

THE MORAY COUNCIL
MINUTE OF MEETING OF THE ENVIRONMENTAL SERVICES COMMITTEE
31 OCTOBER 2001
COUNCIL HEADQUARTERS, ELGIN

PRESENT

Councillors E. Aldridge [Chairman], R.F. McIntosh [Vice-Chairman], A.E. Coutts [Vice-Chairman], A. Bisset, A.R. Burgess, J.A. Divers, M.L. Ettles, L. Gorn, J. Hamilton, J.C. Hogg, T.A. Howe, W. Jappy, A. Keith, J.A. Leslie, S.D.I. Longmore, P.B. Paul, J.M. Shaw, R.H. Shepherd, R. Sim, G.G. Towns, A. Urquhart, and A.R. Wilson.

IN ATTENDANCE

The Director of Environmental Services, the Head of Development Services, the Head of Direct Services, the Head of Financial Services, the Development Control Manager, the Planning and Development Manager, the Consultancy Manager, the Principal Solicitor [Commercial and Conveyancing], the Senior Engineer [Traffic], M Booth Planning Officer [Development Control], D Caldwell, Environmental Health Officer, A McEachan, Solicitor [Commercial and Conveyancing], the Public Relations Co-ordinator and the Senior Committee Services Officer, Clerk to the Meeting.

APOLOGIES

Apologies for absence were intimated on behalf of Councillors A.J. Fleming, W.J. Flynn, W.P. Watt and I. Young.

1. EXEMPT INFORMATION

The Meeting agreed, in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, that the public and media representatives be excluded from the Meeting during consideration of the Items of Business appearing at the relevant paragraphs of this Minute as specified below so as to avoid disclosure of exempt information of the class described in the appropriate paragraph of Part I of Schedule 7A of the Act.

<u>Para No. of Minute</u>	<u>Para No. of Schedule 7A</u>
13	9
14	1
15	9

2. CURRENT PLANNING APPLICATIONS**BISHOPMILL EAST - NO. 2 WARD**

- (a) 01/01032/FUL Demolish and remove existing buildings and erect 140 new dwellinghouses at Area R6 Lesmurdie Road Elgin for Robertson Residential Limited

There was submitted a report by the Director of Environmental Services recommending that, for reasons detailed in his report, planning consent be refused in respect of an application to demolish and remove existing buildings and erect 140 new dwellinghouses at Area R6 Lesmurdie Road, Elgin for Robertson Residential Limited.

The Meeting noted that the application had been advertised as a departure from the Development Plan and, given objections had been received, should the Committee be minded to approve the application a Hearing would be required. In the event of the application subsequently being approved it would also require to be referred to the Scottish Executive because of the Council's interest in the development through the Moray Housing Partnership.

The Meeting also noted that Members of the Committee visited the site of the application on Monday 29 October, 2001.

On the motion of Councillor Aldridge the Meeting unanimously agreed that the application be referred direct to a Hearing, without any consideration being given to the recommendation, on a date to be agreed in consultation with the Chairman, to which the applicant and objectors to the application be invited to attend and be afforded the opportunity of being heard prior to the Committee considering the application.

CENTRAL WEST - NO 4 WARD

- (b) 01/01181/FUL Erect a workshop/store, site an LPG/oil tank to the rear and construct a 1m
 &
 01/01182/LBC high random rubble wall at The Granary Oldmills Road Elgin for Mr Kenneth
 S. Shand

There were submitted reports by the Director of Environmental Services recommending that, subject to conditions as detailed in the reports, planning and listed building consent be granted in respect of an application to erect a workshop/store, site an LPG/oil tank to the rear and construct a 1m high random rubble wall at The Granary, Oldmills Road, Elgin for Mr Kenneth S. Shand.

The Meeting noted that the applications were being referred to the Committee as the applicant was a member of staff in the Development Control section of Environmental Services.

Following consideration the Committee agreed:-

- (i) to approve application 01/01181/FUL subject to the following conditions:-
1. The development to which this permission relates must be begun not later than the expiration of five years beginning with the date on which this permission is granted.
 2. Unless otherwise agreed with the Council, as Planning Authority, the development hereby approved shall be carried out strictly in accordance with the approved plans and conditions.
 3. No boundary fences, hedges, walls or any obstruction whatsoever over 1.0 m in height and fronting onto the public road shall be within 2.1 m of the edge of the carriageway.

Reasons:

1. The time limit condition is imposed in order to comply with the requirements of Section 58 of the Town and Country Planning (Scotland) Act 1997.
 2. In order to ensure that there are no unauthorised departures from the approved plans which could adversely affect the development or character and amenity of the surrounding properties and area.
 3. In the interests of road safety.
- (ii) to approve application 01/01182/LBC subject to the following conditions:-
1. That the proposal to which it relates must be begun not later than the expiration of five years beginning with the date of this consent.
 2. Unless otherwise agreed with the Council, as Planning Authority, the development hereby approved shall be carried out strictly in accordance with the approved plans and conditions.

3. No boundary fences, hedges, walls or any obstruction whatsoever over 1.0 m in height and fronting onto the public road shall be within 2.1 m of the edge of the carriageway.

Reasons:

1. The time limit condition is imposed in order to comply with the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
2. In order to ensure that there are no unauthorised departures from the approved plans which could adversely affect the development or character and amenity of the surrounding properties and area.
3. In the interests of road safety.

- (c) 01/01275/FUL Erect dwellinghouse and garage in Garden Ground Next To 62 South Guildry Street Elgin for Mr And Mrs Forsyth

There was submitted a report by the Director of Environmental Services recommending that, for reasons detailed in this report, planning consent be refused in respect of an application to erect a dwellinghouse and garage in garden ground next to 62 South Guildry Street, Elgin for Mr and Mrs Forsyth.

The Meeting noted that Members of the Committee had visited the site of the application on Monday 29 October, 2001.

Following consideration Councillor Bisset expressed the view that the proposed development was located in the heart of the residential area of Elgin with many different house types and in his opinion the proposed house design would not have a detrimental impact on the setting of a listed building and therefore complied with policy and moved approval of the application. His motion was seconded by Councillor Jappy.

There being no-one otherwise minded the motion became the finding of the Meeting and it was agreed that the application be approved as complying with policy and subject to standard conditions.

FINDERNE - NO. 9 WARD

- (d) 01/01145/ADV Retrospective application for proposed banner at A96 Junction/unclassified Road To Darnaway Forres Moray for Mr Christopher G Hilditch

There was submitted a report by the Director of Environmental Services recommending that, for reasons detailed in his report, retrospective consent be refused in respect of an application for a proposed banner at A96 junction/unclassified road to Darnaway, Forres for Mr Christopher Hilditch.

The Meeting noted that were the Committee minded to approve the application it would require to be advertised as a departure from policy and in the event of objections being received consideration would require to be given to the need for a Hearing. The Meeting also noted that were it subsequently decided to approve the application it would require to be referred to the Scottish Executive given the comments from the Trunk Roads Authority.

The Meeting also noted that in the event of the application being refused enforcement action was recommended to remove the advertisements.

Following consideration Councillor Aldridge, seconded by Councillor Burgess, moved that retrospective approval be refused, as recommended, and that enforcement action be taken to remove the advertisements.

As an amendment Councillor Hamilton expressed the view that, in his opinion, he did not consider the erection of the banner to be detrimental to road safety nor conflict with signs policy in terms of design and appearance albeit it did not comply with policy L/ED17 and that the proposal was an acceptable departure. He therefore moved, seconded by Councillor Gorn, that, subject to being advertised as a Departure and consideration given to the need for a hearing in the event of objections being received and referral to the Scottish Executive, retrospective consent be approved.

On a division there voted:-

For the Motion (13) - Councillors Aldridge, Burgess, Coutts, Divers, Ettles, Howe, Jappy, Keith, Leslie, McIntosh, Paul, Shepherd and Sim.

For the Amendment (9) - Councillors Hamilton, Gorn, Bisset, Hogg, Longmore, Shaw, Towns, Urquhart and Wilson

Abstentions (0)

Accordingly the motion became the finding of the Meeting and it was agreed:-

- (i) that retrospective consent be refused for the following reasons:-
1. The signs conflict with policies S/ENV1 and S/IMP1 in terms of design and appearance in that they detract from the visual amenity of the area.
 2. The signs conflict with policy L/ED17 in that they do not comply with the agreed policy between the Moray Council and the Tourist Board.
 3. The signs would be detrimental to road safety as they constitute a distraction to road users at a location where vehicle speeds are high and extra care is required to negotiate a junction.
- (ii) that appropriate enforcement action be taken to remove the advertisements.

LHANBRYDE AND BIRNIE - NO. 15 WARD

- (e) 00/01923/EIA Extend the area for sand and gravel extraction at Cloddach Quarry Elgin for Caledonia Quarry Products Limited

There was submitted a report by the Director of Environmental Services recommending that, subject to conditions as detailed in his report, planning consent be granted in respect of an application to extend the area of sand and gravel extraction at Cloddach Quarry, Elgin for Caledonia Quarry Products Limited.

The Development Control Manager also recommended that the words in brackets in the first line of condition three be amended to refer to the "Planning Authority" as opposed to "Head of Development Services" and inserted after the word "provided" in the second line of the condition.

The Meeting noted that Members of the Committee had visited the site of the application on Monday 29 October 2001.

Following consideration the Committee agreed to approve the application subject to the following conditions:-

1. The development to which this permission relates must be begun not later than the expiration of five years beginning with the date on which this permission is granted.
2. The approval hereby granted is only for a limited period expiring on December 31 2020.
3. That where necessary portable water sprayers shall be provided (to the satisfaction of the Planning Authority) and used for the damping down of stockpiles and any unplanted areas to eliminate nuisance from wind blown dust. It shall be ensured that appropriate measures are in place to ensure that no nuisance is caused to surrounding road users or properties from blown dust. Arrangements for ongoing dust monitoring (including records kept and measures to be adopted for alleviation) shall be agreed with the Planning Authority prior to the commencement of development.
4. Unless otherwise agreed, within 3 months of commencing extraction of sand and gravel on any of the phases screen bunding shall be formed around the relevant phase on the basis of plans first agreed with the Planning Authority. These bunds to be topsoiled and grass seeded to the satisfaction of the Head of Development Services. The bunds required in this respect are those necessary to ensure adequate noise/visual screening.

5. The site shall not be used for the development hereby permitted before 0700 hours on weekdays and 0700 hours on Saturdays, nor after 1900 hours on weekdays and 1300 hours on Saturdays, nor at any time on Sundays, other than for essential maintenance by prior agreement with the Planning Authority. No maintenance work on plant, equipment or other machinery shall take place outwith the hours hereby stated other than as may be agreed with the Planning Authority.
6. That any oil storage tanks shall be protected as follows:
 - (a) The oil storage tank to be located on an impervious base and surrounded by the bund wall. The capacity of the bunded area should be equal to 110% of the storage tank volume.
 - (b) All valves and couplings to the tank should be included in the bunded area. Any delivery hose should be fitted with trigger type sprung handles and hung back in the bunded area after use.
 - (c) All vent pipes must be designed and positioned so that any overflow, through overfilling the tank, is discharged into the bunded area.
 - (d) All surface water or other water which accumulates within the bund should be removed by a manually controlled positive lift pump (e.g. a semi rotary hand pump) and not a gravity drain.
 - (e) All drainage from the bunded area should be treated by an oil interceptor device, the design of which is approved by the River Inspector.
7. Within 6 months of the commencement of the development or of any works affecting existing water features, a restoration scheme shall be submitted to, and approved by the Planning Authority. The restoration schemes shall detail the following requirements:
 - (a) details on any flora or fauna to be affected.
 - (b) details of any ongoing maintenance required (e.g. control of water levels, de-silting etc.) to ensure habitat protection.
 - (c) in consultation with the Moray Flood Alleviation Project, or any such related body, any measures by which flood storage capacity may be enhanced.
 - (d) pond edges should have shallow margins and should be irregular, with bays and inlets.
 - (e) a planting scheme for re-grassing and broadleaved trees and shrubs. The scheme to specify species, numbers, size, planting times and future maintenance.
 - (f) the design and management of proposed ponds.
 - (g) the location, height and slopes of earth and overburden storage together with any planting or screening necessary for visual screening from outwith the site. Maximum height of soil mounds to be 3 m.
 - (h) time-scales for the working and restoration of each of the phases.
 - (i) finished levels/contours and details for the storage and reinstatement of soils.
 - (j) measures for the monitoring and control of (i) ground and surface water flows and levels, and (ii) the quality and quantity of flows from the site.
 - (k) details of water levels.

The relevant parts of the restoration scheme shall be fully implemented to the satisfaction of the Planning Authority, in consultation with Scottish Natural Heritage, the Scottish Environmental Protection Agency and the Royal Society for the Protection of Birds within 6 months of the completion of working of each phase and in any case within 6 months of the expiry of the consent hereby granted, or within any such longer period agreed as necessary for the proper carrying out of the required restoration works.
8. A buffer zone of at least 50 metres of no extraction shall be left adjacent to the bank of the River Lossie, unless otherwise agreed with the Planning Authority.
9. Spoil should not be stored or dumped within 50 metres of the River Lossie.
10. Prior to the commencement of any of the development, a badger survey shall be carried out and agreed with the Planning Authority.
11. That prior to any development commencing on site the quarry site shall be enclosed by a stock proof fence which shall be maintained thereafter to the full satisfaction of the Head of Development

Services throughout the lifetime of the consent. There shall be no working whatsoever including the storage of materials, outwith this fence.

12. All felling of woodland and scrub shall be carried out outwith the main bird nesting season (1 March to 31 July inclusive).
13. An aftercare scheme for the approved restoration shall be submitted to and approved, in writing, by the planning authority within 12 months of the commencement of development on site or as otherwise directed by the planning authority. The aftercare scheme shall include a written undertaking which includes the arrangements for implementation of the restoration scheme and its future maintenance. The scheme shall cover site works and management for 5 years after restoration work is completed on each phase or as otherwise directed by the planning authority. The approved scheme shall be implemented.
14. No work shall commence on any of the phases until an archaeological field evaluation has been provided and agreed with the Planning Authority, and this agreement shall include provision for any further archaeological work considered necessary.
15. Notwithstanding the details submitted, other than for the digging of the filtration lagoons, Phase 1 shall be fully restored within 6 months of the commencement of any works on Phase 2, unless otherwise agreed with the Planning Authority.
16. Notwithstanding the details submitted, Phase 2 shall be fully restored within 6 months of the commencement of any works on Phase 3, unless otherwise agreed with the Planning Authority.
17. Notwithstanding the details submitted, Phase 3 shall be fully restored within 6 months of the commencement of Phase 4, unless otherwise first agreed with the Planning Authority.
18. Unless otherwise agreed with the Planning Authority and notwithstanding the details submitted, Phase 4 shall be worked progressively in separate stages and prior to the commencement of Phase 4, details of such separate stages shall be agreed with the Planning Authority. Within 6 months of commencement of each of the stages, the previous stage shall be restored.
19. On completion of the extraction, or at the expiry of the planning permission, whichever is the sooner, all plant, machinery and stockpiles shall be removed from the site within 6 months and the site restored and landscaped in accordance with the approved restoration scheme within the first planting season following clearing of the site, all to the satisfaction of the Head of Development Services.
20. Noise from quarry operations associated with the extension shall not exceed an Leq of 55 dB(A) (1 hour) at the nearest noise sensitive dwelling where 1 hour means any hour within the defined working day and readings shall be taken in "free field".
21. An appropriate noise bund shall be constructed along the southern boundary of phase 1 quarry operations, prior to the commencement of quarrying operations.
22. Temporary exceedance of the limit specified in condition 20 will be permitted for the purpose of noise bund construction, provided the duration of construction is agreed with the Planning Authority.
23. It shall be ensured that nuisance from reverse beepers is avoided in relation to noise sensitive properties, adopting where necessary the measures detailed in PAN50 Annex A "Controlling the Environmental Effects of Noise at Surface Mineral Workings".
24. Notwithstanding Class 55 paragraph (1)(a) and (1)(b) of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, the prior agreement of the Planning Authority is required for the erection, or installation or siting of any plant, machinery or buildings, excluding conveyors.
25. No extracted material shall be transported to the processing plant other than by means of a conveyor.

26. Notwithstanding the details submitted there shall be no extraction works within 100 m from the house "Mossend", (situated on the eastern side of phase 4), and prior to the commencement of development of this phase amended plans shall be agreed with the Planning Authority. (The 100 m measurement shall be taken from the house building itself). The screen bund shall also be re-sited accordingly.

Reasons:

1. The time limit condition is imposed in order to comply with the requirements of Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order that the Planning Authority may retain control over the use of the site and to ensure that further consideration can be given to the operation, effects and impact of the use approved herewith on the amenity and character of the area.
3. In the interests of amenity and in order to control any pollution/nuisance arising out of wind blown dust.
4. In the interests of amenity and effective planning control in order to minimise the visual impact of the development hereby approved.
5. In the interests of amenity so as to ensure that the development does not cause a nuisance or disturbance to residents in the area.
6. In the interests of amenity and public health so as to ensure that there is no contamination of adjoining land or watercourses arising out of accidental discharges or damage to the tanks.
7. In the interests of visual amenity, habitat protection and enhancement and flood alleviation, and to ensure the timeous reinstatement of the site.
8. In order to protect the watercourse.
9. In order to protect the watercourse.
10. In order to ensure appropriate protection of the species in question.
11. In the interests of the safety of the public and of livestock and in order to control the working of the site within the approved boundaries.
12. To avoid destruction of occupied nests.
13. To maintain reduction in visual and landscape impacts and maintain ecological mitigation achieved by restoration.
14. In order to ensure appropriate survey work and protection for any features of archaeological importance.
15. In the interests of minimising visual impact and ensuring timeous completion and restoration of the site.
16. In the interests of minimising visual impact and ensuring timeous completion and restoration of the site.
17. In the interests of minimising visual impact and ensuring timeous completion and restoration of the site.
18. In the interests of minimising visual impact and ensuring timeous completion and restoration of the site.
19. In the interests of visual amenity and to ensure that, on the expiry of this consent, the site is left in a condition which is not detrimental to the amenity and character of the area.

20. In order to avoid noise nuisance to noise sensitive dwellings.
21. In order to avoid noise nuisance to noise sensitive dwellings.
22. To enable construction of the bund.
23. In order to avoid undue noise nuisance.
24. In order that any amenity impact on residential properties may be given due consideration.
25. To avoid noise and disturbance from lorries on the site.
26. In the interests of visual/residential amenity.

HELDON AND LAICH - NO. 12 WARD

- (f) 00/01924/MIN Application for determination of conditions under The Environment Act 1995 at Cloddach Quarry Elgin for Caledonia Quarry Products Limited

There was submitted a report by the Director of Environmental Services recommending that an application for determination of conditions under The Environment Act 1995 in respect of Cloddach Quarry, Elgin for Caledonia Quarry Products Limited be approved subject to conditions as detailed in the report.

The Meeting noted that Members of the Committee had visited the site of the application on Monday 29 October 2001.

Following consideration the Committee agreed to approve the undernoted conditions in terms of The Environment Act 1995 in respect of Cloddach Quarry, Elgin:-

1. Consent for the extraction of aggregates shall expire 21 February 2042 by which time, unless with the express approval of the Planning Authority, all working shall have ceased and the site fully restored in accordance with the approved scheme, including the removal of all plant and buildings and stock piles from the site.
2. Access to the site for all vehicular traffic shall be via the existing access onto the B9010 Elgin to Forres road. The operators shall properly maintain the asphalt road surface from the B9010 to a point immediately east of the weighbridge and office building. The operators shall keep the access road free from accumulations of mud, clay etc to minimise the carriage of such materials onto the public highway.
3. During periods of prolonged dry weather the operator shall treat un-surfaced roads within the plant area in order to minimise the generation of wind blown dust. The operator shall ensure that best practice based on Planning Advice Note (PAN) 50 Annex B : The Control of Dust at Surface Mineral Workings is adopted at all times to ensure that the best practicable means are used to minimise nuisance from dust.
4. No liquid oil products including gas, oil, diesel and lubricating oils or greases shall be stored other than in bunded tanks or stores. All such bunds shall have a capacity of no less than 110% of the volume of the largest single track or container located therein.
5. Within 6 months, or such longer period as may be agreed with the Planning Authority, of any completion or earlier final cessation of extraction and processing within all or any part of the site, that part of the site shall be restored in accordance with the scheme shown on Drawing 100023/P/002 and in accordance with the under noted conditions :
 - (a) all plant, machinery and buildings shall be dismantled and removed from site or demolished.
 - (b) all foundations above ground level shall be removed and all others broken up.
 - (c) all hard areas such as plant roads and stockpile areas shall cross ripped, spread with overburden or graded mineral matter and managed to generate amenity grassland and scrub.

- (d) all areas to be returned to agricultural use shall be cross ripped to break up any hard pan and graded to the level and contour necessary to achieve the final levels shown on Drawing 100023/P/002 or as otherwise agreed with the Planning Authority. Sub soils and top soils shall be separately spread and sown to grass with an appropriate seed mixture. Prior to the restoration of areas to agriculture the operator shall submit to the Planning Authority for their approval details of the cultivation scheme.
 - (e) no overburden, sub soils and top soils shall be stacked during periods of continuous wet weather.
 - (f) no restoration or backfilling of the workings shall involve the introduction of material from outwith the site, unless first agreed with the Planning Authority.
 - (g) notwithstanding the details submitted on drawing reference 100023/P/002 details of the shape, form, contours and features to be included in the ponds on the east side of the River Lossie shall be first agreed with the Planning Authority, in consultation with SNH, RSPB and SEPA.
 - (h) details of landscape/habitat planting shall be agreed.
6. Within 6 months of the final cessation of extraction and/or of operation and use of all parts of the processing plant the Operators will submit to the Planning Authority for their approval an After Care Scheme for the completion of restoration and management for a period of 5 years of such part of the site as the Operators propose to restore.
7. A buffer zone of at least 45 metres of no excavation shall be left from the centre line of the River Lossie.
8. Spoil shall not be stored or dumped within 45 metres of the centre line of the River Lossie.
9. No extraction of sand and gravel shall take place outside the following hours :
- Monday to Friday (inclusive) : 0700 to 1900 hours
Saturday and Sunday : 0700 to 1300 hours
- No part of any processing plant (excepting the coating plant) shall operate outside the following hours :
- Monday to Friday (inclusive) : 0700 to 1900 hours
Saturday and Sunday : 0700 to 1500 hours
- The coating plant shall not operate outwith the hours of :
- Monday to Friday (inclusive) : 0600 to 1900 hours
Saturday and Sunday : 0700 to 1500 hours
- No maintenance shall take place outwith the above noted hours.
10. No extraction shall take place below the level of 20 metres above ordnance datum.
- All remaining soils and overburden shall be stripped and stored in the locations shown on Drawing 100023/P/001 and re-used in restoration of worked out areas.
- Stripping of soils shall not take place during periods of continuous wet weather.
- Top soils and sub soils remaining to be stripped shall be stripped and stored separately.
- Top soils shall be placed and stored in stock piles no higher than 3 metres.
11. The extent of the minerals workings shall be as defined on the relevant approval plans, reference MC/26/65, dated 18 February 1965, and MC/113/63, dated 18 October 1963.

Reasons:

1. In order to ensure the timeous cessation of works and proper reinstatement of the site.

2. In the interests of highway safety.
3. For the avoidance of nuisance from dust.
4. In the interests of amenity and public health so as to ensure that there is no contamination of adjoining land or watercourses arising out of accidental discharges or damage to the tanks.
5. In the interests of visual amenity and to ensure the proper reinstatement of the site, and in order to protect and enhance the wildlife habitat.
6. In order to ensure proper management of the reinstatement.
7. In order to protect the watercourse.
8. In order to protect the watercourse.
9. In the interests of amenity.
10. For the avoidance of doubt, to ensure proper working and to facilitate proper restoration of the site.
11. For the avoidance of doubt.

BUCKIE CENTRAL - NO. 19 WARD

- (g) 01/01177/FUL Erect 19 No. dwellinghouses and 1 No. block of 4 No. flats and 1 No. house plot at Phase 2 Site R3 Highfield Road Buckie Banffshire for Robertson Group

Councillors Ettles, Leslie, Towns and Urquhart declared an interest in this item given that they represented the Council on the Moray Housing Partnership Limited. Members declaring an interest remained in the meeting and participated in the discussion and subsequent decision in terms of the National Code of Local Government Conduct Guidance.

There was submitted a report by the Director of Environmental Services recommending that, subject to conditions as detailed in his report, planning consent be granted in respect of an application to erect 19 dwellinghouses and one block of 4 flats and one house plot at Phase 2, Site R3, Highfield Road, Buckie for the Robertson Group.

Following consideration Councillor Aldridge, seconded by Councillor Burgess, moved approval of the application, as recommended.

As an amendment Councillor Jappy, seconded by Councillor Longmore, moved that consideration of the application be deferred to allow for negotiations with the applicant with a view to securing compliance with the Development Brief.

On a division there voted:-

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|------------------------|--|
| For the Motion (9) | - Councillors Aldridge, Burgess, Coutts, Bisset, Ettles, Hogg, Keith, Shaw, and Urquhart. |
| For the Amendment (12) | - Councillors Jappy, Longmore, Divers, Gorn, Hamilton, Howe, Leslie, McIntosh, Paul, Shepherd, Sim and Wilson. |
| Abstentions (1) | - Councillor Towns. |

Accordingly the amendment became the finding of the Meeting and it was agreed that consideration of the application be deferred to allow for negotiations with the applicant with a view to securing compliance with the Development Brief.

KEITH - NO. 23 WARD

- (i) 01/01343/FUL Retrospective application for ventilation extract system and alterations to existing vent 142 Mid Street Keith for Mr Tahir And Mr Azziz

Councillor Gorn declared an interest in this application and left the meeting taking no part in the discussion or decision.

There was submitted a report by the Director of Environmental Services recommending that, for reasons detailed in his report, retrospective consent be refused in respect of an application for a ventilation extract system and alterations to existing vent at 142 Mid Street, Keith for Mr Tahir and Mr Azziz.

The Meeting noted that Members of the Committee had visited the site of the application on Monday 29 October 2001.

Following consideration Councillor Bisset, seconded by Councillor Longmore moved that retrospective consent be approved as complying with policy on the grounds that the duct dimensions and height met the requirements of the Council's Environmental Health Section, it would not, in his opinion, compromise the value of the first floor flat and would be coloured to match the existing stonework.

There being no-one otherwise minded the motion became the finding of the Meeting and it was agreed that retrospective consent be approved as complying with policy.

On the conclusion of this item Councillor Gorn re-joined the meeting.

SPEYSIDE - NO. 25 WARD

- (j) 01/00088/OUT Outline to erect dwellinghouse at Aberlour Gardens Aberlour for Mr Raymond Strathdee

There was submitted a report by the Director of Environmental Services recommending that, for reasons detailed in his report, outline consent be refused in respect of an application to erect a dwellinghouse at Aberlour Gardens, Aberlour for Mr. Raymond Strathdee.

The Meeting noted that the application had been advertised as a "departure" from the Moray Local Plan 2000 and that given that objections had been received were the Committee minded to approve the application a Hearing was recommended.

The Meeting also noted that Members of the Committee had visited the site of the application on Monday 29 October 2001.

Following consideration Councillor Aldridge expressed the view that, in his opinion, the proposed development would blend in with existing properties without any adverse impact on ground water, and water courses, it provides for the efficient treatment of effluent and complies with policy L/ENV21 relating to private waste water treatment and drainage. He also referred to a precedent having been set in regard to septic tanks being situated outwith the site boundary and that the proposed development would enhance the area and would be the last possible site suitable for development in the area. Thereafter he moved, seconded by Councillor Longmore, that for the reasons stated the proposed application complied with policy and should be approved as submitted.

As an amendment Councillor Shaw, seconded by Councillor Wilson moved that the application be refused, as recommended.

On a division there voted:-

For the Motion (10) - Councillors Aldridge, Longmore, Bisset, Hogg, Howe, Jappy, Paul, Shepherd, Towns and Urquhart.

For the Amendment (11) - Councillors Shaw, Wilson, Burgess, Coutts, Divers, Ettles, Hamilton, Keith, Leslie, McIntosh and Sim.

Abstentions (1) - Councillor Gorn,

Accordingly the amendment became the finding of the Meeting and it was agreed that the application be refused for the following reasons:-

1. The proposal would be contrary to policies S/ENV1, L/ENV21, Appendix 3 and Aberlour Gardens Settlement in the Moray Local Plan 2000 for the following reason:-
 - there are already several discharges of septic tank effluent to adjacent watercourses and a further discharge would be likely to result in an unacceptable addition to known problems with such discharges.
 2. The proposal would be contrary to policy L/ENV10 in the Moray Local Plan 2000 for the following reason:
 - it would involve development outwith the settlement boundary and create a precedent.
- (k) 01/00688/FUL Erect dwellinghouse garage and oil tank at Upper Ringorm Farm
Craigellachie Aberlour for Mr Stephen Strathdee

Under reference to paragraph 4(i) of the Minute of this Committee dated 5 September 2001 there was submitted a report by the Director of Environmental Services recommending that, for reasons detailed in his report, planning consent be refused in respect of an application to erect a dwellinghouse, garage and oil tank at Upper Ringorm Farm, Craigellachie, Aberlour for Mr Stephen Strathdee.

The Meeting noted that subsequent to the meeting on 5 September 2001 the applicant submitted a revised proposal involving a single storey house and renotification was carried out. The Meeting also noted that no further representations following re-notification had been received and that the revised proposals met the requirements of policy L/HC5 (gable/roof pitch parameters). It was further noted that the application had been advertised as a "departure" to which letters of objections/representations had been received and were the Committee minded to approve the application a Hearing was recommended.

Following consideration Councillor Aldridge expressed the opinion that given the revised proposals met the requirements of policy L/HC5 the proposed site would comply with policy in that it would avoid contributing to a build up of residential development in this locality and would not cause a change in the character of this area from an existing rural cluster to one of suburban style group of dwellings or ribbon development. He also expressed the view that the revised proposals would blend unobtrusively with its surroundings if existing trees were retained and further tree planting as proposed by the applicant. In his opinion the revised proposals would comply with policy and there is a presumption in favour of a house building in rural areas in the south and east of Moray in well located and designated sites in the open countryside. He also stated that given the proposed development did not attract any objections from immediate neighbours nor from consultees the proposal would comply with policy quoted in the report and therefore moved, seconded by Councillor Jappy, that the application be approved as complying with policy.

There being no-one otherwise minded the motion became the finding of the Meeting and it was agreed that the application be approved as complying with policy subject to standard conditions.

3. KIMO MEMBERSHIP SUBSCRIPTIONS

There was submitted a report by the Director of Environmental Services inviting the Committee to consider continuing its membership of KIMO in respect of the financial year 2001/2002 and agree in principle to meet the subscription for the financial year 2002/2003.

The Meeting noted that membership of KIMO allows the Council to continue to be advised of relevant issues concerning marine pollution, including the effect that such issues might have on the local and wider economies and also participation in KIMO meetings thereby having the ability to influence how issues might be raised and debated and ultimately resolved at national or international level.

Following consideration the Committee agreed to meet the request for subscription for KIMO in the financial year 2001/2002, and, in principle, to meet the subscription for financial year 2002/2003 subject to budget approval.

4. TOURISM IN MORAY

There was submitted a report by the Director of Environmental Services inviting the Committee to consider initiating a review of the Council's activities in tourism and the preparation of a three year action plan for tourism in Moray.

The Meeting noted that tourism was an important part of Moray's economy and it is estimated to provide around 3,000 full time equivalent jobs which represent some 30% of the service sector employment and has been identified as one of the four key sectors in Moray which is not only significant in size but offers opportunity for growth.

Following consideration the Committee agreed:-

- (i) that the Council takes the lead role in developing a Tourism Action Plan for Moray, in association with other partners;
- (ii) that a Working Party be established, comprising of Councillors Ettles, Gorn, Hamilton and Leslie and appropriate officials from Harbours, Libraries and Museums, Development Services and Parks and Gardens, to formulate the Council's position within the tourism sector; and
- (iii) that the Working Party produce a report for Committee consideration, in the early part of 2002 which includes a recommendation on budgetary matters arising from the implementation of tourism projects, identified through the Action Plan.

5. GRAMPIAN FOOD AWARDS

There was submitted a report by the Director of Environmental Services inviting the Committee to consider and if so disposed recommend to the Policy and Resources Committee that a contribution of £1,900 be made from the Corporate Economic Development Activities budget towards the cost of the Grampian Food Awards.

The Meeting noted that the Grampian Food Awards is a prestigious event which has been run since 1991 by Grampian Regional Council and since Local Government reorganisation by Aberdeenshire Council with financial support from Aberdeen City and Moray.

The Meeting also noted the aim of the Awards is to stimulate new product development and to raise quality standards amongst food producers in the north-east of Scotland.

Following consideration the Committee agreed to recommend to the Policy and Resources Committee approval of a contribution of £1,900 towards the costs of The Grampian Food Awards to be met from the Corporate Economic Development Activities Budget.

6. THE FUTURE FOR SCOTLAND'S WATERS

There was submitted a report by the Director of Environmental Services advising the Committee of a consultation document by the Scottish Executive entitled "Rivers, Lochs, Coasts: The Future of Scotland's Waters" and that given a response was required by the end of September to homologate the comments set out in Appendix 1 of the report as the Council's response to the consultation document.

The Meeting noted that the document posed a number of questions as to how the Scottish Executive might set up River Basin District Plans, how they are managed, how controls on pollution, obstruction, impoundment and engineering works are operated and enforced and also deals with the proposition that water pricing be related to the standards of quality achieved through good management.

Following consideration the Committee agreed:-

- (i) to note the provisions of the EC Directive in respect of RBD Planning, and controls on water environment, as contained in the document "Rivers, Lochs and Coasts: The Future of Scotland's Waters"; and
- (ii) to homologate the responses to the consultative questions, as set out in Appendix 1 of the report, as the Council's response to the consultative document.

7. AMENDMENT TO HARBOUR BYELAWS: REGULATION OF DIVING WITHIN HARBOUR AREAS

Under reference to paragraph 22 of the Minute of the Council dated 4 July 2001 there was submitted a report by the Chief Legal Officer advising the Committee on the response received to the Public Consultation seeking authority to have byelaws confirmed by the First Minister.

There was attached as Appendix 1 to the report a summary of the responses received and, for information purposes, proposed amendments (as published for comment) which was set out in Appendix 2 of the report.

Following consideration Councillor Jappy, seconded by Councillor Shepherd, moved that the status quo prevail with regard to diving/jumping off piers and improved warning signage be introduced.

There being no-one otherwise minded the motion became the finding of the Meeting and it was agreed that the status quo prevail with regard to diving/jumping off piers and improved warning signage be introduced.

8. ROAD TRAFFIC ORDERS

There was submitted a report by the Chief Legal Officer inviting the Committee to approve the following Road Traffic Orders:-

- The Moray Council (A940 Forres to Grantown Road 30 mph Speed Limit) Order, 2001;
- The Moray Council (A942 Buckie to Findochty Road 30 mph Speed Limit) Order, 2001; and
- The Moray Council (B9103 Inchbroom Road, Lossiemouth Road, 30 mph Speed Limit) Order, 2001

Following consideration the Committee agreed to approve the Road Traffic Orders and authorise the Chief Legal Officer to make the Orders.

9. OPTIONS FOR UPGRADING/EXPANSION OF MORAY CCTV SYSTEM : PROGRESS

Under reference to paragraph 21 of the Minute of the Council dated 6 September, 2000 there was submitted a report by the Chief Legal Officer inviting the Committee to consider the recommendations of the CCTV Working Party in regard to progressing options for upgrading/expansion of the Moray CCTV system.

Following consideration the Committee agreed to:-

- (a) approve the following recommendations of the CCTV Working Party:
 - Working Party members being co-opted as part of the CCTV Community Association;
 - the CCTV Community Association being established as a "task group" of the Moray Community Safety Partnership with a view to the possibility of funding from the Scottish Executive community safety grant for Moray;
 - the CCTV feasibility study being completed by February 2002 including all costings, technical appraisals and likely external funding sources (MBSE, local communities and businesses etc);
 - a future report be submitted to the Policy and Resources Committee outlining the amount of "deficit funding" that would be required from the Council; and

- these recommendations being submitted to the next meeting of the CCTV Community Association for consideration.
- (b) that details of the composition of the CCTV Community Association be circulated to Members; and
- (c) that a report be submitted to the Service Development Group on the standard of lighting in areas covered by CCTV with proposals for improvement where appropriate.

10. NORTH-EAST SAFETY CAMERA PARTNERSHIP

Under reference to paragraph 15 of the Minute of this Committee dated 22 July 2000 there was submitted a report by the Director of Environmental Services seeking the approval of the Council's participation in the development of a Partnership Project aimed at reducing road casualties in north-east Scotland through greater speed and red light camera monitoring and enforcement.

The Meeting noted following publication of the Government's road safety strategy "Tomorrows Roads - Safer for Everyone" the Department of the Environment, Transport and the Regions (DETR) established a two year pilot scheme, involving eight areas throughout the UK, to evaluate the potential for achieving casualty reduction through increased speed and red light camera enforcement. In regard to resources the Meeting also noted that all fines recovered from speeding or red light offences pass directly to the Treasury and that under the pilot project the additional costs associated with increased safety camera activities were met from fines received as a result of greater enforcement.

The Meeting also noted that at present there was no legislation to allow recovery of costs from fines however a Scottish Finance Bill is to be placed before parliament in early 2002 which would allow this to take place and it was anticipated that any scheme could not be implemented until this legislation is in place which is likely to be mid 2002.

Following consideration the Committee agreed:-

- (i) to approve, in principle, the Council's participation in the proposed North East Scotland Safety Camera Partnership;
- (ii) that Officers be authorised to prepare an Operational Case for the proposed North East Scotland Safety Camera Partnership; and
- (iii) that further developments be the subject of a report to a future meeting of the Committee.

11. MORAY FLOOD ALLEVIATION SCHEMES: CONTRACT STRATEGY

Under reference to paragraph 15 of the Minute of this Committee dated 23 May 2001 there was submitted a report by the Director of Environmental Services recommending that the Committee approve the contract strategy for contracting services for Moray Flood Alleviation Schemes, as required by the financial regulations and to recommend accordingly to the Policy and Resources Committee.

The Chairman also advised the Meeting that the Council had recently been awarded a "Best Practice Award" by The Movement for Innovation Board in recognition of the invaluable contribution made by the Council as a member of the Moray Flood Alleviation Group.

Following consideration the Committee agreed:-

- (i) to recommend to the Policy and Resources Committee approval of a procurement strategy for contracting services for Moray Flood Alleviation Schemes; and
- (ii) that Officers representing the Council on the Moray Flood Alleviation Group be congratulated on the Council being awarded a "Best Practice Award" by The Movement for Innovation Board.

12. LIST OF REPORTS FOR INFORMATION

In terms of the Council's decision of 14 July 1999 (Paragraph 6(a) of the Minute refers) in regard to the issuing of reports for information the Meeting noted that the undernoted reports had been issued under separate cover, copies of which had also been made available at the Council's Access Points and Public Libraries:-

- List of Leases and Rent Reviews Submitted for Noting - Report by Head of Estates Services
- List of Planning Appeals for Noting - Report by Chief Legal Officer
- Proposed Changes to Local Bus Services - Report by Director of Environmental Services

13. RURAL TRANSPORT FUND BUS SERVICES (Para. 9)

There was submitted a report by the Director of Environmental Services seeking Committee's approval to issue deminimis agreement MDR1 (Elgin - Keith, Mondays to Saturdays) which would provide a new connection facility from the 20.06 Aberdeen to Inverness arriving Keith Station at 21.14 which would allow for members of the Young Persons Fare Travel Scheme in Keith the opportunity to access leisure facilities in Elgin.

Following consideration the Committee agreed to approve the award of deminimis agreement MDRI (Elgin - Keith, Mondays to Saturdays) as detailed in Appendix 1 of the report.

14. PROPERTY SERVICES SECTION: JOB TITLES (Para. 1)

There was submitted a report by the Director of Environmental Services inviting the Committee to consider, in its capacity as the appropriate Service Committee, revised job titles for maintenance staff within the Property Services Section and if so disposed to recommend accordingly to the Policy and Resources Committee.

Following consideration the Committee agreed to recommend to the Policy and Resources Committee that job titles within the Maintenance Section of Property Services be re-titled Maintenance Assistant and Maintenance Inspector.

15. LISTS OF LEASES SUBMITTED FOR APPROVAL (Para. 9)

There was submitted a report by the Head of Estates inviting the Committee to approve the terms of a ground lease in respect of the Yard and Store, Baron Street, Buckie as detailed in the Appendix to the report.

Following consideration the Committee agreed to approve the terms of the ground lease of the Yard and Store, Baron Street, Buckie as detailed in the Appendix to the report.