

THE MORAY COUNCIL
MINUTE OF MEETING OF THE ENVIRONMENTAL SERVICES COMMITTEE
4 SEPTEMBER 2002
COUNCIL HEADQUARTERS, ELGIN

PRESENT

Councillors E. Aldridge (Chairman), R.F. McIntosh (Vice-Chairman), A.E. Coutts (Vice-Chairman), A. Bisset, T.M. Bothwell, J.A. Divers, M.L. Ettles, G.D. Gormley, L. Gorn, J. Hamilton, J.C. Hogg, T.A. Howe, W. Jappy, A. Keith, S.D.I. Longmore, P.B. Paul, J.M. Shaw, R.H. Shepherd, R. Sim, G.G. Towns, A. Urquhart, W.P. Watt and I. Young.

APOLOGIES

Apologies for absence were intimated on behalf of Councillors A.R. Burgess, J.A. Leslie and A.R. Wilson.

IN ATTENDANCE

The Director of Environmental Services, the Head of Development Services, the Head of Financial Services, the Development Control Manager, the Planning and Development Manager, the Consultancy Manager, the Trading Standards Manager, the Head of Estates Services, A McEachan, Senior Solicitor (Commercial and Conveyancing), D Duncan, Principal Planning Officer, Planning and Development (in respect of item 6) the Public Relations Co-ordinator and the Senior Committee Services Officer, Clerk to the Meeting.

Also in attendance, by invitation, Mr I McKay, Health & Safety Executive (HSE) in respect of application for assent to site an explosives factory at Limehillock Quarry, Grange, Keith.

1. ADDITIONAL BUSINESS

In terms of the relevant Standing Order, the Committee agreed to accept as additional items of business to be transacted at the meeting, the undernoted reports on the Chairman certifying that, in his opinion, they required to be considered on the grounds of urgency in order to give early consideration to a response to a consultation, progress relating to the proposed Elgin Bypass and the terms of a Section 75 Agreement:-

- (i) Consultation on the Review of Area Tourist Boards - Report by Director of Environmental Services
- (ii) Elgin Bypass - Statement by the Chairman

Confidential Matter

Proposed Turbine Wind farms at Pauls Hill, Ballindalloch and Cairn Uish, Glenlatterach - Report by Chief Legal Officer (Paras 6 & 9)

2. 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.

Para No. of Minute

12
13

Para No. of Schedule 7A

1 & 6
6 & 9

3. APPLICATION FOR ASSENT TO SITE AN EXPLOSIVES FACTORY AT LIMEHILLOCK QUARRY, GRANGE, KEITH

There was submitted a report by the Director of Environmental Services inviting the Committee to consider, in terms of the Explosives Act 1875, an application for assent for an explosives factory at Limehillock Quarry, Grange, Keith.

The Meeting noted that the Council's Trading Standards Services administers and enforces certain aspects of the Act, including the licensing of explosives stores up to a limit of 1800kg of explosive materials. Owen Oil Tools (UK) Ltd. currently holds a Moray Council Explosives Licence for a Division E (1800kg maximum) store at Limehillock Quarry and is now applying for a factory licence. A copy of the Health & Safety Executive guidance notes on the assent procedure had been placed in the Members' library for information.

The Meeting also noted that the application had been advertised in the Press & Journal and the Northern Scot in accordance with statutory requirements and that on expiry of the advertisement period, no objections had been received.

Following consideration the Committee agreed that The Moray Council grant assent for the explosives factory, as detailed in the application, without any conditions.

4. CURRENT PLANNING APPLICATIONS

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| (a) | 02/01240/FUL &
02/01241/LBC | Planning and Listed Building to install a flue pipe and extend the property at The Granary, Oldmills Road, Elgin for Mr Kenneth Shand. |
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There was submitted a report by the Director of Environmental Services recommending that, subject to conditions detailed in the report, Planning and Listed Building Consent be granted in respect of an application to install a flue pipe and extend the property at The Granary, Oldmills Road, Elgin for Mr Kenneth Shand.

The meeting noted that the application had been referred to the Committee as the applicant is a member of staff within the Department of Environmental Services.

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. 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. Unless otherwise agreed with the Council (as Planning Authority) the development shall not commence until samples of the proposed roof finish have been submitted to and approved by the Head of Development Services.

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 order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.

- (b) 02/00933/FUL Erect steel portal-framed buildings at Easter Pittendreich Farm, Elgin for Mr R. Murdoch.

There was submitted a report by the Director of Environmental Services recommending that, subject to conditions detailed in the report, planning consent be granted in respect of an application to erect steel portal-framed buildings at Easter Pittendreich Farm, Elgin for Mr R. Murdoch.

The Meeting noted the application was being referred to the Committee as a departure from the Development Plan was being recommended for approval and, as no objections had been received during the departure advertisement period, a hearing was not required.

The reasons for the departure being recommended are that it was considered, overall, the development would blend unobtrusively and not adversely affect the character or appearance of the area or prejudice the CAT. The proposals are functionally related to an operation indigenous to the countryside and it is not considered that this development would set a precedent for future sporadic development within the CAT.

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. 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. Unless otherwise agreed with the Development Control Manager, the washbed shall only be used between the hours of 7.30 am - 7.00 p.m. Monday to Friday and 10.30 am - 1.00 p.m. on Sundays.
4. That no development shall take place until a Landscape Scheme (drawn to scale) is submitted to and approved by this Council (as Planning Authority). This Landscape Scheme shall show:-
 - (a) the location of any existing trees, shrubs and hedgerows on the site and identify those to be retained and those to be removed;
 - (b) details of the measures to be taken to protect any existing trees, shrubs and hedgerows during the course of developing the site;
 - (c) details of the numbers, species, position, planting distances and sizes of all planting to be undertaken.
5. That all planting, seeding or turfing forming part of the approved landscape scheme shall be carried out in the first planting and seeding seasons following the occupation of the washbed or the completion of the building works, whichever is the sooner. Any trees or plants which (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and species unless this Council (as Planning Authority) gives written consent to any variation of this planning condition.

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 order to ensure that the hours of operation of the washbed can be controlled so as not to create a nuisance
4. In order that detailed consideration can be given to the landscaping of the site.

5. In order to ensure that the approved landscaping works are timeously carried out and properly maintained in a manner which will not adversely affect the development or amenity and character of the area.

BUCKIE WEST NO. 18 WARD

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| (c) | 02/00143/FUL | Form new washbed for transport vehicles at Grampian Country Pork Ltd., Great Western Road, Buckie for Grampian Country Food Group Pork Division. |
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There was submitted a report by the Director of Environmental Services recommending that, subject to conditions detailed in the report, planning consent be granted in respect of an application to form a new washbed for transport vehicles at Grampian Country Pork Ltd., Great Western Road, Buckie for Grampian Country Food Group Pork Division.

The Meeting noted that Members of the Committee had visited the site of the application on Monday 2 September 2002.

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. 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. Unless otherwise agreed with the Development Control Manager, the washbed shall only be used between the hours of 7.30 am - 7.00 pm Monday to Friday and 10.30 am - 1.00 pm on Sundays.
4. That no development shall take place until a Landscape Scheme (drawn to scale) is submitted to and approved by this Council (as Planning Authority). This Landscape Scheme shall show:-
 - (a) the location of any existing trees, shrubs and hedgerows on the site and identify those to be retained and those to be removed;
 - (b) details of the measures to be taken to protect any existing trees, shrubs and hedgerows during the course of developing the site;
 - (c) details of the numbers, species, position, planting distances and sizes of all planting to be undertaken.
5. That all planting, seeding or turfing forming part of the approved landscape scheme shall be carried out in the first planting and seeding seasons following the occupation of the washbed or the completion of the building works, whichever is the sooner. Any trees or plants which (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and species unless this Council (as Planning Authority) gives written consent to any variation of this planning condition.

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 order to ensure that the hours of operation of the washbed can be controlled so as not to create a nuisance
4. In order that detailed consideration can be given to the landscaping of the site.

5. In order to ensure that the approved landscaping works are timeously carried out and properly maintained in a manner which will not adversely affect the development or amenity and character of the area.

KEITH NO. 23 WARD

- (d) 01/02043/FUL Proposed dwellinghouse on land to rear of Cuthil-Lea, 86 Land Street, Keith for Miss L.J. Martin and Mr. G.W. Stronach.

There was submitted a report by the Director of Environmental Services recommending that, for reasons detailed in the report, planning consent be refused in respect of an application to erect a dwellinghouse on land to the rear of Cuthil-Lea, 86 Land Street, Keith for Miss L.J. Martin and Mr G.W. Stronach.

The meeting noted that, were the Committee minded to approve the application it was considered that it would require to be advertised as affecting the setting of the Listed Building and a departure from the Moray Development Plan. Given that a letter of objection had already been received, a Hearing was also recommended.

Following consideration, Councillor Gorn expressed the view that, in her opinion, the setting of the proposed development should be considered in relation to the existing houses on either side of the site which had tiled roofs as opposed to slates and it would not therefore detract from the existing character and setting of the area and moved approval of the application as complying with policy. The motion was seconded by Councillor Watt.

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.

RURAL KEITH AND ROTHES NO. 24 WARD

- (e) 02/00403/FUL Erect new dwellinghouse on land adjacent to Smallburn, Rothes, Aberlour for Mr George Herrick.

Councillor Bisset declared an interest in this application.

There was submitted a report by the Director of Environmental Services recommending that, subject to conditions detailed in the report, planning consent be granted in respect of an application to erect a new dwellinghouse on land adjacent to Smallburn, Rothes, Aberlour for Mr George Herrick.

The Meeting noted the application was being referred to the Committee as a departure from the Development Plan was being recommended for approval and, as no objections had been received during the departure advertisement period, a hearing was not required.

The reasons for the departure being recommended are that whilst the site, as submitted, fails to comply with certain aspects of the Moray Local Plan 2000 Policy L/HC3 New Houses in the Countryside it was considered acceptable on the following grounds:-

- A previous detailed planning consent existed for this site (Planning reference 96/02255/FUL), which did not expire until after this application was received. The current application is effectively a proposal to amend the design of the house on a site which had a valid consent at the time the application was submitted.
- The site has long established boundaries on all sides, forming a well-defined site.
- The site does not appear excessively large, with slopes upon the sites south-western boundary rendering some of the ground unusable.
- It has a substantial hill backdrop to the north, and would occupy a position that would have no detrimental impact upon the landscape of this locality.
- Mature trees do exist with the southern half of the site, which add to the definition and character of the site, despite not covering 25% or more of the area.
- The proposal, including the house design, complies with all other aspects of Moray Development Plan policy.

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. 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. Two private parking space(s) shall be provided.
4. A turning area shall be provided within the curtilage of the site to enable vehicles to enter/exit in a forward gear.
5. That no trees, shrubs or hedgerows on the site shall be removed without the prior written consent of this Council as Planning Authority.

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.
 4. In the interests of road safety.
 5. In order to ensure that the existing trees, shrubs or hedgerows are retained as they add interest and character to the site and will contribute to the appearance of the development approved herewith.
- (f) 02/00578/FUL Convert building to form two-storey house and change of use of piece of land at 10 Seafeld Square, Rothes for Mr and Mrs James W. McEwan.

During consideration of this application Councillor Gorn left the meeting.

There was submitted a report by the Director of Environmental Services recommending that, subject to conditions detailed in the report, planning consent be granted in respect of an application to convert a building to form a two-storey house and change of use of a piece of land at 10 Seafeld Square, Rothes for Mr and Mrs James W. McEwan.

The meeting noted that Members of the Committee had visited the site of the application on Monday 2 September 2002.

Councillor Paul moved approval of the application, subject to the conditions detailed in the Director's report being amended to include a condition to the effect that no boundary fences, hedges, walls or any obstruction fronting onto the public road shall be over 1 metre in height or within 2 metres of the edge of the pavement.

There being no-one otherwise minded the motion became the finding of the meeting and it was 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. 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. Two private car parking spaces for up to a 3 bedroomed dwelling and three private car parking spaces for a 4 or more bedroomed dwelling shall be provided.

4. No water shall be permitted to drain onto the public footpath/carriageway.
5. A turning area shall be provided within the curtilage of the site to enable vehicles to enter/exit in a forward gear.
6. The existing access must be used as the access to the new dwellinghouse, unless otherwise agreed with the Development Control Manager.
7. That no boundary fences, hedges, walls or any obstruction fronting onto the public road shall be over 1 metre in height or within 2 metres of the edge of the pavement.

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.
4. In the interests of road safety.
5. In the interests of road safety.
6. In the interests of road safety.
7. In the interests of road safety.

SPEYSIDE NO. 25 WARD

- (g) 02/00605/FUL Erect proposed new house at Edinvale Wood, Dallas for Mr and Mrs O'Keefe.

There was submitted a report by the Director of Environmental Services recommending that, for reasons detailed in the report, planning consent be refused in respect of an application to erect a proposed new house at Edinvale Wood, Dallas for Mr and Mrs O'Keefe.

The Meeting noted that Members of the Committee had visited the site of the application on Monday, 2 September, 2002 and that the application had been advertised as a departure from the Moray Development Plan to which no objections had been received and therefore were the Committee minded to approve the application, a Hearing would not be required.

Following consideration, Councillor Aldridge expressed the view that, in his opinion, taking into account the natural topography of the area surrounding the site, which provided a suitable backdrop, the proposals to retain the existing stone dyke and trees, further planting and the alteration to ground levels to minimise the height of the building, the proposed development would not be contrary to the Moray Structure Plan and Moray Local Plan policies referred to in the Director's report. The design would not prejudice the character and appearance of the rural location and for these reasons, and given that there were no objections to the application he moved approval of the application, subject to standard conditions, as complying with policy. The motion was seconded by Councillor Watt.

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.

5. SCOTTISH EXECUTIVE REVIEW OF STRATEGIC PLANNING: CONCLUSIONS AND NEXT STEPS

There was submitted a report by the Director of Environmental Services inviting the Committee to consider a draft response to a consultation paper entitled "Review of Strategic Planning - Conclusions and Next Steps", details of which were set out in the report.

The report also recommended that an early meeting be sought between Officers of the Council and the Scottish Executive to discuss issues relating to the timetable for the next Development Plan for Moray.

There was attached as Appendix 1 to the report The Scottish Executive's questions relating to the review consultation paper and its conclusions.

Following consideration the Committee agreed to:

- (i) approve the draft response, as set out in paragraphs 3.1 to 3.8 of the report, to the consultation paper 'Review of Strategic Planning – Conclusions and Next Steps';
- (ii) an early meeting between Officers of the and the Scottish Executive being sought on the issues to the time-tabling of the next Development Plan for Moray; and
- (iii) receive a further report on the options for development plan review following discussion with the Scottish Executive.

6. NOSWA WASTEWATER TREATMENT SCHEME FOR EAST AND WEST MORAY : UTILISATION OF DEVELOPMENT CONTRIBUTIONS

There was submitted a report by the Director of Environmental Services advising the Committee of the background to a financial contribution of £106,500 from the North of Scotland Water Authority (NOSWA), now Scottish Water, in relation to the Waste Water Treatment Schemes for East and West Moray and inviting the Committee to consider recommendations for the utilisation of the contribution.

Details of seven local projects amounting to £32,500, as set out in section 3.12 of the report, had been assessed against an evaluation matrix (Appendix 1 of the report) and were recommended for approval. The remaining balance of £74,000 being recommended for a strategic project (£9,800) relating to re-routing of the Portgordon to Buckpool section of the Speyside Way which had been assessed against an evaluation matrix (Appendix 2) and the Council's contribution (£64,200) for a bid for external funding for the creation of two sections of a Strategic Coastal Cycleway from Burghead to Hopeman and Portessie to Findochty.

Following consideration the Committee agreed that:-

- (i) the seven local projects referred to in section 3.12 of the report, be implemented with funding up to £32,500, subject to any requirements to address land ownership and for planning permission.
- (ii) the re-routing of the Portgordon to Buckpool section of the Speyside Way be implemented with funding up £9,800 and subject to any requirements to address land ownership, and for planning permission; and
- (iii) the a further report be prepared on the potential for obtaining external funding for the creation of two sections of a 'Strategic Coastal Cycleway', namely Burghead to Hopeman and Portessie to Findochty, to include details of costings, utilising the balance of the NOSWA developer contribution of £64,200 as the Council's contribution to match funding.

7. MONEY ADVICE SERVICE POLICY

There was submitted a report by the Director of Environmental Services seeking Committee approval of a draft Money Advice Service Policy for Moray.

The meeting noted that the Council's Trading Standards service had recently been audited by Audit Scotland, as part of a national audit, which had highlighted the lack of a Council approved money advice service policy as an area for improvement. A copy of the draft policy was set out in an Appendix to the report.

Following consideration the Committee agreed:-

- (i) to approve the money advice policy, as set out in the Appendix to the report, with the exception of paragraph 5 of the section relating to "Relationship with Clients; and
- (ii) that legal advice be sought in regard to the potential implication for members of staff in regard to the terms of the section referred to at (i) above and that the matter be referred to the meeting of the Council on the 18 September 2002 for determination.

8. ATTENDANCE AT CONFERENCES

(i) Trading Standards Scottish Branch Conference

There was submitted a report by the Director of Environmental Services inviting the Committee to consider Member representation at the Trading Standards Scottish Branch Conference to be held in East Kilbride on the 31 October and 1 November 2002. Details of the conference were set out in the Appendix to the report.

Following consideration the Committee agreed to be represented at the Conference by Councillor Coutts.

(iii) North East Housing Planning Alliance

Under reference to paragraph 14 of the Minute of the meeting of the Community Services Committee dated 14 August 2002 there was submitted a report by the Chief Legal Officer inviting the Committee to consider representation at the forthcoming North East Housing Planning Alliance (NEHPA) Conference to be held in Bucksburn on Friday 4 October 2002.

Following consideration the Committee agreed that the Committee be represented at the Conference by Councillor Howe

9. MINOR FLOOD PREVENTION SCHEMES AND FLOOD MAINTENANCE WORKS DURING FINANCIAL YEAR 2002/03: PROGRESS

Under reference to paragraph 7 of the Minute of this Committee dated 10 April 2002 and paragraph 2 of the Minute of the meeting of the Policy and Resources Committee dated 10 April 2002 there was submitted a progress report by the Director of Environmental Services on minor flood prevention schemes and flood maintenance works during the financial year 2002/03. The report also sought approval of proposals for the remainder of the current financial year.

Details of the Revenue Budget expenditure for 2002/03 and Reserve List were set out in the Appendix to the report.

Following consideration the Committee agreed to:-

- (i) note the progress to date; and
- (ii) approve the proposals for the remainder of this financial year, as detailed in the report.

10. LIST OF REPORTS FOR ISSUED 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:-

- Lists of Leases, Rent Reviews and Assignations Submitted for Noting - Report by the Head of Estates Services

- List of Planning Appeals for Noting – Report by Chief Legal Officer

11. ELGIN BYPASS

The meeting noted the terms of a statement by the Chairman, Councillor Aldridge, in regard to the outcome of the Ministerial visit to Elgin on 27 August 2002 in connection with the campaign for an Elgin Bypass.

The meeting noted that it had been suggested that firm objective measurements, based on origin and destination studies and other figures indicating the volume of bypass traffic, would be required to satisfy the Scottish Executive whether the problem was one for central or local government. It had also been suggested that a successful partnership approach, similar to that promoted for the Aberdeen Western Peripheral route through the NESTRANS partnership, was necessary and that an Elgin bypass should be looked at within the context of a wider regional transport strategy, not just the Council's own local transport strategy objectives. This information would be in addition to the Scottish Transport Appraisal Guidelines (STAG) assessment currently being undertaken on behalf of the Council and a report on the implications of these suggestions would be submitted to the Committee on 2 October 2002.

The meeting agreed to note the statement and that a report on the implications of the suggestions stemming from the Ministerial visit would be submitted to the Committee on 2 October 2002 for consideration.

12. CONSULTATION ON THE REVIEW OF AREA TOURIST BOARDS

There was submitted a report by the Director of Environmental Services inviting the Committee to consider a draft response to the Scottish Executive consultation on the review of Area Tourist Boards. A copy of a letter from the Minister for Tourism, Culture & Sport inviting comment on a number of issues relating to the current arrangements for ATBs and the proposed draft response were attached as Appendices 1 & 2 respectively.

Following consideration the Committee agreed to approve the draft response on the review of Area Tourist Boards, as set out in Appendix 2 to the report.

13. ENHANCEMENT OF MONEY ADVICE SERVICES [Paras 1 & 6]

Councillor Keith declared an interest in this item in his capacity as a Trade Union representative on the Management Committee of the Moray Citizens Advice Bureau and whilst, in terms of the National Code of Conduct, it would have been appropriate for him to participate in the discussion but not the decision he left the meeting and took no part in the discussion or decision. Councillors McIntosh and Divers also declared an interest in this item in their capacity as Council representatives on the Management Committee of the Moray Citizens Advice Bureau and, in terms of the National Code of Conduct, remained in the meeting and participated in the discussion and decision.

Under reference to paragraph 18 of the Minute of the meeting of this Committee dated 29 May 2002 there was submitted a report by the Director of Environmental Services seeking the Committee's approval, as the appropriate Service Committee, of a detailed and costed plan for enhanced money advice provision in Moray, details of which were set out in the Appendix to the report.

Following consideration the Committee agreed:-

- (i) to approve the plans set out in the Appendix to the report to enhance money advice services in Moray, including the recruitment of one full-time and one part-time officer; and
- (ii) that subject to consultation with staff and Trade Unions, a grading assessment being undertaken by Personnel Services and approval of the Community Services Committee, the plan be submitted to the Policy and Resources Committee for approval.

14. PROPOSED TURBINE WIND FARMS AT PAULS HILL, BALLINDALLOCH AND CAIRN UISH, GLENLATTERACH [Paras 6 & 9]

Councillor Aldridge declared an interest in this item and vacated the Chair in favour of the Vice-Chairman Councillor McIntosh and left the meeting taking no part in the discussion or decision.

Under reference to paragraphs 14 (b) & (c) of the Minute of this Committee dated 13 March 2002 there was submitted a report by the Chief Legal Officer seeking the Committee's guidance on the terms of the Section 75 Planning Agreement relating to the proposed Turbine Wind Farms at Pauls Hill, Ballindalloch and Cairn Uish, Glenlatterach.

Following consideration the Committee agreed:-

- (i) to authorise the Principal Solicitor (Commercial & Conveyancing) to finalise the Section 75 Planning Agreement with Fred Olsen Renewables Limited relating to the proposed wind farm developments at Pauls Hill, Ballindalloch and Cairn Uish, Glenlatterach on the best terms which can be negotiated to protect the Council's interest as planning authority;
- (ii) that option 2, as detailed in the report, be included within the Agreement whereby the Council will keep any restoration funds relating to the wind farm developments in an account pending satisfactory completion of the restoration works as its preferred option; and
- (iii) that a suitable formula for establishing the amount required to be provided by the development company be provided by the Chief Financial Officer based on the estimated costs of reinstatement, interest and inflation rates.