pick out aspects to criticise in detail. He thought that the best way to deal with this dilemma was to come to an agreement as to what was acceptable for the next 20 years and then make objections based on these criteria. He added that Community Councillors needed to know what weakened the Structure Plan in broad terms, so that they could make objections more easily.

Ms Smith acknowledged the need to address the deadlines, but added that it wouldn't be possible to do justice to the matter in the time allocated for this meeting. She asked for suggestions as to how deal with

the various consultations and enquires. Ms Harding wondered about whether we should write in on a personal basis or put something in the Citizen to alert local people to the plans for the town's future.

Dr Goudie picking up on Mr Fett's point acknowledged that as a Council there was a sort of policy of what we might like to see, which had been put together at the time of the last Housing Land Reappraisal, a year or so ago. He added that there was a document produced which reworked those housing numbers on a more reliable basis and this was on the CC website, but not at present in an accessible area for members of the public. If it could be moved to a more accessible part of the website, it might help make interested members of the public see what were the flaws in the Structure Plan. Dr Goudie said that he could produce an updated version of the same document.

Ms Smith encouraged members to attend the planning committee and wondered if at the next meeting there could be a discussion about the intentions of Fife Council in relation to the various enquires and consultations. She acknowledged the difficulty for members in writing detailed objections, but wondered about something along the lines of a more general criticism of the Structure Plan.

Ms Harding wondered about the possibility of the Planning Committee producing a letter, which could be adapted by members for their own objections to the Structure Plan modifications. Ms Uprichard commented that copy letters were usually counted as one, hence reducing the impact of any objections. Mr Paul thought that there should be something available and accessible on the website with an address to which to write if objecting. Mrs Denyer was concerned to make the information available to anyone without computer access, either published in the Citizen or by other means. Dr Goudie thought that a letter to the Citizen was a very good one.

Cllr Waterston reiterated his view that the new draft local plan, which was due to be published, was still in his view very important.

## **4. Fife Councillors**

### **4.1. Frances Melville**

#### **4.1.1. Harbour Trust**

Cllr Melville briefly mentioned that if anyone was interested in becoming a member of the new, revised Harbour Trust, they should keep informed when membership would be advertised. Cllr Melville said that there was to be a meeting to confirm the substantial changes next week. She hoped it would be more democratic. There will be up to 12 trustees, not just the four Councillors and five fishermen as is the case under the present arrangements.

Ms Uprichard asked about the issue of Councillors involved in the Harbour Trust and voting on planning matters. Cllrs Melville and Waterston replied. The essential problem relates to whether a Councillor on a Trust has taken active part in a planning issue discussed by the Trust, whether they can then participate in voting on the matter at Planning Committee. If a Councillor can show that they've not participated in the planning matter in question, they can still vote in the Planning Committee without having to declare any conflict of interest. Cllr Waterston admitted that he'd only become aware of this possibility more recently, and he felt that Councillors weren't always made as fully aware of the way they could become involved, but not prejudice their chances of participation in planning applications for the same organisations.

### **4.2. Bill Sangster**

#### **4.2.1. Harbour Toilets**

Cllr Sangster had checked out the reason for the closure of the Harbour toilets. He reported that the toilets always close in the winter, as there are no doors, only a gate. The water is always turned off as it would freeze.

#### **4.2.2. Market Street**

Cllr Sangster acknowledged that Market Street was in a hell of a state and had reported concerns three times to officials. He was promised that the holes reported would be fixed by the Xmas Holiday, but this hasn't taken place as hoped. He has sent another email to remind officials of the problems. He added that once Transportation Services were made aware of a problem it was their responsibility, so if there was an accident and someone was hurt they would have a case against Fife Council. He admitted that the holes in Market Street were very bad and a clear risk to unwary pedestrians. Ms Smith wondered what exactly would be done? Cllr Sangster replied that because of a lack of funds, following the collapse of the funding

for the Market Street Project, Fife Council had to review the project. He thought that Fife Council might have enough funding to do work up as far as the Fountain. Until plans had been firmed up to use the money set aside by Fife Council for the bigger project, patching up was the only option. He acknowledged that the street was in such a state, that it needed to be dug out and new hardcore put in. It might be the case that part of the plans for broadening the pavement on the Woolworth's side might take place. Ms Smith replied that a basic mending of the road was needed! Cllr Morrison later added that the repair of holes depended upon the depth they were!

#### **4.2.3. Ladyhead Pavement**

Mrs Denyer asked about the work required on this area of pavement. Cllr Sangster replied that the problem area had been photographed and details sent in to Fife Council.

#### **4.2.4. Donaldson Gardens**

Dr Goudie asked about the corner outside University Hall, which he said remained lethal on frosty days, as there was a hollow, which he said often, remained frozen and was a hazard to traffic. He cited an instance of a lorry damaging a length of the wall outside the University Hall when it sailed to take the corner, and also commented on the danger to cyclists. Cllr Melville acknowledged that she'd reported this previously to Fife Council and would report the problem again.

### **4.3. Robin Waterston**

#### **4.3.1. Town/Gown Liaison Committee**

Cllr Waterston had attended the recent meeting, which took place at MUSA the new University Museum. He commended the work of MUSA, which he felt was an outstanding facility. At present it is open on Thursday, Friday and Saturday afternoons.

#### **4.3.3. South Street Notice board**

Cllr Waterston had been in contact with Mark Dewar. He'd received the keys from Mark Dewar, but has discovered that having opened both sides, the windows don't stay closed unless they are locked. A snib of some sort needs to be attached to allow unlocked use. He will seek further advice from officials about this problem. Cllr Sangster volunteered to look at the board and attempt a DIY solution!

### **4.4. Dorothea Morrison**

#### **4.4.1. Car Wash Largo Road**

Cllr Morrison has reported on the amount of water flowing from the Carwash, which she feels could be hazardous in this cold time of year. Mr Paul informed Cllr Morrison that during the holiday period the queue for the Carwash had extended on to the road, blocking traffic at times. He said that there should be a sign to prevent queuing beyond the boundary of the business as happens at a similar facility in Glenrothes. Mrs Denyer who lives nearby had also noticed the congestion.

## **5. Planning Committee**

### **5.1. Planning Committee Reports**

See appendices C & D in the agenda – for information. Mrs Denyer reported and hoped that more members might join the Planning Committee.

### **5.2. Fairmont Enquiry**

Ms Uprichard reported on her participation in this recent Inquiry headed up by a Mr Richard Colshaw, an ex Deputy Chief Reporter. She found the process very interesting as any participants giving evidence could cross-examine the witnesses for the Fairmont Hotel Group. An advocate and an expert planning witness represented Fife Council. The latter was questioned by the appellants QC on his lack of landscape qualifications. This latter point made Ms Uprichard think about the decisions made by other Fife Planning officials and what landscape qualifications any might have to make appropriate decisions. She recommended the possibility of members of the public attending such an Inquiry, however they would not be allowed to ask questions, unlike the East Fife Planning Committee where questions can be asked.

## 6. Matters Arising

### 6.1. Report from Arms Convenor – Update

Mr Paul informed the meeting that the situation was still going to be ongoing. He added that after six years there was still not a provider of a genuine item with the Community Council Coat of Arms in St Andrews, only the old Town Coat of Arms. In the past year royalty payments from the only contract signed by a company with Mr White amounted to just over £34.82. The annual payment is still received, but Mr Paul said that this had been mostly eaten up by legal costs. He added that Mr White declines to answer questions put to him, preferring to get his solicitor to speak on his behalf, and the latter does not answer until the last possible moment, essentially dragging out the affair. Answers are usually very short, unless a detailed question is put to him. He has been invited 4 times to speak to the Community Council and has also been invited to a meeting with Ms Smith, Mr Marks and Mr Paul but so far has declined all invitations. Mr Paul asked for the Community Council's agreement that he could keep on pursuing the matter, with the aim of terminating the agreement.

Ms Harding asked how much time our solicitor had spent on the matter and how much the Community Council could afford. Mr Paul replied that the Community Council had to afford to keep the matter going, because the issue won't go away, especially as there is an attempt to enter the American Market. The Community Council has no control over the American Company, who can use the Community Council name in any way they like. He cited possible examples such as foreign Golf Course developments. He acknowledged the horrendous cost of having to use solicitors, but felt that it was necessary. He hopes that eventually the Community Council could get Mr White to approach it to get approval of any products. His concern lay in the fact that it wasn't clear what Mr White was doing, particularly with regard to possible overseas projects. He reiterated the options of either ending the contract or getting clear control to enable the Community Council to approve of the products being offered.

Mr Fett informed the meeting that from October 2008 to date the Community Council had spent £3807 on legal costs. Mr Finlay asked Mr Paul how long he thought the affair would continue until a resolution. Mr Paul admitted he couldn't see an end date, with the added complication that he is to go abroad at the end of February for a four month tour. He didn't think that matters would be resolved before that date, given the way in which Mr White and his legal team had been stretching out the time taken to reply to the limit of the legal requirements. Mr Paul felt that the Community Council had to stick with the matter, despite the delaying tactics. These tactics included only dealing partially with the overall concerns, with Mr Paul reminding the meeting that the issue of the Lord Lyon hasn't even been touched upon in the current round of legal exchanges.

Mr Finlay queried the problems with the Links Trust in this matter. Mr Paul replied that he'd managed to get the relationship with the Links Trust back on a better footing and felt that they were being much more supportive. They had alerted the Community Council to the American side of the matter. Mr Paul has not been able to trace details of the American Company with which Mr White has been dealing, despite internet searches.

Mr Finlay asked where the Community Council wanted to take the matter, how it could get out of the contract and if there was any thought of court proceedings. Mr Paul replied that he was trying to avoid going down this route, given the costs involved. He was looking to discover evidence of a clear material breach of the contract signed in 2002. He informed the meeting that there were lots of caveats in the contract, which made it more difficult to prove a material breach.

Mr Fett asked about possible areas where a breach of contract might occur. Mr Paul replied that one area was that Mr White had authorised the American Company to sell the St Andrews name to Golf Course developers. According to Mr Paul Mr White is not allowed to do this, and Mr Paul said that Mr White had so far avoided answering any questions in relation to the activities of the American Company. Mr Paul felt that if it could be proved that Mr White couldn't authorise the American Company to sell the St Andrews name the problem would be resolved.

Mr Paul acknowledged that he didn't have any hard evidence of wrong doing by Mr White. Mr Paul also found it curious that Mr White was not prepared to attend any public meetings of the Community Council to answer to the concerns about his activities, but he had indicated a willingness to meet privately.

Cllr Sangster reminded Mr Paul that the original list of products, which it was, agreed Mr White could licence was quite limited. He thought that the Community Council might be able to get someone else to produce products, which Mr White wasn't licensed to sell. Mr Paul acknowledged this point and said that it hadn't changed, but added that the latter part wasn't entirely correct. Mr White had expanded the list, allegedly for trademark protection, but because he hadn't signed any licences it wasn't clear whether he'd licensed anything without the Community Council permission.

Mr Paul also reminded the meeting that Mr White had signed a Deed of Trust, which allowed him to sign on behalf of the Community Council, effectively acting as the agent for the Community Council. That part of the deed had been removed, so Mr White would be unable to sign any new documents without consulting and getting agreement from the Community Council. Mr White's legal representatives had queried the removal of that clause.

Ms Smith thanked Mr Paul for all his hard work in relation to this matter.

## **6.2. Climate Challenge Fund – update**

Mr Marks reported on the amended Expressions of Interest, and the need to confirm whether they were acceptable to the Community Council. The changes mainly consisted of additional costings for the 1<sup>st</sup> proposal relating to the Carbon Advisor/Coaches. Any application would have to be sent away before the end of the week. Any initial response should be heard within a week, after which there would be a month to put together a full bid for one or more schemes to be considered by the assessment panel. This would involve a lot of work to prove that a coherent and viable scheme can be set up in St Andrews. Any proposal would go in the name of the Community Council. Mr Paul proposed that the Expressions of Interest be given the go ahead, with Mr Bain seconding the proposal. Dr Goudie informed the meeting of a suggestion made by Mr Paul at the end of the meeting, which discussed the CCF ideas. This was the idea that any work cost estimate be based on trade capacity to carry out the work in the area, rather than a percentage uptake. Dr Goudie noted the estimated number of properties, which might take up the offer, and wonder if this figure was achievable in the time? Mr Marks replied that the CCF Panel would possibly give guidance on the estimate, and it would also depend upon other factors and information gleaned from other similar schemes, as to the time required on average to insulate a dwelling. Mr Marks didn't feel he could expand upon that query at the present time. Ms Smith expressed concerns about the level of commitment, which the Community Council could give to such schemes. Mr Marks accepted the expression of concern, but felt that it might be possible to ease the strain on Community Councillors if additional persons could be co-opted to help manage any scheme. Ms Smith asked the meeting if they were happy with the Expressions of Interest as presented. There was general agreement.

**Secretary to advise Mr Yarr about sending the Expressions of Interest to Beautiful Scotland**

## **6.3. Ceilidh Report**

Ms Smith reported that the Ceilidh had been a success, though numbers were slightly down from the previous year. She thanked Mr Reed and his wife for their culinary contribution of stovies to feed the dancers. She also thanked everyone involved, saying that they had all worked very hard to make the evening a success. Mr Crichton reported numbers as about 165-170, with about 15 volunteers. Ms Smith commented on the positive feedback and about the good age range attending.

## **6.4. Reports from Representatives**

### **6.4.1. World Class Meeting**

Mr Fraser had attended the last World Class meeting. At this meeting the report on World Class had been unveiled. Mr Marks commented that he'd been approached by Patrick Loughlin who is happy to attend the Community Council to discuss the report. It was suggested that he could attend in February to give his presentation. This was agreed.

**Secretary to contact Mr Loughlin to invite him to February Community Council**

### **6.4.2. Town and Gown Liaison Meeting**

Ms Smith had attended this meeting at which they had visited the new museum, which she thought was wonderful. She added that it was sad that the town didn't have as impressive a purpose built museum. Mr Paul asked if the idea about having a University representative to attend to discuss their Global plan had been aired. Ms Smith acknowledged that it was difficult to get a university representative to attend Community Council in a formal capacity. She also acknowledged that she'd not asked about that matter as the meeting was primarily related to the MUSA visit. Mr Paul while accepting the point, reinforced his query about getting someone to explain what plans the University might have, given the spate of developments and proposals emerging in the past year and more, with the Gatty being one of the latest. Mr Fett informed the meeting that now might be a good time to try and ask about this given that the new Principal was about to start and would be having a regular Open Office hours for anyone to discuss issues with her. Indeed the first such day would be the day following the Community Council meeting.

### **6.4.3. Cosmos Management Committee**

Ms Smith had attended this meeting, but had little to report. The only item of note was the start up of a Soup Group at which anyone could go along and get a bowl of soup and roll for a nominal cost. This was subsequently reported in the St Andrews Citizen.

## **7. Committee Reports**

### **7.1 Recreation Committee**

#### **7.1.1. Senior Citizens Party**

Mr Crichton discussed the arrangements for the party which is this coming Friday 9<sup>th</sup> January at the Town Hall. He was looking for volunteers to visit businesses to ask for raffle prizes. He also required helpers on Friday from 12.30 to lay the tables. The Party starts at 14.00.

### **7.2. General Purposes Committee**

No meeting has taken place.

### **7.3. 200 Club**

200 CLUB DRAW

1<sup>ST</sup> No 89 Mrs M Freeborn

2<sup>nd</sup> No 20 Mr G Christie

3<sup>rd</sup> No 43. Mr I Cowe

### **7.4. Health, Education and Welfare Committee**

No meeting

## **8. New Business**

### **8.1. Networking Sessions for New Members**

Primarily for information, but Ms Smith encouraged new members to sign up to attend.

### **8.2. Community Council Support Working Group**

Mr Marks explained that this had been revived and that Community Councils in North East Fife were encouraged to send 2 representatives along. This would involve liaising with other Community Councils to determine who would be the representatives. Mr Marks offered to act as contact for any member interested to join the Working Group, and encouraged members to consider the proposal.

### **8.3. St Andrews and East Fife Finalised Draft Local Plan**

See agenda for details. Mr Marks explained the invitation he'd received and asked for interested participants. Ms Uprichard expressed an interest in attending.

### **8.4. Planning Committee – A Way Ahead?**

Mrs Denyer explained the idea behind her proposals. She also expressed concern about the imminent retrial of the janitor at the local office. The options for other meeting venues were discussed.

## **9. Reports from Office Bearers**

### **9.1. Chair**

No report

## 9.2. Treasurer

### 9.2.1. Treasurer's Report

**Royal Burgh of St Andrews Community Council**

**Treasurer's Report – January 2009**

Figures correct on 5 January 2009

**Total funds: £24,970.71**

**Funds available for grants to the community: £3,294.51**

**Legal fees with Burness LLP since October 2008: £1,645**

**Ex-Trust: £4,046.73**

Total funds are broken down in the following way:

£2,237.04 ADMIN

*Expenditure: Rent, Auditor, Adverts, Laptop, Website, Stationary, Printing.*

*Income: Fife Council Grant*

£459.24 RECREATION

*Expenditure: Floral, St Andrews Week, Receptions, Prizes*

*Income: Annual allocation from Fife Council Grant*

£5,051.19 SENIOR CITIZENS LUNCH

*Paid for by donations*

£4,899.13 CEILIDH

*Pays for itself*

£3,294.51 DONATIONS

*Expenditure: Donations/CC Grants*

*Income: Coat of Arms royalties, Bank Interest from BOS and Abbey, Donations*

£4,982.87 RESERVE CAPITAL

*Expenditure: Interest put into Donations fund. Extra-ordinary items such as legal fees and larger grants to more ambitious projects within St Andrews are also paid from this account.*

*Income: Interest, donations £4,046.73 EX-TRUST*

Notes: Money from old Trust kept in Abbey Account. Cost of staging for Christmas Lights will come from here subject to consultation of the Trust deed.

Mr Finlay was critical of the layout of the treasurer's report. He had expected a layout on a spreadsheet reflecting the typical format for treasurer's reports. He was concerned he said to protect the Community Council and the treasurer from any problems. Mr Fett felt that the format of this monthly report was easier for members to understand, but Mr Finlay said he preferred the spreadsheet layout, which he felt gave him a clearer picture of finances. Mr Fett acknowledged that he was constrained as well by time, with the format preferred by Mr Finlay taking much longer to prepare. Mrs Denyer suggested that a properly formatted report was only really necessary at the time of an AGM. Mr Finlay was still convinced that he'd be happier with a report formatted in the normal manner.

## **9.3 Secretary**

**9.3.1. Correspondence – see appendix A.**

## **10. Any Other Competent Business**

### **10.1. New Rector and Rectorial Drag**

Mr Guest reminded the meeting that a new rector had been elected a couple of months ago. It was hoped to include the stop at the Town Hall, as part of the old tradition of the rectorial drag, at a date in the next few weeks, still to be confirmed.