

**Cullen & Deskford Community Council
Meeting on Thursday 28th January 2010
7.00 p.m. in Memorial Hall, Cullen Town Hall**

MINUTES

- Present:** Mr Malcolm Watt (Vice Chair)
Mrs Joyce Henderson (Treasurer)
Mrs Zillah Jamieson (Secretary)
Miss Emma Hay
Miss Lyn MacDonald
Miss Sasha Reid
Mr Adrian Sandison
Miss Tabitha Smith
- In Attendance:** Cllr Gary Coull
PC Richard Russell
Miss Nicola Davidson (Agenda Item 4 only)
- Apologies:** Professor Ashley Mowat (Chair)
Mr Jim Mackay
Mr John Robertson
Cllr Stewart Cree
Cllr Ron Shepherd
Sgt Gavin Farquhar
PC Mairi Page
Gillian Bailey, CSU

1. Welcome and Apologies

The Vice-Chair welcomed all attendees to the 3rd meeting of the Cullen & Deskford Community Council (new term) - in particular, Lyn MacDonald and Adrian Sandison who had joined the Community Council following the recent elections.

Apologies were noted as above.

2. Minutes of Previous Meeting (26th November 2009)

No amendments were made. The Minutes were approved as a true record.

3. Reports

3.1 Police:

Police: PC Richard Russell outlined his 10 years of service with the Police Force (Glasgow, Aberdeen, Moray Division), with 2009 being spent as Crime Reduction Officer (involving Neighbourhood Watch, Community Meetings, Crime Prevention Surveys and Pubwatch). He will work out of Buckie alongside PC Mairi Page, Community Beat Officer, and will be instigating more foot patrols given his knowledge of local "hot spots". He indicated that there had been two reported crimes in the area since 1st January 2010.

Mobile police surgery/use of police office: PC Russell hopes to use both the Police Office and the Mobile Surgery - dates are awaited.

Action: PC Russell/Zillah Jamieson

Neighbourhood Watch: in the absence of information re the previous scheme under Ted Newstead, PC Russell will take appropriate action to re-instate the Cullen Neighbourhood Watch scheme. He also undertook to contact John Robertson re setting up a Deskford scheme. The Secretary undertook to provide those details which are available.

ACTION: Zillah Jamieson

3.2 Local Councillors

No items other than those on the agenda were raised.

3.3 Treasurer

Bank Balance: The Treasurer indicated that, after taking into account ring-fenced funds and the amount to be transferred to a separate Beacon account (£2,824), the net amount available is £2,381.18.

Donation from Lord Seafield: The Secretary confirmed having received a donation from Lord Seafield of £400 (8th December 2009); the cheque was passed to the Treasurer, and a letter of thanks sent (29th December 2009).

Moray Council Grant: The Secretary confirmed receipt and handover to the Treasurer of a cheque to the value of £292.22 in respect of our annual grant covering the period October 2009 to March 2010 only.

Textile Recycling: no further cheques had been received. Cllr Coull undertook to find out what the experience of other Community Councils has been in relation to funds generated through this route.

ACTION: Cllr Coull

Outings for elderly/less mobile people: outstanding action point; it was agreed to discuss this at the next meeting.

Contribution to website: An initial enquiry form has now been submitted to LEADER in respect of funding for the Cullen website; this indicated a contribution from the Community Council of £500; approval was given by all those present (proposed by the Treasurer, and seconded by Adrian Sandison).

Contribution to Cullen District Calendar: All calendars purchased were sold, with shops indicating continued demand over the Festive Season which they could not meet. Total sales equalled £855.30, leaving a surplus of £335.30. All funds have now been banked.

Cullen Beacon campaign: A separate bank account is being set up for all funds relating to the campaign. It was agreed to discuss fundraising opportunities at the next meeting.

3.4 Funding Update/Incoming Information

The Secretary confirmed having been advised of the UnLtd Sport Relief Awards - funded by Comic Relief - providing opportunities for young people to bring communities together, to help promote understanding and solve problems through sport, arts and recreational activities. Awards are made every 3 months. This may be an opportunity for the Dirt Cycle Track. The Awards are split into 3 categories: Try It - To test out an idea (Up to £1000) 11 - 21 years; Shape It - To develop an idea (up to £5000) 11 - 21 years; Do it - To grow a project (up to £10,000) 18-21 years.

3.5 Events Diary: Draft Events Diary attached as Appendix 1.

The Secretary confirmed that she had purchased and placed the 2010 Events Diary in Cullen Post Office.

4. The 11th Moray Great Bike Ride

Having submitted a positive response to the Moray Council (7th December 2009) regarding our involvement in this event (to be held in June 2010), Nicola Davidson (Sports, Arts and Leisure, the Moray Council) was present and provided the following details:-

- Historically, the Great Bike Ride has taken place only in Elgin; in 2010, there are plans to expand this across Moray through a number of satellite bike rides - all on the same day - with currently four expressions of interest - designed as a family event, with those under 12 requiring to be accompanied by an adult (adult being defined as older than 16)
- Ride can vary in length depending on course available - with an 11 a.m. start and a 2 p.m. finish
- Every school, including those along the coast to Buckie, are entering a team of 10
- Cullen would provide the start point, with the risk-assessed route reaching to Buckie and back - avoiding main roads across the entire length
- Month-by-month information checklist will be provided, once available, with work delegated to Community Council members; all Health and Safety and Risk Assessment issues will be undertaken by the Moray Council, as well as liaison with Grampian Police
- Responsibilities would include enlisting volunteers, registration (requires 2 volunteers), marshals (minimum of 6), enlisting volunteers and "creating" an event around the ride e.g. barbecue, mini-gala, stands for fund-raising
- Possible dates are Sunday 27th June and Sunday 4th July.

Following discussion and obtaining the Young Members' commitment to being involved in the organisation, it was agreed that Cullen would participate in this event.

ACTION: Zillah Jamieson

5. Cullen Burn Footbridge

The Secretary confirmed having written to Ken Kennedy, Lands and Parks Manager (7th December 2009) to establish any progress he had made on the issues of ownership of the footbridge (and therefore responsibility for repair) and of the physical structure of the bridge and the need for repair. Ken's response (7th December 2009) indicated that:-

- the bridge is not in council ownership though it is fairly obvious that Cullen Town Council must have been involved in or knew about its construction
- the bridge has been inspected and made safe by the Moray Council's bridge engineers
- there was no suggestion from the engineers that there was any need for immediate repair other than the works they carried out and that the bridge was considered safe for use
- there have been no estimated costs for repair produced to him
- we may wish to make our concerns known to Bob Stewart, Director of Environmental Services at Council Headquarters, High Street, Elgin.

The Secretary confirmed having kept Lyn Cameron up to date (7th December 2009) on discussions on the footbridge, Lyn having originally raised the matter prior to the road closure.

A response from Cllr Shepherd (addressed to the Chair - 14th December 2009) indicated that he had nothing further to add beyond the update received via Neil Fotheringham (as below), that he had asked various departments to look into this matter, and that he could not think of anyone locally who might be able to help.

An e-mail from Neil Fotheringham (Senior Engineer, Structures - 10th December 2009) indicated that:

- his inspection of Cullen Burn footbridge confirmed that it is beyond economic repair and should be replaced; the recent closure of the A98 led to an increase in the use of the footbridge and he was asked to comment on its safety; his judgement at the time (10th November 2009) was that it was adequate for use (with some repairs to the parapet), but that 'the condition of the bridge is, however, poor and consideration must be given to replacing it in the medium term'
- he requested a quotation for a replacement bridge; including supply and erection, demolition, project management etc, the cost would be of the order of £65,000; in the present economic climate, he doubts that Council funds could be re-directed to replace the bridge; this, however, would be a political decision
- the ownership issue is more complicated; his enquiries, through the estates section, indicate that the Council owns the western side of the burn (hence the western abutment) and that the east abutment is owned by Seafield Estates (it seems unlikely that they would have or could have sold it); Cullen Town Council purchased the Links in 1967 and it may be that the bridge was built around that time; establishing who built the bridge and why the bridge was built would be a step forward in determining who should maintain the structure; a trawl through the Town Council records might reveal something; further research on the land issue would involve the legal section and may incur cost
- he has no resources to devote to this project so any request to carry out further research would need to come through official channels.

The Chair acknowledged this communication (10th December 2009), emphasising the importance of the footbridge and undertaking some further investigation with the Seafield Estate, Ian Douglas, Public Access Manager and Cllr Ron Shepherd.

In response to the Secretary's letter (8th December - details in Section 6), Ian Douglas, Moray Access Manager phoned the Secretary (6th January 2010), with the following information and suggested action points. The path across the footbridge is on the Coastal Core Path; this emphasises the strategic importance of the path, but does not place any obligation on anyone to maintain or develop it. The key issue is ownership (ownership implying responsibility for maintenance), and Ian Douglas was not able to clarify the Moray Council position. He suggested that the first course of action was to approach the Seafield Estate, on the basis that they would be able to confirm their view much faster than the Moray Council. In the event of the Seafield Estate not taking ownership, the second course of action would be to write to Legal Services (Roddy Burns) for clarification, which may take some time, especially if it involved access to Edinburgh-held records.

The Chair subsequently wrote to the Chief Executive of the Seafield Estates (12th January 2010) emphasising the importance of the footbridge to the local community and visitors, particularly given the lack of public path over the bridge on the A98. He requested the Estates support in clarifying the ownership issue and in potential fundraising in the future to meet the estimated £65,000 cost.

The Chief Executive's response (15th January 2010) indicated the following:-

- the Seafield Estate's agreement that the footbridge over the Cullen Burn is a vital link between the residential and recreational areas of Cullen

- information from the Estate's old letter books confirms that the Seafield Trustees met with the members of the Cullen Town Council to discuss the provision of this bridge and a sea wall on 2nd October 1930 and that on 12 March 1931 the Trustees approved the plans submitted to them, with the caveat that they were unable to express an opinion as to whether the foundations of the wall and bridge were deep enough and that they assumed that this very important matter had been carefully considered
- the Seafield Estate's confirmation that the Estate gave permission for the construction of the bridge, but had no involvement in financing the project which the Estate believes was proposed under an Unemployment Scheme which appeared to be operating at that recessionary time; with Moray Council taking over the duties and responsibilities of the Cullen Town Council, the Seafield Estate would consider it appropriate for Moray Council to repair this bridge or replace it if that is what is required
- confirmation that the Moray Council own the west bank of the Cullen Burn at the bridge, with the Estate owning the land on the east; as was the case in 1931, the Estate would be very happy to see the facility renewed and they would wish to approve the plans for this in due course.

The Chair and Vice-Chair raised this matter with Gordon Holland and Keith Stratton at a meeting on 21st January 2010 (arranged to discuss the Cullen Harbour Beacon). Gordon Holland acknowledged that the footbridge is the responsibility of the Moray Council; he is being advised by his engineers that the footbridge is satisfactory for pedestrian use, that it is uneconomic to repair, but that the cost of replacement is outwith any current Council budget.

Subsequent to this meeting, the Chair wrote to the Chief Executive, the Moray Council (copied to 3 Locally Elected Councillors and Richard Lohead MSP) highlighting the lack of footpath on the A98, the resultant importance of the footbridge (especially during the road closure) as a preferred safe route for all pedestrians, both local and tourist, and the growing importance of the route to coastal trail walkers. The Seafield Estate letter re ownership was attached. Whilst recognising current financial difficulties, the Chair requested that the state of the footbridge is carefully monitored by the Moray Council, and that any further deterioration is quickly remedied as best possible until such time as the footbridge totally deteriorates or funding becomes available for its replacement. Support was sought from the 3 Locally Elected Councillors and Richard Lohead.

6. Footpaths in and around Cullen

The Secretary confirmed having written to Ian Douglas, Moray Access Manager (8th December 2009), including the following points:-

- the Community Council's support for the work currently being undertaken by the Moray Way Association (including attendance at the Elgin meeting on 26th January 2010)
- having not yet seen the details of the paths involved in the Cullen area, the Community Council feels there are 3 particular locations at the moment which would benefit greatly from being included; these are:-
 - the Crannoch Hill Path: short piece of pathway from the end of the pavement to the south of Cullen into the Crannoch Wood; the Community Council has been attempting for some time to have this piece of pathway restored, but have unfortunately met obstacles
 - the Cullen Burn Footbridge: a current issue because of its dilapidated state, its strategic importance to the community/visitors and the lack of footpath on the A98; the Community Council is continuing endeavours to effect long-term safety and maintenance work on this structure

- Existing path via the School, along the boundary wall of Cullen House grounds, past Lintmill Nursery and down to Lintmill: this path was the subject of an offer from Arthur Gauld in relation to his successful planning application for a development on the Lintmill Brae; Mr Gauld expressed a willingness to contribute to its improvement in sections which are in danger of becoming overgrown; it is an attractive path, and superior in many ways to the more exposed route along the public road to Lintmill from Cullen
- requesting his help in understanding how these paths fit into the Moray Way and how he might contribute to the Community Council's endeavours.

A telephone call from Ian Douglas to the Secretary (6th January 2010) clarified the following details:

Cullen Burn Footbridge: as indicated in Item 5 above.

Crannoch Hill Path: Ian Douglas has been involved in a lot of correspondence re this path over the past two years; key to this issue is the approval of Roads Department; in light of the huge increase in liability claims over the last three years, the Roads Department is resistant to a "formal" path in the area - "formal" implying adoption and liability; an "informal" option was discussed between Ian Douglas and the Secretary, with no requirement for funds from Moray Council (fund-raising would be undertaken by the Community Council), ideally some form of path that would require little maintenance, and also as far away from the main road as possible to reduce safety issues; it was emphasised that the lack of path may "force" walkers nearer to the main road, thus increasing risk; as a result, Ian Douglas wrote to Gordon Holland (7th January 2010): " This is considered to be a 'missing link' in the local paths network. I suggest that any such path should be informal in nature and be set back as far as possible from the road edge. I have been advised by the Community Council that if permission could be obtained to create such a path that any necessary finance would be provided through the local community. It is intended that thereafter the path could be maintained by the Community Justice team. I believe that all that is required is some localised surfacing (on softer sections) and general grass cutting several times annually along the path line. Creating such an informal route at the rear of the verge would I suggest be acceptable in terms of public safety. The route would not be signed or promoted hence liability concerns for the Council would be minimal. I ask you to consider approval for such a proposal stating any required specifications. I will thereafter advise the Community Council of your response." An outcome is awaited.

ACTION: Ian Douglas/Zillah Jamieson

Lintmill Path: this path, together with the cycle route path, was considered for Core Path status during the relevant consultation; whilst the cycle route path is in for Core Path status, the Lintmill Path is not, as, at the time of the consultation, there was no community interest expressed; in addition, the Seafield Estate resisted attempts to make it a Core Path; Ian Douglas recalls consultation with the Cullen Tourist Initiative, but it may have pre-dated the re-formation of the current Community Council; the Plan is at the final stage, and there is potential for amendments (although not subject to further consultation); Access Rights (as per the 2003 Act) are not affected in any way; Ian Douglas is currently dealing with an objection from FuturePlans (architect to Mr Gauld) in relation to the path's omission; this is being taken forward to a local enquiry; whilst the Community Council letter was beyond the official deadline, he will include it as a letter of support for the path in the enquiry; as indicated above, Core Path status does not put an obligation on the Moray Council to maintain the path; however, Core Path status does allow physical work to be done by parties other than the owner of the land, without the owner's permission. Ian Douglas requires to submit his report to the Scottish Parliament by the end of April - timescale on a decision thereafter as yet unknown.

ACTION: Ian Douglas/Zillah Jamieson

7. **Moray Council - Budget Reductions - Consultation**

The Secretary confirmed having submitted the Community Council response to these consultations (15th December 2009); this submission was formally acknowledged by Peter Jones, Communications Officer (15th December 2009). Community Council submission attached as Appendix 2.

8. **Young Members**

In addition to indicating their support for the Moray Bike Ride and the potential Dirt Cycle Track, Emma Hay suggested undertaking a publicity campaign in Buckie High School re the value of Community Councils and the role they undertake. This could have the additional benefit of interesting potential successors to the current group of Young Members (following their departure to further education in September).

ACTION: Young Members

9. **Community Plan**

9.1 **Harbour Committee Report:**

List of requirements for the 3 Harbours (Cullen, Findochty and Portknockie): The Vice Chair advised that a response from the Moray Council to this joint approach indicated little hope of the focus of Moray Council funds being changed from Buckie. The Vice Chair confirmed that all efforts will continue to be made to gain a positive result, without alienating the currently very helpful Moray Council Officers. He acknowledged the need to educate Locally Elected Councillors about the crumbling assets in these three harbours, although everyone recognised that current flooding and roads issues are placing significant pressure on the capital plan.

ACTION: Malcolm Watt

Cullen Harbour Pontoon: The Community Council members noted with appreciation the swift action taken by the Moray Council Roads Department to secure the pontoon after damage during the last few days of November. The Chair sent an e-mail of thanks (1st December 2009) - prompted by a number of local boat owners.

9.2 **Town Hall Report:**

Cullen Town Hall: It was agreed that 2/3 Community Councillors would meet informally with the Chair and report back at the next meeting.

ACTION: Malcolm Watt

Letter to Chief Executive, Moray Council: in an attempt to clarify the on-going issues with the Town Hall, and in response to a suggestion from Donald Duncan, the Chair and Secretary sent a letter to Alastair Keddie, copied to Donald Duncan (Education), John Black (Estates), Roddy Burns (Legal) and Heather McKenzie (Chair, Cullen Town Hall Committee) - 13th January 2010. Attached as Appendix 3. This letter also raised the issue of the green space adjacent to the Community Centre which we are led to understand by Councillor Shepherd is "under offer". A response was tabled at the meeting - attached as Appendix 4. The Secretary undertook to pass a copy on to the Chair of the Town Hall Committee.

ACTION: Zillah Jamieson

Town Hall Flag: The Treasurer is actively progressing this.

ACTION: Joyce Henderson

9.3 **Cullen Common Good Fund**

Nothing further to report at this time.

9.4 The Lawtie Trust

Meeting with Trustees: Rhona Gunn (Moray Council) confirmed (30th November 2009) that the trustees would be happy to meet with representatives of the Community Council. A meeting has now been requested - sometime after 1st March - with the following agenda items: an historical update since the local government reorganisation; confirmation of the current trustees and legal factor; a summary of the audit of funds by the Trustees; the current legal status of the Lawtie Lands; further clarification of what might be possible in terms of freeing both funds and lands for the benefit of the people of Lintmill and Cullen as originally intended. E-mail acknowledged (8th January 2010). A meeting date is awaited.

ACTION: Ashley Mowat

Moray Council Review of Fund: Cllr Cree suggested via e-mail that the forthcoming meeting with the Trustees of the Fund will service to address this matter more adequately.

Allotment Group: Jim Mackay advised via e-mail that the Cullen Community Allotment Association submitted a tender for 2 acres of the Lintmill land in response to the Notification to Tender advertisement in the local press. Following the closing date for applications, representatives of the Association were invited to meet with Alex Burrell of the Moray Council to clarify and discuss certain details of the tender. A further response from Alex Burrell/the Trust is awaited.

9.5 Floodlighting of the Market Cross/War Memorial

Nothing further to report at this time. Funding applications will require to be investigated before any further progress can be made (including sustainable lighting if possible). The Secretary indicated that the Secretary of the Heritage Group would be discussing with her the merits of an interpretation panel (funded by the Moray Council).

ACTION: Ashley Mowat/Zillah Jamieson

9.6 Homecoming 2009/Events Committee 2010

Presentations (including press article and photoshoots) are to be arranged for the three outstanding actions from the Homecoming 2009 series of events:

- Musical Evening, September: funds raised to be presented to Cullen Primary School (to be confirmed, but believed to be £296 less cost of hall, £113.88; it was agreed to present a rounded figure of £200)
- Christmas Fair, October: funds raised to be presented to Multiple Sclerosis (£291.57 less cost of halls/kitchen - invoice now received amounting to £130.00; it was agreed to present a rounded figure of £200)
- Whiskers Galore event, November: funds raised to be presented to the RNLI; it was agreed to present a rounded figure of £200 (actual figure £162.75).

ACTION: Joyce Henderson/Zillah Jamieson

Great Wall of China Walk: The Secretary confirmed having received a thank you letter from the Royal National Mission to Deep Sea Fishermen (16th January 2010) for the donation of £103 raised as a result of the talk in the Town Hall.

Events Committee 2010: Following discussion, it was agreed that the Community Council would focus on a small number of events throughout the year including Cars and Tractors Day, Young Talent Evening and Community Burns Supper/Scottish Night (January 2010), plus any events required for the Beacon Fundraising Campaign. The Community Council would provide any support required by the Golf Club with the Senior Golf Tournament (16th/17th June 2010). Lyn MacDonald undertook to feed in further ideas for events (quoting potential events in Huntly e.g. Guided Forest Walk at Christmas Time).

An action group for each event would be created; the Young Members indicated their commitment to organising the Young Talent Night - date to be arranged.

ACTION: All

9.7 Cullen District Calendar

See reference under Section 4.3. The Vice-Chair expressed the thanks of the Community Council to the Heritage Group who had done all the hard work in the creation and production of the 2009 calendar. The Secretary undertook to create some press coverage for its success, and confirmed that she was in dialogue with the Heritage Group re a 2010 Calendar.

ACTION: Zillah Jamieson

9.8 Cullen Website

An Initial Enquiry Form for LEADER funding has been submitted covering the first two stages of the website development. David Watson, LEADER Programme Leader, will advise whether our application will be submitted for approval at the end of February; if submitted, there is a high probability of it being granted. The Secretary is in frequent dialogue with our supplier to ensure that he is up-to-date with developments and potential timescales.

ACTION: Zillah Jamieson

9.9 Cullen Community Garden

Nothing further to report at this time.

9.10 Cullen Dirt Bicycle Track

The Vice-Chair acknowledged the significant work that has been undertaken over the last couple of months to assist the group of boys in getting their idea off the ground. He also expressed appreciation for the help provided by a number of Moray Council Officers, including Ken Kennedy, Alex Burrell, Allan Birnie and Hope Cullinan. A progress report (dated 14th January 2010) is attached as Appendix 5.

A further meeting of the group took place on 19th January 2010 (attended by Cameron Bruce, Calvin Phimister, Ewan Bowie, Edward Putnam, Ashley Mowat, Zillah Jamieson and Fiona Herd). As a result, the boys have now been tasked with putting together the details required by Alex Burrell to take our request to Committee (i.e. approximation of what is going to be constructed, including length, breadth and approximate position). The Secretary confirmed having sent them a copy of a map of the area (28th January 2010) for this purpose.

The members present confirmed their approval for the Secretary to write this letter on behalf of a future formally constituted Dirt Cycle Track Group.

ACTION: Zillah Jamieson

Since the January meeting, PC Mairi Page had confirmed that she had raised the project at the Buckie Area Forum meeting, which expressed their enthusiasm for the proposal; she is hopeful of funds being available through this source. She also provided other information on other sources of funding, including: Buckie Rotary (sponsorship), Awards for All, Moray Firth Radio Cash for Kids, Cullen Common Good Fund, selling Buckie Area Forum eco bags (buy for 50p, sell for £2.50).

9.11 Criminal Justice Services Projects

The Secretary confirmed having written to Mike McRitchie (7th December 2009) to express the Community Council's thanks for his unit's endeavours throughout the year, and to request clarification on whether the projects remain on his list for next year or whether we are required to "negotiate" again. Mike McRitchie responded (7th December 2009) to the effect that his unit has a bit to do at the community garden (although he was aware that there may be other plans afoot there - see Section 9.10) and that they will continue to do the needful as long as they can. The projects include: Cullen Beach tidy-up; Viaduct - litter tidy-up; Cullen Community Garden; Deskford Community Centre - tidy-up.

Crannoch Hill Path: see reference under Section 6.

ACTION: Zillah Jamieson

9.12 5-a-side Goal Posts for Deskford Community Centre

Initial information from John Robertson indicated a potential cost of £225 each; he undertook to investigate alternatives. The Chair had suggested Costco as a potential supplier - the Secretary to advise John Robertson.

ACTION: John Robertson/Zillah Jamieson

9.12A Cullen - Grit Bin Locations

Having experienced difficulties in reaching his house because of treacherous conditions on the side roads of Cullen, Malcolm Watt contacted the Moray Council (Mike O'Brien - 21st December 2009) regarding the location and content of grit bins. Mike O'Brien indicated willingness to site and stock grit bins in locations where householder consent for their siting had been obtained. Supportive e-mail dialogue between members raised the following issues:-

- identify ideal locations for bins - e.g. equidistance between bins, slopes, areas where there are vulnerable members of the community
- investigate potential for volunteers to undertake gritting in vicinity of bins - on purely informal basis (formal basis may incur liability)
- investigate implements to undertake gritting
- investigate risk of vandalism, rendering the bins useless
- investigate potential "volunteers" from the Criminal Justice Services Unit (although there may be health and safety issues involved)

Malcolm Watt has identified 5 potential additional sites for grit bins, in strategic locations which have the advantage of not requiring resident consent. His request has been submitted to Mike O'Brien, and a response is awaited.

Action: Malcolm Watt

Road/Pavement Gritting: Further to a request from a member of the community, the Secretary confirmed having phoned Mike O'Brien regarding the amount of snow at the end of Seafield Place (joining the A98) and the "skating rink" that was Reidhaven Street (7th January 2010). Mike explained the priority categories in Cullen e.g. A98 is 1, North and South Castle/Deskford Streets are 2, Seafield Place and Reidhaven Street are 4 (despite the medical centre being located in the latter). Under the extreme weather conditions, the best that Mike could offer was highlighting the conditions at the said locations.

10. Planning

10.1 Cullen Harbour Lighthouse

Whilst our e-mail of 9th October 2009 had not received a response, Keith Stratton wrote (December 2009) to ask if the Community Council had considered the proposal that the beacon be removed as quickly as possible. In return for support for this measure, we would be asked to agree that the erection of a suitable replacement would be acceptable on the same site at a time when Community Council funds are available.

In an attempt to clarify all the outstanding issues, a meeting was arranged with Gordon Holland and Keith Stratton (attended by the Chair and Vice-Chair - Wednesday 20th January 2010). The key points from this meeting included:-

- GH/KS expressed continuing concern over potential health and safety hazards arising from current structure
- Roads Department will have to re-apply to the Planning Department for permission to demolish the current structure (the previous application having expired); this could take some time (realistically August/September)
- Re-application will not be made until such time as the Community Council has written a letter accepting the demolition and replacement plan
- With the Varis quote having passed its validity date, it was agreed that the Community Council could approach Varis for an up-to-date quote (6-month validity suggested)
- GH/KS confirmed the availability of £3,000 for demolition costs, with any potential balance to be retained by the Community Council to contribute to the replacement works
- If the current structure were to be removed before funds for the replacement were in place, GH undertook to provide a written guarantee that the Moray Council would do all in its power to assist with effecting the replacement.

The meeting agreed with a direct approach to Varis and that investigations should be undertaken re payment of VAT.

ACTION: Malcolm Watt

Handover of funds + publicity: the Cullen "Beaconometer" is now prominently displayed in the window of Cullen Bay Angling (courtesy of David Rush); this will be updated regularly to show progress towards the final total. Suggestions are welcome for fund-raising events. It was agreed to organise a photoshoot on the Beaconometer, including Sasha Reid and Tabitha Smith (its creators).

ACTION: Ashley Mowat/Malcolm Watt

10.2 Cullen Expansion

Development Brief - Site R1, Seafield Place: The Secretary confirmed receipt of a Development Brief for this potential development; details were circulated to members (12th January 2010). Following questions raised by members and answers received from the Moray Council, the Secretary submitted a representation from the Community Council (20th January 2010 and acknowledged 21st January 2010) - see Appendix 6. All comments received are reported to the Planning Committee, who will decide whether to make any changes to the terms of the Brief. It will then be used to assist in the consideration of any planning application that is lodged for the site (i.e. the proposal/layout etc will be expected to comply with the terms of the Brief). The Community Council will still have the opportunity to comment on the detail of the Planning Application in the usual way, once more specifics come forward.

10.3 Weekly List

The Weekly List of 22nd January 2010 listed the following application:-

- Replace flat roof at 5 Seafield Place, Cullen.

This was not deemed to be of community interest.

11. Points for Noting/Information

11.1 Licensing Board Applications:

Licensing Board Applications are being monitored on a weekly basis by the Joint Secretary. There have been none since the last meeting.

11.2 Correspondence

Bus Shelter North Side Castle Terrace Seatown: this is being progressed.

ACTION: Ashley Mowat

11.3 Publicity

Cullen Expansion: The Secretary provided a quote to the Banffshire Advertiser (in agreement with the Chair), and this appeared in an article (1st December 2009) as follows:- "In principle, the members of the Community Council welcome such a development; it will contribute to maintaining the vibrancy of the town and supporting local businesses; there are few details available; however, all members were agreed that the design of the 30 homes must be sympathetic to the scenic and historic feel of a Royal Burgh, particularly given their visibility."

Cullen Lighthouse Campaign: an article appeared in the P & J (4th December 2009) highlighting the work undertaken by the Sea Bay Angling Club. There was further coverage in the Evening Express (10th December 2009).

Christmas Event 9th December 2009: The quote submitted to the Banffshire Advertiser re this event was: "The town was certainly buzzing on Wednesday. The whole combination of activities proved a great hit - with lots of people shopping, scouring shop windows for the Treasure Hunt clues, and of course surrounding Santa and the reindeer, which were hugely appreciated by young and old alike. The Primary School Choir did an excellent job in adding a further Christmassy feel with their carol singing, against the backdrop of the Cullen Christmas Lights. Young Adam Newland's expert piping, with tinsel decorated pipes, added a distinctively Scottish flavour to the Christmas spirit. And I think everyone - both visitors and businesses - would agree that the event exceeded all expectations. The presence of the STV television camera and Claire Stewart certainly added to the Christmas excitement; it is not often that a town the size of Cullen is mentioned on the national news. The only thing missing was snow!! The occasion was a great credit to all the organisers and the general feeling in the community is that this event should be repeated and expanded next year, hopefully without the stimulus of a bridge closure." This appeared in the Banffshire Advertiser of 15th December 2009.

Road Gritting/Pavement Clearance: In response to a request from the Banffshire Advertiser, the following quote was supplied: Professor Mowat, Chair, Cullen & Deskford Community Council commented: "The weather is exceptionally bad and has lasted much longer than forecasters predicted, making life very difficult for Roads Departments and their staff. With such a prolonged and unheralded period of low temperatures and repeated heavy snowfalls, it is inevitable and sensible that the overriding priority has been to keep main roads open, with minor roads and pavements having attention as and when possible. I think the Roads Department has done well in very difficult circumstances."

In the current litigious world that we live in, the old-fashioned community spirit of clearing your own pavement and those of neighbours seems to have fallen by the wayside; a TV report earlier this week claimed that the possibility of being sued in the case of an accident under these circumstances was an urban myth; perhaps if this was clarified, then we could revert to the 'old ways' and consider lending a hand, rather than complaining, in what are the worst conditions for 30 years." The article appeared 12th January 2010.

11.4 Suggestion Boxes

Nothing to report.

11.5 Confirmation of other actions taken

Pedestrian Island, Seafield Street: The Secretary confirmed that she had written to Elaine Penny (8th December 2009) as follows:- "The content of your e-mail was discussed at some length at our last Community Council meeting on 26th November 2009. I was asked by all members present to write to you to indicate that, whilst we do of course respect your professional judgment in this matter, the Community Council wishes it to be put on record that they continue to have concerns regarding the current and future safety of this area of the main through road in Cullen. We sincerely hope that we will not have occasion to revisit this topic in the future as a result of accidents."

Cullen Road Bridge: the Secretary confirmed having responded (8th December 2009) to the letter from a local business as follows:- "I am writing, on behalf of the Community Council, in response to your letter of 10th November 2009 in which you highlight the effects of the A98 closure on your business. At the last meeting of the Community Council, I indicated to members that I had received a letter from a local business, and asked the question whether, in light of the fact that the initial road signs may have added to the financial damage to local businesses, Moray Council would be considering recompense of some description. Cllr Cree (as the only Councillor present at the meeting) indicated that this was a legal issue on which he was not empowered to pass comment. The Community Council members empathised with the situation that all the Cullen businesses found themselves in during the period of the road closure; they felt that the Community Council had done a lot to support the businesses through effecting communication and working hard to have the signs replaced as quickly as possible; however, they also agreed that it would be wrong for them to pass comment on a potentially legal issue."

Open Sewer at Bottom of Lane beside the old church in Seafield Street: The Secretary confirmed that the long awaited works to rectify this situation commenced on 7th December 2009. Thanks were expressed to Gordon Cowie and David Gordon (2nd December 2009) not only for their prompt response to her enquiries, but also to facilitating the removal of the traffic lights for Santa's Reindeer Parade on 9th December. A covering and barriers remain in place, but the area is not unsightly nor untidy.

New Constitution/Standing Orders: The Secretary confirmed having submitted a signed Constitution, along with the Standing orders, to the Elections Office, the Moray Council. A countersigned copy has now been received in return. Action complete.

Moray Way Association: The Secretary confirmed having written to Norman Thomson, Chairman of the Moray Way Association (7th December 2009) to confirm the members' unanimous support of this initiative. Norman's response confirmed the awarding of a LEADER grant for the Moray Way project, together with Walkers of Aberlour's support for the Walkers map.

The Secretary confirmed having attended a meeting (26th January 2010) at which a full cartographic draft of the map was available for comment and review. She was very concerned that, despite assurances that the Moray Way included the Dava Way, the Speyside Way and the Coastal Trail, the map did not indicate any walks to the east of Spey Bay; several comments on this had been put forward at the meeting by attendees, including the Secretary. Following discussion, it was agreed that the Vice Chair would write a letter from the Community Council, and the Secretary would write a similar letter in her capacity as Chair of the Banffshire Coast Tourism Partnership.

ACTION: Malcolm Watt/Zillah Jamieson

Cullen Christmas Party for Children: The Chair confirmed having handed over a cheque to the Chair of the Town Hall Committee (£60 to defray the costs of the hall rental).

11.6 Community Council Pilot Funding/2nd Round of Elections/ LEADER Funding:

Pilot Funding: It is understood that we will be required to provide some feedback during January 2010.

2nd Round of Elections: The Secretary confirmed the outcome of the 2nd round of elections - the election of Lyn MacDonald and Adrian Sandison. This leaves one vacancy on the Community Council. The Constitution indicates the following re filling the vacancy:

"Where a vacancy arises which does not result in the number of COMMUNITY COUNCIL MEMBERS falling below the minimum number as specified in the **Scheme for the Establishment of Community Councils**, and at least 6 months has passed since the last election, the COMMUNITY COUNCIL may, if it considers it to be desirable, agree to:-

- (a) the filling of a vacancy by co-option with voting rights to a maximum of one third of the total membership of the community council as governed by **the Scheme for the Establishment of Community Councils**.
- (b) the vacancy to be left unfilled until local public interest is expressed or until the next set of regular elections."

Following discussion, it was agreed to go with option (b).

LEADER Funding: Alastair Kennedy had indicated (26th January 2010) that this had been abandoned in the absence of appropriate paperwork from several Community Councils.

11.7 Consultations

Transportation Requirements for Small Rural Development in Rural Parts of Moray: The relevant consultation papers were circulated to members (28th December 2009); it was agreed not to submit a response.

Moray Urban Design Guide: The Secretary confirmed receipt of this consultation; details were circulated to members (12th January 2010). No representations were made, although it was noted with dismay that the current development at the Former Filling Station Site would not fulfil the criteria; Cllr Cree had indicated via e-mail that, in relation to the applicability of the guide to any previous planning permissions, he sees no real value in re-opening any debate that has been properly decided.

12. A.O.C.B.

12.1 Certificates of Achievement

It was agreed that presentations should be arranged in March for:

Stephen Findlay (Years of Dedication to the Pet Cemetery and Local Fund-Raising)
Lauren McGregor (Dancing): permission obtained from Mrs McGregor (Excellence in Highland Dancing)
Adam Newlands (Bagpiping): permission obtained from Mr and Mrs Newlands (Excellence in Bagpipe Playing).

In addition, it was agreed that a letter of commendation should be sent to Calum Newlands to acknowledge his involvement in fundraising with his brother, Adam.

Freedom of Cullen: The Secretary confirmed having e-mailed the Lord Lieutenant of Banffshire for clarification (12th January 2010). The response received (15th January 2010) indicated:-

*"As Mrs Russell was not at all sure of what procedures there might be in such a case, Mrs Russell contacted Alastair Keddie of Moray Council. Her query was then passed to Roddy Burns, the Council's Chief Legal Officer, and the substance of his response was as follows: *Strictly speaking, any formal granting of the Freedom involving the Council would require to relate to Moray as a whole - although the rules may have been 'relaxed' in the past to accommodate references to particular towns. The Council and its predecessors have granted the Freedom relatively rarely to individuals (both RAF bases have been granted the Freedom). As far as Mr Burns can ascertain, in the past 50 years the Freedom of Moray (or its historical equivalent) has been conferred on Ned Harrison (as in Johnston's of Elgin) in the 1960s; Sir Iain Tennant and Eddie Aldridge in the 1990s; and Gordon Baxter in 2008. There is no official way to confer the 'Freedom of Cullen' so there would appear to be nothing to prevent anyone from organising an unofficial 'Freedom of Cullen'. Alternatively, Mr Burns suggests that you might want to investigate the idea of a 'Citizen's Award'; Buckie has such an award, so you might be able to copy their format. Also, it could be either an event in its own right or could be associated with something with which the intended recipient is already associated.*"*

It was agreed that this could not be taken further.

12.2 National Spring Clean

The Community Council has received an invitation from Keep Scotland Tidy to support National Spring Clean 2010, either by organising an event (between 1st and 30th April 2010) or by spreading the word about the campaign. If we choose to organise an event, we need to have established a date and time for the event, together with number of volunteers etc, before registering our event on the Keep Scotland Beautiful website. Helpful information is available on their website, including topics on organisation (Organiser Checklist, Staying Safe, Funding and Sponsorship) and publicising of the event. Supplies of e.g. black bin bags can also be obtained. Following discussion, it was agreed to ask John Robertson if he wishes to lead this project.

ACTION: Zillah Jamieson

12.3 NESTA - Tackling Social Isolation in the Elderly and Improving Public Services

Details were circulated to all members re Age Unltd initiative which could attract up to £10,000 for development of an idea into a live community project. A short application form must be submitted by 14th February 2010. One suggestion had been made by Jim Mackay (previously circulated to Community Council members); unfortunately, given time constraints, it was agreed that it was not feasible to take this forward.

12.4 Builders' Vans in Community Centre Car Park: concern was expressed re the safety issues resulting from the high number of builders' vans being parked in the Community Centre area; this may also be seen as a precedent for future residents' vehicles. Cllr Coull and PC Russell undertook to investigate this.

ACTION: Cllr Coull/PC Russell

12A. Date, time and place of next meeting

25th February 2010 in the Memorial Hall, Cullen Town Hall, at 7 p.m.

APPENDIX 1

EVENTS DIARY

Date	Event	Location
No events in diary		

APPENDIX 2

D.

THE MORAY COUNCIL

BUDGET CONSULTATION RESPONSE FORM

There are two key areas of budget savings we seek your comment on. These are detailed on pages 18 to 96 and 99 to 100.

The savings proposals for 2010/11 are reasonable given the financial pressures faced by the Council **Agree**

The areas identified for further investigation in future years are reasonable given the financial pressures faced by the Council. **Agree**

What additional information would you like for future consultation on the Council's budget?

More specific information on how the budget cuts will affect our community.

Direct communication with Council Officers (like 9th December 2009 in Buckie) to understand more of the rationale behind the proposals.

General Comments:

- We agree that the severity of the current global and national financial crisis will inevitably result in significant cuts in public spending, and require verifiable increases in efficiency savings in the public sector, including administrative costs
- We also accept that the proximity of the General Election might require major changes to the current proposals, making sensible planning even more difficult
- Given the level of detail provided, it is very difficult to have specific comments on everything; the meeting on Wednesday 9th December 2009 was extremely useful in having direct communication with Moray Council Officers and having the opportunity - at least in part - to have clarification on a number of items; the duration of the meeting did not allow for in-depth discussion on all items of concern, which, in hindsight, would have been extremely beneficial given the increased level of understanding this would have provided to make judgments on the proposals
- Given the level of detail, it is impossible to gauge the impact on our own community
- All efforts should be made where at all possible to:-
 - minimise the impact on the vulnerable and disadvantaged members of communities
 - minimise the impact on the education and care of children
 - optimise income generating opportunities e.g. car parking, leisure facilities
 - minimise the impact on tourism activities which is one of the lifebloods of Moray
 - minimise the impact on economic development - there is a need to maintain development, job and business creation/support; this includes transport infrastructure/roads
- It is understood that the savings and efficiency improvements of operational departments are not the subject of this consultation, but rather they are the main thrust of the Designing Better Services programme which is scheduled to achieve savings of several million over the coming years; considerable goodwill could be achieved if this work were publicised more - e.g. "an administrative saving/cut to match a public service cut"
- The above comment applies equally to the remuneration and allowances/ expenses of Elected Members
- Publication of the current year budgets on the website raised more questions than answers; significant sums under items such as Other Admin require clarification in order to allay public concerns ref e.g. "slush funds"
- The consultation period was prohibitively tight, not allowing sufficient time for due consideration and full discussion at e.g. Community Council level
- We would commend a consultation process annually at the time of budget preparation; this would enable improved community understanding of the financials involved in each area and the pressures being felt; it would also provide an update on both the progress towards the overall budget savings required and also the impact of those cuts

Proposals:

- further investigation should be undertaken to establish the benefits of the transfer of assets to communities; while there may be short-term "pain", it is hoped that the long-term benefits would in the end outweigh this; we believe that community ownership of assets would be extremely beneficial to communities in a number of ways e.g. community spirit, local responsibility and accountability for the use of local assets, encouraging greater use of assets, greater involvement of local voluntary organisations

- further investigation should be undertaken into the sharing of services e.g. finance, IT, with other Councils, thus reducing overheads

Comments on Specific Items

Budget Ref	Item	Comment
B21	Reduce budget for Leisure Services - £302,000	NO; leisure facilities already limited; raise charges rather than reduce services; closure would impact Health Living initiative and reduce facilities for the young
B28	Delete Local Heritage Officer - £37,000	NO; the work of this individual is crucial in maintaining all that has been so far achieved in collation and storing, and is vital to preserving the increasing heritage/tourist demand
B28	Reduce/remove Mobile Library provision	NO; the intention to "phase out completely in due course" the mobile library service is especially going to target our dispersed rural population, and for many of these there will not be an easy alternative. The idea to drop this service completely is a major backwards educational step which we cannot support.
B53	Reduce Additional Support Needs budget - £340,000	NO - because of knock-on effects - class disruption, teacher stress, impact on children requiring this support
C5	All public toilets to be unsupervised - £50,000	YES; key requirement is toilets open and clean both for locals and tourist visitors
C5	Reduce Waste Management Advertising Budget - £25,000	YES
C5	Reduce the Waste Monitoring Budget - £50,000	YES
C11	Restructure management of the Speyside Way and Ranger Services - £76,000	NO; this is essential for tourism - one of the lifebloods of the area
C11	Reduce management costs of Moray Training - £26,000	YES
C11	Reduce Revenue Budget for Headstone Stabilisation Programme - £30,000	YES
C11	Cease Council Fisheries - £4,000	YES
C22	Phased reduction in Roads Maintenance Budget - £400,000	YES - on basis that total savings = 4% of overall budget
C36	Increase Car Parking Charges - £122,000	YES - increase charges to save other services
C51	Reduce cost of Tobacco Control - £16,000	YES
C74	Phased reduction in council involvement in economic development - £300,000	NO (with exception of funding for VisitScotland which should be ceased immediately with exception of running costs for Visitor Information Centres)

		Further clarification on what this item involves would enable more informed comment
D15	Charge full cost for Older People's Lunch Club - £61,000	?? - accurate information required on charge implications and correct facts presented to those affected
E10	Stop production of Anti Social Behaviour Statistics - £10,000	YES
E10	Cease grant to Moray Youth Justice - £10,000	NO
E10	Reduce staffing costs of Operation Avons - addressing under-age drinking - £10,000	YES
E10	Reduce spending on road safety projects - £19,000	YES
E10	Reduce spending on Fire and Home Safety - £10,000	YES
G1	Amend contract arrangements for financial management service - £50,000	YES
G20	Combine with other local authorities to establish a single shared council tax and benefits service - £300,000	YES (and should be extended to other areas if possible)
G20	Training - council wide review - £200,000	YES
G20	Reduce Corporate Small Grants Budgets by 50% - £10,000	YES (and cut should be higher than 50%)

Letter to Chief Executive, Moray Council (13th January 2010)

"At the start of another year, which has already been challenging for the Moray Council in many different ways and with which we empathise, we are writing to raise a number of topics with you.

On behalf of the Community Council, we would like to pass on to you our thanks for the consultation process which recently took place in relation to the proposed Budget Cuts. Whilst the answers received to some of our queries were not necessarily what we would prefer to hear, given the very nature of the proposals, we did appreciate the opportunity to have direct access to the senior Council Officers; the opportunity to receive first-hand factual information in each of their areas of expertise aided considerably in understanding the challenges ahead.

Our first request of the year therefore is that every opportunity should be taken in the future for Community Council representatives to have such direct access on topics of community interest; this would aid considerably in being able to present facts to our local community and potentially squash needless rumours at an early stage. We would welcome your views on this request.

The second major topic we would like to raise is that of the Cullen Town Hall, which, we are sure you will recall, has been the subject of significant dialogue in the past. Following several constructive meetings with Nick Goodchild and a promise of some funds (£20,000 to £30,000 was mentioned) to tackle some of the more urgent maintenance and fabric issues, everything went very quiet. We took the opportunity of speaking with Donald Duncan on the evening of the Buckie meeting in an attempt to establish latest developments. He indicated to us that the Town Hall topic had been passed to the Estates Department to form part of the Estates review, which we now understand has been shelved for the time being.

As a result of this, we believe that the Cullen Town Hall may have fallen "between the cracks" and that the current urgent issues are perhaps in limbo. In light of the impending end to the financial year, we would request clarification on the current status of the Town Hall, and in particular the promised funds which we would hope, despite the budget cuts consultation, are still guaranteed to us for the urgent works.

These works were also seen as part of the work necessary to render the Town Hall suitable for transfer to community ownership; and this is a way forward that we are still very keen to progress. Several representations were made during the budget consultation process re community ownership, and it would be good to know the Council's latest views on this topic.

The third and final issue is that of the green space adjacent to the Cullen Community Centre. This space has always been seen as essential for the use of residents of the Residential Centre, as well as serving a vital walkway to the primary school. We understand from Councillor Shepherd that this area is currently "under offer". You will appreciate that this information will be of interest to the people of Cullen, and we would request details of this development, including the implications on public access to the area."

APPENDIX 4

**Chief Executive's Office
Alastair Keddie
Chief Executive
High Street, Elgin, Moray, IV30 1BX**

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HAPPY TO TRANSLATE

Our Ref: AK/am/732783

Your Ref:

27 January 2010

Mrs Z Jamieson
Secretary
Cullen & Deskford Community Council
Norwood
11 Seafield Place
Cullen
AB56 4TE

Dear Mrs Jamieson

Thank you for your e-mail of 13 January 2010 regarding outstanding matters for the Cullen & Deskford Community Council and I would respond to the matters raised as follows:

1. The first request was with regard to consultation procedures. It is pleasing to note that the budget consultations were effective and I would confirm that the lessons learned from that process will be incorporated into any future consultation exercise.
2. The second major topic was the issue of the Cullen Town Hall. The attached provides background information for this and the issue relating to the greenspace adjacent to Cullen Community Centre.

I trust you find the attached information helpful.

Yours sincerely

Alastair Keddie

Cc: Roddy Burns
Donald Duncan
John Black
Professor Mowat
Cllrs Cree, Shepherd, Coull

Position Statement

Discussions have been ongoing between Moray Council and the local community for a number of years regarding the transfer of management responsibilities at the Town Hall to the community. Discussions took place in late 2008/early 2009 between the Council and Cullen community representatives, regarding the future of the Town Hall and other Council owned properties in Cullen. These discussions included the possible transfer of the management of the Town Hall to the community, along similar lines to Lossiemouth Town Hall.

The Council will consider not only the Town Hall, but the wider provision of property and community services in Cullen. The community were advised that any proposed transfer of the management of the Town Hall would be preceded by the Council carrying out necessary repairs to the structure and fabric of the property.

A possible contribution of around £20K by the Council to a management committee, which would be set up to manage the Town Hall, was discussed. This contribution was based on a similar contribution in respect of the Lossiemouth Town Hall when management of that facility was transferred to the community. This money would be for improvements to the hall, with the management committee identifying the priorities (redecorating & refurbishment rather than essential maintenance). It was envisaged, as for Lossiemouth, that the management committee would use this money to draw down additional external funding. It was made clear to the community representatives that this contribution would be subject to the Community Council/ Town Hall Committee entering into a formal Management Agreement with the Council.

The community representatives did ask if some advance maintenance works could be carried out as a gesture of commitment by the Council. Some very minor works were carried out, but pressure on budgets has prevented anything other than essential repairs.

It should be noted that at Lossiemouth, as part of the agreement transferring management of the facility to a management committee, the Council upgraded the property and have continuing responsibility for both external and most internal repairs and maintenance.

Estates, in conjunction with Finance, are responsible for preparing a Cullen Property Review Report, encompassing options for the future of the Town Hall and other public buildings/services in Cullen.

The green space referred to in the Community Council's penultimate paragraph was declared surplus to requirements by the Education & Social Services Committee at its meeting on 3/10/07, following interest in the site by NHS Grampian as a potential site for a new Health Centre. The Policy Committee at its meeting on 24/10/07 agreed in principle to sell the site to NHS Grampian.

NHS Grampian are currently pursuing a privately owned site in Cullen for this purpose - for which they have submitted an application for Planning Consent; but may still seek to acquire the Council's site should their interest in the alternative site fail to come to fruition. If NHS Grampian does not proceed with proposals in respect of the Council's site the Council could sell it on the open market to generate a capital receipt.

**CULLEN DIRT CYCLE TRACK
PROGRESS REPORT
AS AT 14TH JANUARY 2010**

This report pulls together all the work which has been undertaken since the inaugural meeting of the group on 11th December 2009.

Inaugural Group

This consists of:-

Jake Addison, Callum Bowie, Ewen Bowie, Cameron Bruce, Robbie Bruce, Calvin Phimister, Edward Putnam

Ashley Mowat and Zillah Jamieson (Cullen and Deskford Community Council)

Fiona Herd (Community Support, Moray Council - responsible for supporting all work for people under 24)

PC Mairi Page (Community Beat Officer)

Cllr Ron Shepherd

Isobel Addison attended the inaugural meeting to discuss the merits of the Cullen Community Garden. Gillian Bailey (Community Support, Moray Council) attended the first meeting - but her focus is on work for adults; Community Support will be represented by Fiona Herd (as above).

Site

- Several sites considered at inaugural meeting in December 2009, the three preferences (see below) and also including railway cutting (off Seafield Place), underneath the viaduct, beside the Salmon Bothy and the grass area beside Community Centre
- Following significant discussion on pros and cons, the preferred site was agreed as the area of the Cullen Playing Field, with Options 2 and 3 being the Area beside the Pet Cemetery and the Cullen Community Garden
- following a site visit with Ken Kennedy, Lands and Parks Manager (attended by Ashley Mowat and Zillah Jamieson - 18th December 2009), Ken gave approval for the site to be investigated further; he agreed that there is sufficient space available, that there is a good access road into the track, and that the development of new houses at the end of Seafield Place may have some useful advantages to the project
- Alex Burrell (Estates, Moray Council) confirmed that the track is within the land purchased by the Council for use as a recreational park; use as a dirt cycle track is acceptable; there is nothing in the title deeds to prohibit this use

Process to obtain use of land

- Alex Burrell (Estates, Moray Council) would be our contact
- He requires to write a report to Committee seeking approval in principle for the granting of a lease for this purpose; thereafter he would agree terms which he would then report back to Committee and subject to approval the formal agreement through a Council Solicitor would follow; upon completion of the legal documentation the process of applying for planning and warrant could begin
- To enable this to happen, the Community Council need to write to Alex Burrell confirming (on behalf of a future formally constituted Dirt Cycle Track Group) that we would wish to continue the investigation of the playing field as a location, together with an approximation of what is going to be constructed (including length, breadth and approximate position)
- Council would require to enter into a development agreement and lease with a formally constituted group set up to run the facilities; the two documents would set out the group and Council responsibilities during the development of the site and the subsequent operation of the site
- the development agreement would grant the group the right to undertake to obtain planning and building warrant, investigate the site and subsequently take entry for any

construction works; Alex Burrell would provide a blank development agreement which would require customisation to the specific project

- the lease would layout each party's responsibilities once the construction is complete including rent, rates, repairs, maintenance, insurance, inspection etc.
- an allowance of funds must be made to return the ground to its former state if the track were considered surplus to requirements at any point in the future
- a market rent will be payable for the ground, but the Council does have arrangements in place to provide grants to cover rental costs where it feels the use is worth supporting (see later section on Fundraising); a rental grant would require that you apply for a grant from a supporting Council section in this case as the use is sport/leisure related, the Education Section is the most probable source of support

Formally Constituted Group

- bank group separate to the Community Council is required; this would also open up more potential sources of funding
- separate account is required

Insurance

- Allan Birnie (Moray Council) confirmed that insurance for this facility would not be available through the Community Council insurance given that it is not a one-off event, but rather an on-going 24/7 facility
- Allan is happy to co-ordinate with the Council's insurers (Zurich) to help us in obtaining insurance for public liability, equipment etc

Fund-Raising

The fund-raising ideas suggested thus far include:-

- ideas for individual events/activities as outlined by the boys at the first meeting
- approaching local contractors as sponsors
- Community Fund available via the Police (PC Mairi Page)
- Healthy Living Project funds (Fiona Herd)
- UnLtd Sport Relief (aimed at those between 11 and 21)
Other funding sources as advised by Reni Milburn, Moray Council
- Community Rental Rebate Grant: available via the Education Department; contact from now until early June is Hope Cullinan; contact from early June onwards is Alison Hannan; more appropriate to contact again when Estates has established the rent for the site

Suppliers/Support Organisations

- Moray Wheelers being investigated (PC Mairi Page)
- Criminal Justice Services Unit (for labour/manpower)

**DEVELOPMENT BRIEF SITE R1: SEAFIELD PLACE, CULLEN
REPRESENTATION FROM CULLEN & DESKFORD COMMUNITY COUNCIL**

The following are responses from the Moray Council to questions raised by the Secretary (15th January 2010):-

- Consideration to guidance on traditionally built houses or kit?: the method of construction would not be specified; there is no particular style/character to follow in this location, and we would respond to proposals rather than be prescriptive at this stage.
- Use of local labour: there is no scope for us to insist on the use of local labour. This is not a land use matter and probably against employment law!
- Use of local materials: local materials would not be prescribed, and we would be looking for materials that would be in character rather than local.
- Play equipment provision: The play equipment provision is made on the advice of our Lands and Parks officers. They do on occasion suggest an upgrade of existing facilities, but, in this instance, the advice was for on-site. I will forward your suggestion and see if this prompts any change.
- Path along railway line: it was a condition of the consent for the new house that space be left for access along the old railway line. This has not been done and this matter is currently under investigation. Advice on path connections and the local network has been taken from the Access Manager, and the retention and enhancement of paths will feature strongly.
- On-going maintenance: details of on-going maintenance are sought during the planning application, as it can be up to the developer in some respects. Obligations on this can be attached as conditions of consent. Roads, footpaths etc can be adopted by the Council, if built to a required standard. Otherwise, they remain the responsibility of the developer.

On the basis of these responses + comments from members, the following representation was made (20th January 2010).

"The Community Council has been quoted publicly as being supportive in principle of this development (November 2009); we believe that it will contribute to maintaining the vibrancy of the town and supporting local businesses. At the time, we emphasised our view that the design of the 30 homes must be sympathetic to the scenic and historic feel of a Royal Burgh, particularly given its visibility.

Having now had sight of the Development Brief, the members of the Community Council would like to make the following representations:-

- Sympathetic treatment: it is essential that any new housing development should be sympathetic to the existing architecture of the town
- Number of houses: we feel strongly that the number of houses should be fixed at 30, with no attempt to increase the number proposed by manipulation of planning (as has happened recently at a development in Cullen)
- Consolidation and improvement of the existing playing field provision: the development brief talks about the creation of a new play area within the housing development itself. This development is already quite close to the existing playing field provision which is owned by Moray Council. This is quite a big area of land, part of which we hope in the future to convert into a dirt cycle track; there is already a very good football pitch with changing facilities; and there is also one of the best children's' play areas in the district. At one time, there was also a hockey pitch (as well as the football pitch); and there could be plenty of scope for further imaginative development (e.g. a small all-weather training/5-a-side provision with lighting). The Community Council feels strongly that consideration be given to channelling any funding for play facilities towards consolidation and improvement of the facilities on the existing playing field.

We believe that consolidating and improving what we have may be better value for the whole community rather than creating yet another satellite green area which may be underused and be an added area to be maintained

- Connection to the wider network of paths and cycle paths: in the previous Local Plan, access to the old railway line southwards from Seafeld Place was clearly defined as potential future access to a path to the Crannoch wood. In the current plan, this access was removed, and there is now a very nice house built across the site; we would ask that consideration be given to leaving a narrow strip between the new vehicle access route to the new houses and the old railway line so that a future foot/cycle path might be constructed; otherwise, that entire route would have no access from Cullen itself. It is potentially a very interesting level, all abilities walk (visually, historically and environmentally and teeming with wildlife), linking with the rest of the existing path network.
- Maintenance: we expect that, once the completion process is certified, Moray Council will assume responsibility for maintenance."