

DYKE LANDWARD COMMUNITY COUNCIL

Minutes of Meeting held on Wednesday 21st Jan 09, Dyke Village Hall.

Present: Mr J Rogers (Chairman), Mr D McConnell, Mrs M Greenaway, Mr Alistair Sutherland, Mr T Foster, Mrs Caroline Macleod, Cllr I Ogilvy, Mr C Hamilton (Acting Secretary to the CC)

Apologies: Mrs L Dingwall (Secretary)

In Attendance: Mr Ralph Newlands representing BEAR Scotland.  
Mr. A. Sutherland as a member of the public.

The Chairman formally welcomed Mr Foster and Mrs Macleod to the Council and then introduced Mr Newlands, in attendance representing BEAR Scotland, to whom a number of issues of interest and concern to the DLCC were addressed:  
BEAR Scotland Issues

**Brodie Speed Limit.** Mr Newlands advised that speed limits were to be reviewed nationally over the next 3 years with those associated with the A96 being scheduled for this year. He also stated that the Police were 'happy' with the 50 mph limit through Brodie, which the Police viewed as self-regulating, and that there had been no accidents of note in this section. Such 'happiness' was met with considerable scepticism. Mr Hamilton advised that accidents were not infrequent and that the length of the limit section was patently too short in relation to the 2 major entry/exit turning points, namely Brodie Country Fayre and The Old Mill Inn both of which are at the extremities of the limit section. The '97 speed review found an average of 53.1 mph in the section, it was noted that the police appeared to have a very negative attitude in relation to active policing on this section of the A96.

It was agreed that little if any headway would be gained until the 2009 review had been published and that further representation should wait until that time.

The longer term aim was to get the limit length extended by some 300 meters at either end and, as a minimum, to have electronic speed indicator signs erected.

A copy of the 2009 review was to be obtained on publication. Action: Secretary.

**Longley Safety Barrier.** The committee was aware that barriers of this design had now been superseded but a design criterion was that visual inspection was necessary. This precludes any significant landscaping or painting potential, however Mr Newlands stated that an element of landscaping was possible and that, subject to budget approval, a planting operation might yet occur in 2009. It was agreed by Mr. Newlands that this Council would be consulted on the landscaping proposals prior to works going ahead.

**Other Road Barriers.** Mr McConnell advised the Committee that many of the metal support posts of the wire type of safety barrier on the A96 section approaching the Findhorn Bridge did not have safety caps in place. Mr Newlands made note of this maintenance requirement.

**Winter Gritting Programme.** Committee was advised that the responsibility for winter gritting of secondary roads fell to The Moray Council not to BEAR Scotland. Gritting of the junctions such as at Tearie and at the Brodie railway crossing junction was considered inadequate particularly with the new surfacing laid in December having made the surfaces smoother and therefore more slippery. Mr Newlands advised that, with moderate wear these surfaces would become slightly rougher which would reduce the skidding hazard.

**Grass Verges.** The verges on a number of minor roads had suffered damage as a result of being used for heavy 'rat run' traffic during the A96 refurbishing period. The Committee was advised that although ultimate responsibility would fall to Transport Scotland practical responsibility fell again to Moray Council. No conclusion was forthcoming as to whether The Moray Council would be affecting maintenance repair in the nearer future.

**Cycleway/Walking Paths.** The Chairman expressed frustration that what once was an identifiable but inadequately maintained cycleway/walking path from the Findhorn Bridge to the Darnaway junction was now no longer 'fit for purpose'. Further, the section continuing on to Brodie, as a result of the A96 refurbishment works had now been irretrievably lost without any advisory/consultation notice relating to

the cycleway/walking path having been received from BEAR Scotland. Mr Newlands appreciated the Committees' concern but could only advise that no identifiable pathway was recorded on this section and therefore no consultation procedure for loss or change was relevant. Regardless of local knowledge of the existence of the path now lost little could now be done to have it reinstated. It was agreed however that with the volume of traffic on the A96 and the narrowness of the remaining verges all potential users would be far safer using the local minor roads serving the area.

That concluding issues relating to DLCC and BEAR Scotland Chairman thanked Mr Newlands very much for his presence and the clear transparent manner in which he had dealt with our concerns.  
Agenda Item One - Minutes of Meeting held Wednesday 10th December 2008

Mr Sutherland advised that the minutes should show that he did attend this meeting. Similarly, Mrs Macleod wished her name to be added also as she had notified her apologies of absence. The minutes were approved by Mrs Greenaway, seconded by Mr Mc Connell and signed by the Chairman

#### Agenda Item 2 - (Other) Matters Arising.

Flood Alleviation Scheme Broom of Moy. Mr Gowans had minuted the DLCC meeting points and sent a copy to the DLCC along with a copy of a letter from the Broom of Moy Residents Association meeting dated 17 Nov 08 concerned with this issue were to hand. Chairman considered most of the issues had been addressed. Mrs Greenaway, representing Broom of Moy on the DLCC, who had been unable to attend the 17 Nov meeting, would examine the contents of these minutes and report accordingly to the DLCC. Action: Mrs Greenaway.

Core Paths. Formal objection to the Final Plan was to be made with respect to the section FR09 located at Broom of Moy where it was considered that the path on top of the raised Flood Alleviation earthworks would take user precedence to the lower adjacent path of the Core Path route. Such user precedence would impose on the privacy of a number of residents whose properties would then be overlooked. A solution would be the erection of barriers on the upper path to protect the privacy of properties overlooked or, better, to have the lower core path, which is in a poor state of maintenance, improved thus giving it the priority user status. Objections were to be submitted by 08 Feb 09 at latest. Mr Mc Connell would submit a 'holding' objection on behalf of the DLCC. Action: Mr McConnell.

Fallen Tree. No progress could be reported on the removal or movement of the tree further away from the road edge which, due to its size, and the boggy field adjacent, would be not be an easy task. Cllr Ogilvy had heard rumour that the tree had actually been sold on. The issue remains although with the extending limbs having now been lopped off the trunk does not now present a direct danger to road users. The issue remains.

Pay Phones. Nothing yet heard from BT on their retention or otherwise. The issue remains.

AOCB - Forres Hospital/Health Centre Pharmacy DLCC remains concerned that the planned Forres Hospital/Health Centre new build will not now contain a dispensing pharmacy provision, (nor dental practice),. Mrs Dingwall, Secretary to DLCC, is an active member of the Patients Provision Working Group; it was considered appropriate to establish the latest developments on the whole project. Chairman would to e-mail Mrs Dingwall to this effect. Action: Chairman.

#### Agenda Item 3 - Forestry Commission Estate

Forestry Commission Estate. Letter dated 08 Jan 09 received from MSP Rhoda Grant expressing concern about a Scottish Government intention to long lease extensive areas of Forestry Commission (FC) land to private investors to the detriment of FC workers employment, local supporting industries and to the wider public in general. The letter requested CC objection to such proposals in support of the FC. DLCC objection was unanimous with a letter to be sent accordingly. Action: Chairman.

Mr Sutherland raised an enquiry concerning the Forestry Commissions proposed eco development in the Kiln Hill Wood area, near Nairn. Individual objection have been raised previously to this development and it now seemed to be on the back burner. Mr Sutherland did wonder if it had any link with the above Governmental proposal.

#### Agenda Item 4 - Planning Issues

Local Applications. Three local planning applications were considered, 2 'old to new' cottage building developments and a conservatory erection project. Mr Sutherland had local knowledge on the cottage developments. None of the applications were considered to the disadvantage of the community.

National Matters. The recent Scottish Executive (SE) consultation process on the proposals to change the Planning System in Scotland has caused widespread concern in that the Consultation Process may have been flawed. Objections have been raised at Joint Community Council (JCC) level and within Moray Council. CC members considered consolidation was necessary on this important issue. Cllr Ogilvy was requested to obtain copy of The Council's critique and Chairman to obtain copy of the relevant JCC correspondence. The SE proposals would be an agenda item at the JCC meeting to take place on 12 Feb 09 to which the Chairman would endeavour to attend. The Chairman would also express DLCC objections independently via SE MSP.

Action: Cllr Ogilvy.

Action: Chairman.

Community Council Working Group. Following the election of the new Government in May 2007, the Cabinet Secretary for Finance and Sustainable Growth asked the Working Group to examine potential expanded roles and responsibilities which could be undertaken by Community Councils. The consultation exercise is complete and can be viewed via the following link:

<http://www.scotland.gov.uk/Topics/Government/local-government/CommunityCouncils/ComCounCon>

A vacancy in the ASCC for a Moray representative found no available volunteers.

Agenda Item 6 - AOCB.

Presentation to Major Macleod. The presentation of a quaiche to the recently retired long serving stalwart DLCC member Major Macleod was planned for the March DLCC meeting. Mr McConnell offered a catalogue selection of likely suitable models. Chairman would select and purchase quaiche of choice and have it engraved. Mrs Macleod advised council members that the major really would prefer a most simple inscription. The Chairman would e-mail council members for appropriate inscriptive words.

Action: Chairman.

Action: All.

Association of Scottish Community Councils. Notice had been received of a Scottish Community Council Working Group/Seminar with MSP attendance to be held at the Laichmoray Hotel, Elgin on 21 Mar 09 to which the DLCC was invited. No council members were able to commit at this stage.

There being no further business the Chairman closed the meeting. The next meeting will be held on Wednesday 18 Feb 09 at 7.00 pm Dyke Village Hall.