

**Cullen & Deskford Community Council
Meeting on Thursday 27th May 2010
7.00 p.m. in Memorial Hall, Cullen Town Hall**

MINUTES

Present: Ashley Mowat (Chair)
Malcolm Watt (Vice-Chair)
Joyce Henderson (Treasurer)
Zillah Jamieson (Secretary)
Lyn MacDonald
Jim Mackay
John Robertson
Adrian Sandison

In Attendance: PC Morag Lawrence

Apologies: Emma Hay
Sasha Reid
Tabitha Smith
Gillian Bailey
Cllr Gary Coull
Cllr Ron Shepherd

1. Welcome and Apologies

The Chair welcomed all attendees to the 7th meeting of the Cullen & Deskford Community Council (new term).

Apologies were noted as above. On behalf of the Community Councillors, the Chair wished our Junior Members all the very best in their current exam endeavours.

2. Minutes of Previous Meeting (29th April 2010)

Cllr Shepherd had indicated (via e-mail in his absence) that, under Section 3.2, he had been asked by the Chair to confirm the conditions of let - which he had done before the last meeting. With this amendment, the Minutes were approved as a true record.

3. Reports

3.1 Police:

Police: PC Morag Lawrence indicated that there had been 6 offences since the last meeting - one assault (detected), one theft and hit and run (on-going investigation) and incidents of vandalism (undetected as yet).

Drinking Party at the Harbour: The Chair confirmed having raised this issue with the Buckie station (22nd May 2010), and expressed his appreciation for the swift action taken by the police. A police unit paid a visit in the early afternoon and confirmed that, although there was a small gathering of persons in their 20s, there was no issue at that time, they appeared responsible and stated that they would tidy up after themselves. However, they did park at Keep Clear signs and on double yellow lines.

A second unit visited the harbour in the early evening, with a view to also contacting the harbour master. As well as the Police, the harbour master has the power to order any individual to leave a harbour premises if he sees fit. The police unit was advised to speak with the organiser of the party, advise them of the concerns raised, the responsibilities of all attending and associated offences. It is understood that the party was organised via Facebook. PC Morag Lawrence indicated that she did not think that the by-laws on public drinking extended to Cullen.

Quadbikes going through the streets of Cullen: this was deemed illegal given that the driver did not have a current valid driving licence.

Mobile police surgery/use of police office: no feedback was available from the mobile police surgery on 11th May 2010.

Action: PC Russell/PC Mairi Page

Neighbourhood Watch (Cullen and Deskford): A public meeting was held on Wednesday 31st March 2010 in the Memorial Hall, Cullen Town Hall. A representative from Grampian Neighbourhood Watch Association was also in attendance. Unfortunately, apart from Zillah Jamieson, Adrian Sandison and Jim Mackay of the Community Council, there were no other attendees - so the meeting was abandoned. One e-mail of support from a business in the town, expressing a desire to become involved in the scheme, was passed on to PC Russell. Adrian Sandison indicated that he had obtained 3 expressions of interest in a Neighbourhood Watch Scheme in Seafield Place. John Robertson indicated that he had 13 expressions of interest (out of 89) in Deskford which would probably not be sufficient to establish a scheme. PC Lawrence undertook to establish with PC Russell what steps he intended to take.

ACTION: PC Russell/ PC Lawrence

The Chair expressed the Community Council's appreciation of continued attendance by Grampian Police. It was suggested that, in order to achieve continuity, PC Russell meet with representative Community Councillors one week before each meeting to discuss any issues arising. PC Lawrence urged all members of the community to phone the 0845 number if they had any concerns re criminal activity.

3.2 Local Councillors

No Councillors were present.

3.3 Treasurer

The Treasurer reported that the bank balance stood at £5,259.52 - including a sum of £3,424 for the Beacon Replacement Fund and £252 for Neighbourhood Watch. Opening of a Beacon account was still in progress as a result of the Bank losing the original set of documentation. The Treasurer also reported that the account for the Town Hall Flag was in order and equalled the amount of funds awarded from the Cullen Common Good Fund.

Beacon Account: The Chair confirmed having sent a letter of thank you to the Seafield Estate for their contribution of £500.

Acknowledgement of Community Council Grant April to September 2010: the grant had been received into the bank account on 16th April - the Secretary to acknowledge its receipt.

ACTION: Zillah Jamieson

3.4 Events Diary: Events Diary attached as Appendix 1

4. Young Members

Young Talent Evening: The Secretary confirmed having given the Young Members details of how to book the Town Hall (8th May 2010). The Chair confirmed that Billy Findlay and Joe Mowat are happy to help with the organisation, but were waiting to hear from the Junior Members who were currently heavily involved in exams.

Publicity Campaign in Buckie High: The Young Members to provide an update at a future meeting.

ACTION: Young Members

5. Community Plan

5.1 Harbour Committee Report:

List of requirements for the 3 Harbours: The Vice-Chair confirmed that a letter had been sent to the First Minister in an attempt to gain his assistance in achieving reasonable dialogue with the Moray Council. It was considered prudent to wait a further two weeks before pursuing further (given the recent elections). The 3 Harbours Committee meeting was postponed to 28th June.

5.2 Town Hall Report:

Communications with Town Hall Committee: The Chair and Vice-Chair confirmed having met with relevant representatives of the Moray Council. It was agreed to extend a standing invitation to the Town Hall Committee to attend Community Council meetings.

ACTION: Zillah Jamieson

Town Hall Flag: It was agreed that the raising of the Town Hall Flag was possibly best timed on a Monday evening - to coincide with the Cullen Fire Brigade's practice evenings. It was agreed that an approach should be made to Adam Newlands (for musical accompaniment) and to the Banffshire Advertiser for appropriate publicity.

ACTION: Joyce Henderson

5.3 Cullen Common Good Fund

Nothing further to report at this time.

5.4 The Lawtie Trust

Meeting with Trustees: Following a further request for this meeting to be re-arranged, a provisional date of 3rd August 2010 (at 13.30) has been scheduled; this will be confirmed nearer the time - following holidays and the summer recess.

We await knowledge of the final allotment arrangements and its implications for the Lawtie Funds and the rest of the Lawtie Lands at this much delayed meeting.

ACTION: Ashley Mowat

Allotment Group: Jim Mackay confirmed that the Group had submitted a planning application and were currently investigating grant funding.

ACTION: Jim Mackay

5.5 Floodlighting of the Market Cross/War Memorial

In progress.

ACTION: Ashley Mowat

5.6 Events 2010

Event	Date	Status
Senior Golf Tournament	16th/17th June 2010	Being organised by Golf Club; CC Secretary updated accommodation listing - complete
The 11th Moray Great Bike Ride	4th July 2010	Meeting with Nicola Davidson postponed; assurance received from ND that all arrangements were in hand; concern was raised re promotion of the event
Young Talent Night	TBC	Young members committed to organising - update awaited
Cars and Tractors Day	TBC	Secretary of Heritage Group committed to help organise event; based on other similar car events in the area and Heritage Group commitments, dates being considered include 11th July, 15th, 22nd and 29th August; awaiting return call from Dennis Bowie re suitability of above dates for tractor enthusiasts; Moray Council now confirmed that the ground will be available from 1st August 2010 onwards
Ceilidh - Strathspey Fiddlers - Beacon Fundraiser	2nd July	Strathspey Fiddlers confirmed; Hall available (when last checked); Town Hall to be booked from 5 p.m. to midnight; project team of AM/MW/AS/JM/LD to meet on 3rd July at 7.30 to discuss details; ZJ/AJ to produce posters/tickets
Beacon Fundraiser -	TBC - July	Sponsored sail from Findochty to Cullen - suggestion of Findochty Sailing Club; date to be arranged with Mairi Innes (AM/MW)
Theatre Production	TBC	Awaiting information from Alistair Farquhar
Community Ceilidh Record Attempt	13th November	Including Strip the Willow world record JH to speak with Linsey Gauld
Community Burns Supper/Scottish Night	January/February 2010	Arrangements to commence later in year

5.7 Cullen District Calendar

The Chair confirmed that the project team (Ashley Mowat, Lyn MacDonald, Zillah Jamieson and Steve Liley) had put together a combination of old and new photographs for the 2011 calendar; the photos and text are all with the Desktop Publishing Unit in Buckie. A dummy proof was to be collected the week after the meeting, with the hope that the calendars would be available by mid June 2010.

ACTION: Ashley Mowat/Zillah Jamieson/Lyn MacDonald

5.8 Cullen Website

The Chair reported that significant progress had been made since the last meeting, with a dummy home page having been signed off by the Project Team and the data collection exercise nearing a conclusion (with significant thanks due to Graham Bell of the Cullen Voluntary Tourist Initiative for his tireless efforts). A launch date of end June/beginning July is targeted, and is still on track. A press statement is being prepared re work to date.

ACTION: Project Team/Zillah Jamieson

5.9 Cullen Dirt Bicycle Track

An abortive meeting was held with the Kids of Cullen on Tuesday 25th May 2010, given that there were no parents present - attended by the Chair, Secretary and Fiona Herd (Community Support, the Moray Council). The Community Council has done as much as they can to this point, but without a constituted group to take matters further with the Moray Council, there was little more that could be done. Promises had been made by the Cullen Town Hall Committee that a Skateboard Park and Cycle Track would be created in the Community Garden. A Community Support representative from the Moray Council had indicated that it was highly unlikely that external funding would be available for a Skateboard Park (which could potentially cost £100,000) given the proximity to a similar park in Buckie. It was agreed that a detailed summary of progress to date should be sent to each of the families represented in the Kids of Cullen group and suggest a further meeting within a 2/3 week period.

ACTION: Ashley Mowat/Zillah Jamieson

5.10 5-a-side Goal Posts for Deskford Community Centre

John Robertson continues to investigate.

ACTION: John Robertson

5.11 Crannoch Hill Path

The Chair confirmed having met Elaine Penny and Mr Cowie (the Moray Council) and Alastair Seivwright (Seivwright Bros) on site (5th May 2010). As a result, a quotation had been received - amounting to £2,425.20 + VAT (covering a path of 110 yards). The Chair undertook to approach Fiona Limbray to investigate external funding.

ACTION: Ashley Mowat

5.12 Lack of roadsweeper in Deskford/Deskford concerns re HGV traffic/Deskford concerns re fast traffic on the B-road

John Robertson confirmed that roadsweeping would be undertaken twice annually in Deskford. John confirmed having written to Gordon Holland re traffic calming, and a response is awaited.

ACTION: John Robertson

6. Planning

6.1 Cullen Harbour Lighthouse

The Chair reported that Gordon Holland (Moray Council Roads Department) had confirmed (13th May 2010) that he intended to provide regular progress updates as this is a joint Council - Community project. Gordon also confirmed the following:-

- As this is a development by the Council it benefits from permitted development rights and there is no requirement for a planning application in this instance. A listed building application only is required.
- In line with Circular 3 2009 - Notification of Planning Applications, there is no requirement to notify the Scottish Ministers if the proposal complies with development plan policy. Provided the replica is exactly that and the description of the development is to alter and replace existing etc, then this condition would be satisfied.
- There is no need to put this application before committee. Moray Council is not the decision making body on applications made by this authority involving listed buildings, Historic Scotland are. Sections 9, 66 and 73 of the Planning (Listed buildings and Conservation areas)(Scotland) Act 1997 refer. It is Moray Council's responsibility to accept the application, register it, advertise it as with any other application and then hand it over for Historic Scotland to make the final decision.
- Planning Department advises that only an identical replica will do; this reflects Historic Scotland's requirements; this includes having to indent the circular metal dome near the top to indicate the extent of glass openings for the original beacon lamp; Gordon Holland confirmed that his staff were speaking to Varis Engineering now about how this could be achieved and the cost implications of doing it; he anticipated that this would be resolved quickly and amended drawings would be submitted with the necessary Listed Building Consent application forms as soon as practicable.
- Gordon also advised that he can formally seek quotations from suitable contractors whilst the statutory process runs its course. He also confirmed that he cannot accept a quotation nor enter into a contract for the work until he has Listed Building Consent and funds are placed in a Council budget for the full cost of the scheme.

A press statement is to be devised once approval has been received from Historic Scotland.

ACTION: Malcolm Watt

Fundraising ideas: to be discussed at meeting. The Chair confirmed having written to both the Baxter Foundation and to Buckie Rotary re possible donations to the Beacon campaign. Whilst positive news had been received from the Buckie Rotary (a donation for £300 to be made), a letter to the Chair had advised that the Baxters Foundation was no longer in existence, and operations had ceased with immediate effect.

ACTION: Ashley Mowat/Malcolm Watt

6.2 Weekly List

The Weekly Lists of 30th April/7th May/21st May 2010 listed the following applications:-

- Change of use of land from former plant nursery to community allotments at Lawtie Land, Lintmill Road, Cullen
- Listed Building Consent for Alterations and Extension at 117 Seatown, Cullen
- Listed Building consent to install 2 rooflights at 46 Seafield Street, Cullen

No action was to be taken.

7. Items being Monitored/Awaiting Action

7.1 Cullen Burn Footbridge

The Chair advised that Seafield Estate records show that, whilst the Seafield Estate gave permission for the bridge to be built, it was not involved in building the bridge (1931) because of lack of suitable land for solid foundations.

It was agreed to investigate the Cullen Town Council Minutes for the period 1929 to 1933 to establish further background information.

The European Community Rural Paths Fund was suggested as a possible source of funding, although it may not be eligible should it be proved that the bridge is a statutory obligation of the Moray Council.

It was noted that there had still been no comments from our 3 locally elected Councillors nor Richard Lochhead MSP on the matter - a further approach to all to be made.

ACTION: Ashley Mowat

7.2 Green Space Adjacent to the Cullen Community Centre

Awaiting outcome of Cullen Property Review.

7.3 Footpath - Lintmill

Lintmill: Outcome of enquiry awaited.

7.4 Criminal Justice Services Projects

The on-going projects by the Criminal Justice Services Unit include Cullen Beach tidy-up; Viaduct - litter tidy-up; Cullen Community Garden; Deskford Community Centre - tidy-up. Further suggestions welcome.

7.5 Cullen Grit Bin Locations

Outcome of request for 5 additional grit bins in Cullen awaited.

7.6 Licensing Board Applications

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

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

ACTION: Ashley Mowat

7.8 Path: Salmon Bothy to Caravan Park: The Secretary confirmed having written to Ian Douglas (9th May 2010) to express the concerns raised by members of the community regarding the state of this path - the path structure having been totally washed away, leaving very deep ruts. Ian's response (13th May 2020) indicated:

"I respond to your e-mail of 9th May 2009. The path you refer to is proposed as Core Path CU09, known as the Salmon Bothy path. The path is popular locally but has suffered from washout at its eastern end which has left the route scoured and uneven, reducing its accessibility. It should be noted that the statutory duty placed on the Council to prepare a Core Paths Plan does not extend to development and maintenance of the routes. I have already had representations from several members of the community including Councillor Shepherd interested in having the route repaired to its former state. The path was originally improved several years ago through money secured from a former access development project and funding sourced by Councillor Shepherd from the local Tourist Initiative. Currently I am responsible for a modest budget for Core Paths which applies across the whole of Moray on an evenly spread basis.

Consequently there is insufficient resources to pay for the required work outright which would cost around £3000. In order to ensure the budget goes as far as possible priority is given to projects which attract match funding. I ask you to explore whether support funding can be sourced locally to provide sufficient match funding to allow the work to go ahead. Such a local commitment would be a demonstration of the level of importance which the local community gives to the route. I look forward to receiving any positive news you might be able to report."

The Secretary requested further information (14th May 2010), including clarification of the make-up of the £3,000 figure - what work is being recommended and the costs of each element. She also requested clarification, given the Moray Council's requirement to abide by EU Procurement rules and regulations, as to whether the £3,000 quote represents the cheapest quote of the 3 obtained or the most effective.

The following response was received from Ian Douglas (24th May 2010):-

"I have attached the initial cost breakdown for the project with the component elements as you requested for your meeting. This has been prepared as a result of a realistic technical assessment carried out by a Council official and no external quotations have yet been sought. VAT is not included as the Council can claim this back if they manage the project budget. Any work should focus on properly sorting out the drainage to prevent washouts happening in the future. For clarification EU Procurement regulations are not applicable here due to the relatively modest scale of budget involved and consequently the Council procurement guidelines apply which require only one written quotation to be sought for the works. Please let me know if any local funding assistance is likely to be forthcoming."

The cost breakdown indicated the following:-

The path although in existence now, so therefore not requiring as much material, still requires the same machinery on site i.e. digger, dumper and roller. The thought behind new piping size is the old 300 mm pipes are not coping with the amount of water from top ditches. The overflow seems to be running out over the top and down the path, also there was an old ditch on the right hand side of the path which might require to be opened up, stopping water from running into the path further up.

Replace old culvert pipes with new (double capacity) and stone abutments:
£1,200

Clean out existing ditches approximately 90m in length and excavate new one approximately 40m to tie in with old ditches £300

Resurface path with hardcore sub-base and dust. Water channels to be installed if needed. Approximate length of surfacing 120 metres. £1,500

Total cost of £3,000.

It was agreed to approach the Criminal Justice Services Unit to establish whether they could undertake some of the work.

ACTION: Zillah Jamieson

8. Points for Noting/Information

8.1 Correspondence: The Secretary advised that a letter had been received from Cullen Primary School (Moyra Hendry) thanking the Community Council for the very generous cheque, and confirming that the children in the School Council will decide at their next meeting how the money will be spent.

8.2 Publicity: none since the last meeting.

8.3 Suggestion Boxes: Nothing to report.

8.4 Former Petrol Filling Station Site - Appeal to the Reporter: The Secretary confirmed that she had been notified (letter dated 7th May 2010) that the appeal had been dismissed by the Reporter and that planning permission has been refused. The Reporter's decision is final, subject to the right of any aggrieved person to apply to the Court of Session within 6 weeks from the date of the decision. A copy of the decision letter is attached as Appendix 2.

8.5 Confirmation of other actions taken

Moray Way Association: Printed copies of the map are now available at a number of outlets throughout Moray, although none as yet in Cullen. The retail price is £3.50; commission is available on sales depending on whether outright sale (40%) or sale or return basis (20%). The Secretary plans to ask the Cullen Voluntary Tourist Initiative if they wish to sell the map in the Tourist Information Office when it opens for 3 months on 29th May 2010.

ACTION: Zillah Jamieson

Safer Communities: Andy Jamieson and Adrian Moar will be attending the June meeting.

Association of Scottish Community Councils - Renewal of Membership: The Secretary confirmed having renewed membership (9th May 2010).

Interpretation Panel: The Secretary confirmed having advised the Cullen, Deskford and Portknockie Heritage Group of the Community Council's suggestion for the location of the interpretation panel (1st May 2010) - namely, on the Links side of the Footbridge connecting the Links to the Seatown. A site visit has now taken place with Ken Kennedy, Land and Parks Manager, to agree the exact location; the interpretation panel is awaited.

Pedestrian Island Build-out: The Secretary confirmed having supplied all details of the dialogue with Moray Council on this topic to a business owner in Seafield Street.

House in Findlater Circle: The Secretary confirmed that she had written to the Margaret Blackwood Housing Association, with copies to the three locally elected councillors (10th May 2010) to raise the concerns raised by members of the community at the last meeting. The letter acknowledged that the Association was in the process of collecting evidence and working closely with the police and the local authority; and that, whilst supporting the aims and objectives of the Association and applauding their work, we felt it incumbent upon us to raise the issue, given the amount of anti-social behaviour and resultant policy activity in a previously quiet and peaceful neighbourhood. The letter requested the Association to demonstrate a reciprocal duty of care and respect for the Cullen community whose patience and forbearance is now being tested to breaking point. The letter offered the support and help of the Community Council. A response is awaited.

8.6 Consultations

Moray Local Transport Strategy (submission date 25th June 2010): Details of this consultation had been circulated by the Secretary. It was agreed that no response was to be made.

Draft Telehealthcare Strategy document: The Chair confirmed having responded to this consultation as previously discussed. His submission was acknowledged (14th May 2010), including an indication that the development phase has been fully evaluated by the Scottish Government, but that local measurements require to be devised. The backing of the Community Council was acknowledged and welcomed.

9. A.O.C.B.

9.1 Grampian Health Plan - 2010/2013: A copy of this is available from the Chair.

10. Date, time and place of next meeting

24th June 2010 at 7 p.m. - Memorial Hall Cullen

APPENDIX 1

EVENTS DIARY

Date	Event	Location
2nd June	Cullen Pensioners Club Summer Outing	
5th June	Coffee Morning/Pancakes and Scones (in aid of Cullen Community Allotment Society)	Cullen Bowling and Tennis Club
9th June	Pancake Tea 13.30 - 16.00 Cullen & Deskford Church	Hall Church
11th June	Quiz night	Deskford Community Hall
16th June	Coffee Morning 10.00 - 12.00	Cullen Bowling and Tennis Club
23rd June	Blooming Great Tea Party in aid of Marie Curie Cancer Care 10 - 11.30 Sales Table	Methodist Church Cullen
7th July	Charity Coffee Morning 10.00 - 12.00 Cullen Pensioners Club	
TBA	Two more theatre productions	Deskford Community Hall

Directorate for Planning and Environmental Appeals

Appeal Decision Notice

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Decision by David Buylla, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-300-2006
- Site address: Plot 9, former filling station and land, Seafield Road, Cullen, AB56 4SQ
- Appeal by Milne Property Developments against the decision by The Moray Council
- Application for planning permission 09/01790/APP dated 16 September 2009 refused by notice dated 24 November 2009
- The development proposed: erection of two storey dwellinghouse
- Date of site visit by Reporter: 23 April 2010

Date of appeal decision: 7 May 2010

Decision

I dismiss the appeal and refuse planning permission.

Reasoning

1. Having regard to relevant policies of the development plan, the main issues in this appeal are the effect of the proposal on the character and appearance of the locality and on pedestrian safety.

2. The character of the 1½ storey terraced and semi-detached development that has been permitted on the remainder of the former filling station site is very different to that of the detached bungalows in Glebe Park Crescent and Judy's Lane. However, by being set back from Glebe Park Crescent, the approved development does not appear unduly obtrusive in the street scene. In contrast, the proposed additional house, which would be constructed immediately adjacent to the footway on Glebe Park Crescent, would not respect the established pattern of development which is set back approximately five metres. When viewed from the south the proposed house would project out incongruously to the detriment of the established character of Glebe Park Crescent, contrary to local plan policies IMP1 and H3.

3. When viewed from York Place to the north, the approved development is seen beyond the intervening bungalows. The addition of a further house to the approved terrace of three would result in a very long building that would rise incongruously above the modest

detached bungalows in the foreground. Contrary to local plan policies IMP1 and H3 this would detract from the character of the surrounding area.

4. The proposal would not affect inter-visibility between footway users and road users travelling towards the appeal site along Judy's Lane; but when travelling north along Glebe Park Crescent, a driver's view across the site would be obstructed. However, a vehicle travelling in this direction would be on the opposite side of the road from pedestrians or cyclists emerging from Judy's Path and would be slowing for the junction with Judy's Lane. I acknowledge that the footpath is likely to be particularly well used, as it is part of the 'Safer Routes to School' network and serves a number of community facilities. However, taking the above factors into account, I conclude that for the majority of users of Judy's Lane, there would be no material reduction in safety. Due to their likely higher speed, cyclists or runners could potentially be at greater risk from this obstruction to visibility. However, subject to a requirement to install a staggered barrier or other speed restricting feature at the south west end of Judy's Path, this impact could be mitigated in accordance with local plan policies T2 and T7.

5. I accept that the site is highly accessible and that a further house on this previously developed land would assist in meeting local housing targets. However, I conclude that such benefits are outweighed by the harm to the character of the locality and consequent development plan conflict I have identified above. I understand that the future use of this land was not addressed in the development scheme that was approved for the remainder of the site. In such circumstances, I accept that the site could potentially remain vacant and untidy. However, even if that were so, any harm to the character of the locality would be less than would result from the proposed development.

This is a true and certified copy as issued to parties on 7 May 2010

DAVID BUYLLA
Reporter

