

THE MORAY COUNCIL

MINUTE OF MEETING OF THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE

19 JANUARY 1999

TOWN HALL, ELGIN

PRESENT

Councillors G. McDonald (Chairman), H. McDonald (Vice-Chairman), E. Aldridge, M.C. Howe, T.A. Howe, W. Jappy, A. Keith, P. Mann, R.L. Patterson, A.M. Scott and J. Stewart

IN ATTENDANCE

The Director of Economic Development & Planning, the Development Planning Manager, the Economic Development and Property Manager, the Control Services Manager, the Chief Development Control Officer, the Chief Roads Officer, the Chief Building Control Officer, the Transport Co-ordinator, the Public Relations Officer, the Assistant Property Manager (Estates), A Burnie, Principal Planning Officer, the Principal Economic Development Officer, the Planning Officer, Environmental Strategies, A. Scott, Principal Solicitor (Commercial and Conveyancing) and Mr R. Ritchie, Senior Administration Officer who acted as Clerk to the Meeting.

ALSO IN ATTENDANCE IN RESPECT OF ITEM 5

Dr R McDonald, Area Manager and D Law, both of Scottish Natural Heritage (SNH)

APOLOGIES

Apologies for absence were intimated on behalf of Councillors M. Anderson and H.M. Cumiskie (Ex Officio).

1. ADDITIONAL BUSINESS

In terms of the relevant Standing Order, the meeting 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 having regard to the timescales involved:-

- (iii) Moray Access Network Initiative – Report by Director of Economic Development and Planning;
- (iii) Proposed National Concessionary Travel Scheme for Blind and Partially Sighted People – Report by Director of Economic Development and Planning; and
- (iii) Concessionary Travel Scheme – Report by Director of Economic Development and Planning.

2. ORDER OF BUSINESS

In terms of the relevant Standing Orders the meeting agreed that Item 10 on the Agenda, “Proposed Designation of the River Spey as an SSSI and SAC” be taken immediately following Item 2 “Building” (Scotland) Act: Applications for Building Warrants”.

3. EXEMPT INFORMATION

The Meeting agreed that in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the Meeting during consideration of the Items of Business appearing at the relative 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>
28	9
29	9
30	9

31	4
32	9
33	9
34	6
35	13
36	6 & 12

4. BUILDING (SCOTLAND) ACT: APPLICATIONS FOR BUILDING WARRANTS

(i) Applications for Building Warrants and Letters of Comfort Approved under Delegated Powers

There was submitted a report by the Control Services Manager advising that 89 applications for Building Warrants and 12 Letters of Comfort had been determined in powers delegated to him since his last report to Committee on 8 December 1998. The meeting noted the report.

(ii) Applications for Relaxations/Recommendations

There was submitted a report by the Control Services Manager making recommendations in regard to the following applications for relaxation in terms of the Building Regulations (Relaxation of Local Authorities) (Scotland) Regulations 1991.

- 1) 98/00053/REL Alteration of shop at 96-98 High Street, Elgin for Millars of Broughty Ferry Ltd per Raymond Simpson, Architectural Services, 7 Mid Stocket Road, Aberdeen, AB2 4JL
 - (1) Regulation 9(D2.2)
Requirements with regard to the non-combustibility of floors within a stair enclosure.

Recommendation
Following consultation with Grampian Fire Brigade it is recommended that relaxation be granted in order to permit timber joists within the first floor where within the stair enclosure.
- 2) 98/00058/REL Alter and extend dwellinghouse at 35 Cameron Crescent, Buckie for Mr and Mrs William Mair per George Douglas Architect, 8 St Marys Place, Aberdeen
 - (1) Regulation 9(S2.9)
Requirements with regard to the number of rises within a flight of stairs.

Recommendation
That relaxation be granted to permit a flight comprising of 2 rises.
- 3) 98/00059/REL Proposed alterations at The Round Square, Gordonstoun School, Duffus per Ian Holmes, 12 Councillors Walk, Forres
 - (1) Regulation 9(S2.9)
Requirements with regard to the number of rises within a flight of stairs.

Recommendation
That relaxation be granted to permit a single step giving access to a raised platform.
- 4) 98/00060/REL Alter and extend shop at 34 St Andrews Road, Lhanbryde for Mr R George per Plans Plus, Main Street, Urquhart
 - (1) Regulation 9(E3.1)
Requirements with regard to escape routes.

Recommendation

Following consultation with Grampian Fire Brigade it is recommended that relaxation be refused in regard to the proposed escape arrangements from the rear shop.

- 5) 98/00061/REL Proposed alteration of dwellinghouse at 2 Denhead Terrace, Marypark for Mrs Gordon per P Romaine, Roseacre, Stratton, Inverness
- (1) Regulation 9(S2.6)
Requirements with regard to the width of stairs within a dwellinghouse.
- Recommendation
That relaxation be granted to permit a reduced stair width in conjunction with the fitting of a stair lift.
- 6) 98/00062/REL Proposed alterations to Netherha Home, Netherha Road, Buckie for The Moray Council per Simpson and Wright, 96 Moss Street, Keith
- (1) Regulation 9(D2.2)
Requirements with regard to non-combustibility of protected zones.
- Recommendation
In consultation with Grampian Fire Brigade it is recommended that relaxation be granted to permit the existing timber floor to remain.
- (2) Regulation 9(E5.7)
Requirements with regard to the provision of hold open devices on fire doors.
- Recommendation
Having consulted with Grampian Fire Brigade it is recommended that relaxation be refused.
- 7) 98/00063/REL Alter and extend shop at 160 High Street, Forres for Michael Laycock Textiles per Ian Holmes, 12 Councillors Walk, Forres
- (1) Regulation 9(S2.14)
Requirements with regard to gradient of ramps.
- Recommendation
That relaxation be granted to permit a ramp of increased gradient.
- 8) 98/00064/REL Change of use of former bank premises, 1 Pultney Street, Portknockie to form drop-in centre for The Moray Council per Simpson & Wright, 96 Moss Street, Keith
- (1) Regulation 9(T3.1)
Requirements with regard to provision of sanitary facilities for disabled people.
- Recommendation
That relaxation be granted to dispense with a dedicated unisex disabled toilet.

Following consideration the meeting agreed to approve the recommendations subject, where appropriate, to consultation with the Firemaster and the Health and Safety Executive.

5. PROPOSED DESIGNATION OF RIVER SPEY AS A SSSI AND SAC

There was submitted a report by the Director of Economic Development and Planning advising the Committee of consultation with Scottish Natural Heritage (SNH) on the proposal to classify the River Spey as a Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC).

On the invitation of the Chairman, Mr D Law gave a brief presentation on the background to the proposed designation and the consultation process which had been carried out. Thereafter both he and Dr McDonald responded to Members questions.

Following consideration:-

- (i) the Committee agreed to note the proposed designation of the River Spey as a SSSI and SAC, subject to the following comments to SNH;
 - (a) that the existing designations on the River Spey should be reviewed with a view to amalgamating them into one SSSI and SAC;
 - (b) Local Authorities should only be requested to review specific types of significant extant planning consents;
 - (c) that the Council would welcome the opportunity to work jointly with SNH to clarify and quantify the implications of SAC designations;
 - (d) that the Scottish Office should produce detailed guidance on what constitutes permitted development in terms of River Engineering/Fisheries work.
- (ii) that the Committee updates SNH and the Scottish Office on the advanced nature of current proposals at Garmouth, and requests that the sustainable outcome of these essential works should not be prejudiced by the proposed additional SSSI designation.
- (iii) that SNH, the Scottish Office and the European Commission be requested to apply the principle of sustainable development to their consideration of the designation of the river Spey as an SSSI and SAC, in particular, recognising the significant role that the Spey plays in Moray's economy and its impact on adjoining communities; and
- (iv) that concerns expressed in regard to environmental issues be noted and that it be remitted to the Director of Economic Development and Planning to discuss with SNH alternative proposals to safeguard the environment.

6. DRAFT NATIONAL PLANNING POLICY GUIDELINE ON PLANNING AND THE HISTORIC ENVIRONMENT

There was submitted a report by the Director of Economic Development and Planning advising the Committee of the publication of the draft National Planning Policy Guideline (NPPG) on Planning and the Historic Environment for consultation purposes and seeking approval of a proposed draft response to the Scottish Office.

Following consideration the Committee agreed:-

- (i) to note the contents of the draft NPPG on Planning and the Historic Environment; and
- (ii) to convey to the Scottish Office its support for the overall approach of the NPPG which seeks to combine the principle of sustainable economic development with the conservation of the historic environment.

7. CONTROL SERVICES STATUTORY PERFORMANCE INDICATORS AND RETURNS

There was submitted a report by the Director of Economic Development and Planning advising the Committee of the Control Services Performance Indicators and Scottish Office Returns, details of which were set out in Appendices 1 and 2 of the report, in accordance with the Control Services Plan and as required by the Accounts Commission.

Following consideration the Committee agreed:-

- (i) to note that there had been substantial improvements in Control Service performance and that targets set in the Service Plan were already being met or were within reach; and
- (ii) that Control Services staff be commended for their efforts.

8. PLANNING ENFORCEMENT - DRAFT CIRCULAR AND DRAFT PLANNING ADVICE NOTE

There was submitted a report by the Director of Economic Development and Planning seeking the Committee's approval of proposed comments on a Draft Circular and Draft Planning Advice Note (PAN) received from the Scottish Office Development Department in regard to enforcement.

Following consideration the Committee agreed to respond to the Scottish Office on the Draft Circular and Draft Planning Advice Note as follows:-

- (i) whilst the Draft Circular and Planning Advice Note provide a useful compendium of powers available, they should be combined into a single document for ease of reference and use.
- (ii) provision should be made in the legislation for penalties to deal with retrospective proposals for example, giving discretion to Local Authorities to pursue prosecutions and/or raising planning fees for retrospective proposals to a level which would discourage them.
- (iii) it is disappointing to note that the draft PAN and draft circular do nothing to address many of the underlying complexities of the present enforcement regime which make it difficult for the public to understand and very time consuming to implement.

9. LIST OF PLANNING APPEALS FOR NOTING

There was submitted and noted a report by the Legal and Administration Services Manager advising the Committee of the current position relation to Planning Appeals for the period 19 September 1998 to 8 January 1999.

10. CURRENT PLANNING APPLICATIONS

(a) BISHOPMILL – NO. 1 WARD

98/00983/FUL

Proposed house with integral garage at Woodend Cottage Lesmurdie Road Elgin for Mr M Watson

There was submitted a report by the Director of Economic Development and Planning recommending that, subject to conditions detailed in the report, permission be granted in respect of an application to erect a proposed house with integral garage at Woodend Cottage, Lesmurdie Road, Elgin for Mr. M. Watson.

The Chief Development Control Officer reported orally that were the Committee minded to grant Planning Permission, a Hearing would not be required and that the application would require to be referred to the Scottish Office in light of the Council's land interest and because it is a departure from the adopted Local Plan. He also advised that an additional condition would require to be included, if approved, in respect of the detail of the balcony enclosure.

Following consideration the meeting agreed:-

- (i) That, subject to referral to the Scottish Office, the application be approved 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 all proposed external finishing materials and their colouration have been submitted to and approved by the Control Services Manager.
4. Sample panels of roughcast shall be prepared on the site for the inspection and approval of the Control Services Manager and the roughcast work shall not be carried out until agreement has been reached with the Control Services Manager regarding the type and colour of materials to be used.
5. The use of 1.6 m high interwoven fencing is not approved and a 1.6 m high dark stained vertical boarded palisade fence shall be erected along the northern, eastern and southern boundaries in accordance with details regarding the location, design and external appearance of the required fence which shall be submitted to and approved by the Council as Planning Authority, prior to development works first commencing.
6. 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.
7. 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 house 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.
8. Unless otherwise agreed in accordance with Condition 6, all existing trees and shrubs shall be retained/protected and neither lopped, topped or otherwise disturbed by building or engineering operations to be carried out on site nor removed thereafter without the prior written consent of this Council, as Planning Authority.
9. Three private parking spaces to be provided within the site.
10. A turning area shall be provided within the curtilage of the site to enable vehicles to enter/exit in a forward gear.
11. 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.
12. New boundary walls/fences shall be set back from the edge of the public road at a distance of 1.8 m metres.
13. The width of vehicular access shall be 5 m and have a maximum gradient of 1:20 measured for the first 5.0 m from the edge of the public carriageway. Section of access over the public footpath/verge shall be to Grampian Regional Council specification and surfaced in bitmac.
14. No water shall be permitted to drain onto the public footpath/carriageway.
15. Drop kerbs shall be provided across the access to Grampian Regional Council specification.
16. A visibility splay of 2.5 metres x 70 metres shall be provided at the access.
17. No development works shall commence until details have been submitted to and approved by the Council, as Planning Authority regarding:

- (a) the position, height, external appearance and material finishes of the new boundary wall along Lesmurdie Road, in accordance with the requirements of Conditions 11 -16; and
 - (b) the extent of the required engineering/excavation operations associated with the achievement of the required visibility splay, including details (eg cross sections) to show existing and proposed levels and re-graded profiles of the existing embankment fronting Lesmurdie Road.
 - (c) the construction of a 1.8 m wide footway along the Lesmurdie Road frontage of the site.
18. Prior to first occupation, all access, parking, turning footway and visibility splay arrangements (Condition 17 b refers) shall be carried out in accordance with the approved plans.
19. Prior to development works first commencing details shall be submitted to and approved by the Council, as planning authority regarding a revised external treatment (for example using glazed panels, metal railings or similar in lieu of the stone walling) to enclose the proposed patio area over the garage.

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.
4. In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.
5. To ensure a satisfactory form of development in the interests of the amenities and appearance of the development and locality.
6. In order that detailed consideration can be given to the landscaping of the site.
7. 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.
8. In order to ensure that the existing trees are retained as they add interest and character to the site and will contribute to the appearance of the development approved herewith.
9. In the interests of road safety.
10. In the interests of road safety.
11. In the interests of road safety.
12. In the interests of road safety.
13. In the interests of road safety.
14. In the interests of road safety.
15. In the interests of road safety.
16. In the interests of road safety.
17. In the interests of road safety and to ensure a satisfactory development in the interests of the amenities and appearance of the development and/or the locality.

18. In the interests of road safety and to ensure that such matters as specified are provided at an early stage for the servicing of the development.
19. In order to reduce the external visual impact and dominance of the stone walling above the garage, in the interests of the amenities and appearance of the development.
- (ii) That in the interests of road safety the impact of the development be monitored and if necessary appropriate traffic calming measures be considered.

(b) CATHEDRAL – NO. 2 WARD

98/00358/OUT

Outline planning application for low cost housing at Housing Development Ashgrove Road Elgin for Watson Group

Under reference to para. 5(a) of the Minute of this Committee dated 17 November, 1998 there was submitted a report by the Director of Economic Development and Planning advising that the applicant's Agent considers the request for a flood assessment study to be unacceptable and accordingly recommended, that for the reason detailed in the report, the Committee refuse an outline application for low cost housing at a Housing Development, Ashgrove Road, Elgin for Watson Group.

Following consideration the meeting agreed that the application be refused on the ground that, at the time of determination, insufficient evidence and information has been provided to satisfactorily address flooding concerns associated with the development and to demonstrate that the development would not be adversely affected by flooding or exacerbate flooding in the area.

(c) NEW ELGIN – NO. 3 WARD

98/00188/OUT

Outline for a proposed retailing development at Linkwood Road Elgin for Messrs Murrayfield Properties Limited

There was submitted a report by the Director of Economic Development and Planning recommending that, for reasons detailed in the report, the Committee refuse an outline application for a proposed retailing development at Linkwood Road, Elgin for Messrs Murrayfield Properties Limited.

Following consideration the meeting agreed that the application be refused for the following reasons:-

1. The proposal would represent a breach of the Moray District Local Plan (policies SHP1 (iii), SHP2 and L/ED2) and the Grampian Structure Plan policy (retailing policy 2 and 3) which is designed to concentrate new retail development into defined centres, and the proposals would be likely to have a significantly detrimental impact on the viability and vitality of Elgin town centre as well as creating a precedent for further such proposals. In addition an inadequate justification for the proposals has been provided in terms of alternative sites in or adjoining Elgin town centre not being available.
2. At the time of considering the proposals there was insufficient evidence that the highway network in the vicinity would be adequate for the proposed development.
3. In view of the recent flooding affecting the site there is insufficient evidence that the proposed development would not be adversely affected by flooding or exacerbate flooding elsewhere.

(d) RAFFORD-ROSEISLE – NO. 7 WARD

98/00081/OUT

Outline to erect dwellinghouse on Ground To Rear Of Wyvis Cummington Burghead Elgin for A Client

There was submitted a report by the Director of Economic Development and Planning recommending that, for a reason detailed in the report, the Committee refuse an outline application to erect a dwellinghouse at Ground to the Rear of Wyvis, Cummington, Burghead.

The meeting noted that a site visit had been undertaken by Members of the Committee on 18 January, 1999.

Following consideration the meeting agreed that the application be refused on the grounds that the proposals would be contrary to policy ENV3 in the Moray District Local Plan in that they would represent an undesirable form of back land development, would be intrusive and detrimental to the established character of the setting and would create a precedent for further such proposals.

(e) RAFFORD-ROSEISLE – NO. 7 WARD

98/01062/FUL Form beer garden at Station Hotel 2 Brander Street Burghead Elgin for Station Hotel

There was submitted a report by the Director of Economic Development and Planning recommending that, subject to a condition detailed in the report, permission be granted in respect of an application to form a beer garden at the Station Hotel, 2 Brander Street, Burghead for the Station Hotel.

Following consideration the meeting agreed that Planning Permission be granted subject to the following condition:-

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.

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.

(f) INNES – NO. 8 WARD

98/00682/FUL Erect 6 no dwellinghouses on Site Adjacent To Craighmor Glenlossie Road Thomshill Elgin for Mr A W Adam

Under reference to para. 8(e) of the Minute of this Committee dated 8 September, 1998 there was submitted a report by the Director of Economic Development and Planning advising that the applicant will not be providing further details regarding arrangements to address potential flooding as requested and accordingly recommended that, for the reason detailed in the report, the Committee refuse an application to erect 6 dwellinghouses on site adjacent to Craighmor, Glenlossie Road, Thomshill, Elgin for Mr. A. W. Adam.

Following consideration the meeting agreed to refuse the application on the ground that, at the time of determination, insufficient evidence and information has been provided from the applicant to satisfactorily address flooding concerns associated with the development and to demonstrate that the development would not be adversely affected by flooding or exacerbate flooding in the area.

(g) LENNOX – NO. 14 WARD

98/00692/693/694/695/OUT Outline applications to erect new dwellinghouses on Plot 1, 2, 3 & 4 at Whinnyhaugh Farm Garmouth Fochabers for Mrs L Boyne

There were submitted reports by the Director of Economic Development and Planning recommending that, for reasons detailed in the reports, the Committee refuse outline applications to erect new dwellinghouses on Plots 1,2,3 & 4 at Whinnyhaugh Farm, Garmouth, Fochabers for Mrs. L. Boyne.

The meeting noted that a site visit had been undertaken by Members of the Committee on 18th January, 1999.

Following consideration Councillor T. Howe seconded by Councillor M.C Howe moved that, in his opinion, whilst the proposed development neither improved nor detracted from the settlement pattern of the area, taking into account the applicant had given an undertaking to increase the existing roadway by 2 metres and that a previous application, albeit lapsed, had been granted for two houses, the proposed development complied with existing policies and accordingly outline planning permission should be granted.

As an amendment Councillor Keith seconded by Councillor Mann moved approval of the recommendations.

On a division there voted

For the motion (7) Councillors T. Howe, M. Howe, G. McDonald, H. McDonald, E. Aldridge, A. Scott and J. Stewart.

For the amendment (2) Councillors A. Keith and P. Mann.

Abstentions (2) Councillors W. Jappy and R. Patterson.

Accordingly the Chairman declared the motion carried and it was agreed that Outline Planning Permission, be granted in respect of Plots 1, 2, 3 and 4 given that it was considered the proposed development was not contrary to current policies.

(h) LENNOX – NO. 14 WARD

98/0095/9538954/OUT and 98/009778978/FUL **Outline to erect new dwellinghouses on Plots A, B & C on a Site adjacent to 23 Nether Dallachy Spey Bay for Mr C Grant and to convert part of a house and outbuilding to dwellinghouse at 23 Nether Dallachy, Spey Bay and to alter and extend the existing cottage at 23 Nether Dallachy, Spey Bay, Fochabers Moray for Miss H Thomson.**

There were submitted reports by the Director of Economic Development and Planning recommending that, subject to conditions as detailed in the reports, outline planning permission be granted in respect of erecting new dwellinghouses on Plots A, B & C on site adjacent to 23 Nether Dallachy, Spey Bay and permission be granted to convert part of a house and outbuilding to a dwellinghouse at 23 Nether Dallachy, Spey Bay and to alter and extend an existing cottage at 23 Nether Dallachy, Spey Bay for Miss H Thomson.

The meeting noted that a site visit had been undertaken by Members of the Committee on Monday, 18 January, 1999.

Following consideration the meeting agreed to continue consideration of the applications pending the submission of information on the history of the adjacent plot to the west of the site and a site plan indicating the locations of the individual plots and the settlement boundary. Applications for new houses is for Mr Grant but conversion is Miss Heather Thomson.

(i) RATHFORD – NO. 13 WARD

98/01813/FUL **Retrospective application to reconstruct garage at Linn Burn House Drybridge Buckie Banffshire AB56 2JL for Mr And Mrs A Stewart**

There was submitted a report by the Director of Economic Development and Planning recommending that, subject to conditions as detailed in the report, permission be granted in respect of a retrospective application to reconstruct a garage at Linn Burn House, Drybridge, Buckie for Mr. & Mrs. A. Stewart.

Following consideration and on the motion by Councillor M.C Howe seconded by Councillor R.L. Patterson the meeting agreed that the application be refused on the grounds that the proposal, by reason of its location and height, would have an intrusive and detrimental impact upon the amenity of the locality, including the neighbouring property, and that in light of this decision it be remitted to the Director of Economic Development and Planning to proceed with enforcement action to secure the removal of the garage.

11. URBAN WASTE WATER DIRECTIVE: TRADE EFFLUENT CHARGES

There was submitted a report by the Director of Economic Development and Planning seeking the Committee's approval to incur expenditure on measures to assist Local Industries respond to their increased trade effluent charges due to impending statutory changes concerning the handling and treating of trade effluent waste water. The report was augmented by an oral presentation from the Economic Development and Property Manager proposing additional expenditure of up to £1,500 for the employment of specialist consultants to give advice on matters relating to waste water management and health.

Following consideration the Committee agreed:-

- (i) to approve expenditure of up to £2,000 as a contribution to the Strategic Waste Management Study;
- (ii) that individual company appraisals and specialist consultancy advice be considered within the context of the Moray Business Enterprise Scheme; and
- (iii) to approve expenditure of up to £1,500 for the employment of specialist consultants on a competitive tendering basis in accordance with the Council's financial regulations, to give advice on matters relating to waste water management and health.

12. COMMENTS/OBJECTIONS TO THE NAIRNSHIRE LOCAL PLAN DEPOSIT DRAFT

There was submitted a Report by the Director of Economic Development and Planning advising the Committee that the Moray Council's comments were being sought from Highland Council on the Nairnshire Local Plan Deposit Draft which would be replacing the current Nairn Local Plan and inviting the Committee to consider draft comments on the Draft Plan.

Following consideration the Committee agreed:-

- (i) that Highland Council be advised that whilst the Moray Council does not formally object to the Nairnshire Local Plan Deposit Draft it would wish the following comments to be taken into account:-
 - that reference should be made in the Plan to the Forres Enterprise Park in the context of attracting inward business investment for the whole of the Moray Firth area;
 - that servicing of additional designations of industrial land at Nairn should be tailored to local, and not strategic needs;
 - that the Moray Council be consulted as neighbouring authority when more information is available and/or a planning application is submitted for the proposed major tourism/visitor development at Sandown to the West of Nairn.
- (ii) that Highlands and Islands Enterprise be requested to confirm that Enterprise Investment in Nairn will be complimentary to development of the Forres Enterprise Park and will not prejudice the attraction of strategic inward investment to Forres.

13. NORTH SEA CYCLE ROUTE

There was submitted a report by the Director of Economic Development and Planning seeking the Committee's approval of funding for the North Sea Cycle Route over the next three years as part of a project to develop a continuous high grade signposted cycle route in countries with North Sea coastlines.

Following consideration the Committee agreed:-

- (i) to approve the expenditure from this year's Roads Revenue Budget of £658 to fund the Moray Council's contribution to the promotional advertising of the North Sea Cycle Route; and
- (ii) to investigate the possibility of alternative sources of funding for future years.

14. RAF KINLOSS AND RAF LOSSIEMOUTH WAITING RESTRICTIONS

There was submitted a report by the Director of Economic Development and Planning seeking the Committee's approval of proposed waiting restrictions, for safety reasons, along sections of the public road where they cross the approach paths to the relevant runways at RAF Lossiemouth and RAF Kinloss.

Following consideration the Committee agreed to instruct the Director of Economic Development and Planning and the Legal and Administration Services Manager to proceed with the statutory process involved in promoting a Traffic Order for the introduction of No Waiting At Any Time restrictions on the undernoted routes where they cross the relevant flight paths to the runways at Lossiemouth and Kinloss, as detailed in Appendices A and B of the report.

- the B9011 Findhorn - Kinloss Road
- the B9040 Lossiemouth - Hopeman Road
- the C24E Duffus - Westerfolds Road
- the U38E Covesea Road

15. RURAL TRANSPORT FUND - ADDITIONAL PROPOSALS

Under reference to para. 30 of the Minute of the Economic Development and Planning Services Committee dated 29 September, 1998 there was submitted a report by the Director of Economic Development and Planning seeking the Committee's approval of additional proposals, as detailed in the Appendix to the report, to be funded from the Rural Transport Fund given the Scottish Office requirement for maximum use of the Council's current allocation of money before the end of the current financial year.

Following consideration the Committee agreed,

- (i) to approve the additional expenditure from the Rural Transport Fund for 1998/99 on new replacement bus shelters as listed in the Appendix to the report; and
- (ii) to note the erections of new / replacement bus shelters previously approved would take place prior to the end of the current financial year and that the additional shelters would be sourced before 31st March 1999 and erected as soon as possible thereafter.

16. CAPITAL RESERVICING AND CAPITAL FORESTRY ROADS – BUDGET REVISIONS

There was submitted a report by the Director of Economic Development and Planning advising the Committee of a proposed under-expenditure on two schemes in the Non-Principal Roads Carriageway Resurfacing Programme funded from the Capital Budget and seeking approval to transfer this funding to accommodate additional works on the three schemes on the Capital Forestry Roads Strengthening Programme.

Following consideration, the Committee agreed:-

- (i) to approve the revised expenditure on the B9089 Forres - Burghead Road widening west and east of the rail bridge schemes for 1998/99; and
- (ii) to recommend the revised Capital Allocation of funds to the Policy and Resources Committee for approval to enable the three forestry strengthening schemes to be carried out during 1998/99.

17. WEIGHT LIMIT : GALLOWHILL ROAD, GRANGE

The meeting noted that a report by the Director of Economic Development and Planning seeking the Committee's approval of a weight limit being applied on the U15H Gallowhill Road, Grange had been withdrawn from the Agenda.

18. CAPITAL STREET LIGHTING PROGRAMME - SCOTTISH HYDRO ELECTRIC UNDERGROUNDING

Under reference to para.18 of the Minute of the Economic Development and Planning Services Committee dated 17 November 1998 there was submitted a report by the Director of Economic Development and Planning seeking the Committee's approval of a revised programme of street lighting schemes funded from the Capital Budget 1998/99.

Following consideration the Committee agreed to recommend the revised capital re-allocation of funds to the Policy and Resources Committee for approval to enable the proposed street lighting works to be carried out in conjunction with the Scottish Hydro-Electric Undergrounding Schemes in Craigellachie and Portknockie (New Street / Bridge Street).

19. ATTENDANCE AT CONFERENCE - SCOTTISH PARLIAMENT: WHAT CAN IT DO FOR RURAL TRANSPORT?

There was submitted a report by the Director of Economic Development and Planning inviting the Committee to consider an invitation for the Council to be represented at a one day conference being organised by the Robert Gordon University to consider rural transport issues under the impending Scottish Parliament, to be held in Inverness on Friday 12 February, 1999.

Following consideration the Committee agreed to be represented at the Conference by the Chair and Vice Chair, whom failing.

20. STREET NAMING AND NUMBERING

There was submitted a report by the Director of Economic Development and Planning seeking the Committee's approval of a street name in Cullen recommended by the Local Councillor.

Following consideration the Committee agreed that the name "Findlater Circle" be given to the new roadway at Cullen.

21. MANAGEMENT OF NON-ASSESSED COUNCIL OWNED BRIDGES

There was submitted a report by the Director of Economic Development and Planning seeking the Committee's approval of methodology to enable non-assessed Council owned bridges to be inspected and subsequently assessed as a statutory obligation in light of European legislation which came into effect from 1 January, 1999 authorising increased weight limits on certain types of articulated vehicle.

Following consideration the Committee agreed to approve the proposals for the Management of the Non-Assessed Council Owned Bridges as set out in the Appendix to the report.

22. CULLEN COAST PROTECTION

Under reference to Para 34 of the Minute of the Technical and Leisure Services Committee dated 6 June 1996, there was submitted a report by the Director of Economic Development and Planning advising the Committee of recent correspondence with the management of Cullen Golf Club regarding continued requests for coast protection works to be carried out.

Following consideration the Committee:-

- (i) noted the interpretation of the current Coast Protection Policy regarding this stretch of coastline; and
- (ii) approved, in principle, a contribution of £11,250 from The Moray Council towards the works could be provided from the 1999/2000 Revenue Coast Protection budget subject to the forthcoming budget settlement being determined and a further report being presented on all coast protection proposals for 1999/2000.

23. PROPOSALS BY TALISMAN ENERGY (UK) LTD FOR DRILLING OF WELLS ON THE MORAY FIRTH

There was submitted a report by the Director of Economic Development and Planning advising the Committee of a request by Talisman Energy for comments on its proposals to drill and potentially test two exploration wells in the Moray Firth. The report also sought the Committee's authorisation to delegate approval for submission of the Council's response to the Director of Economic Development and Planning, in consultation with the Director of Technical & Leisure Services and the Chair and Vice-Chair of the Economic Development and Planning Committee.

Following consideration the Committee agreed that the Director of Economic Development and Planning respond to the consultation documents from Talisman Energy (UK) Ltd, in consultation with the Director of Technical & Leisure Services and the Chair and Vice-Chair of the Economic Development and Planning Committee, and that the response should include reference to potential effects on the prawn fishings in the Moray Firth.

24. ATTENDANCE AT WINNERS AT THE WEB FINALS

There was submitted a report by the Director of Economic Development and Planning inviting the Committee to consider attendance at the Winners at the Web Finals which aims to recognise and reward companies and organisations throughout Scotland who are achieving tangible business benefits through use of internet technology and are demonstrating best practice to be held in Glasgow on 28 January, 1999. The meeting noted that the Council had reached the finals of the large organisation category.

Following consideration the Committee agreed:-

- (i) to be represented at the Winners at the Web Finals by the Chair whom failing;
- (ii) to note the success of the Council in reaching the finals of the Winners at the Web competition;
- (iii) that all staff involved in the development of the Council's Telematics Strategy be commended for their efforts.

At the conclusion of this item of business Councillor E Aldridge left the Meeting.

25. MORAY ACCESS NETWORK INITIATIVE

There was submitted a report by the Director of Economic Development and Planning seeking the Committee's approval for the development of a Moray Access Network Initiative which aims to develop a hierarchical network of formal footpaths / cycleways which provide alternatives to using a car and informal Local Paths Networks in the countryside around settlements for local recreational access. The proposal included the submission of an application for EC Objective 5b funding to assist in the implementation of the initiative.

Following consideration the Committee agreed to:-

- (i) the development of the Moray Access Network Initiative and the setting up of the Moray Council Working Team to co-ordinate the initiative;
- (ii) submit an application for Objective 5b programme for European Funding for the elements outlined in Tables 1 & 2 of the report; and
- (iii) the general funding arrangements detailed in the report which have been proposed in principle subject to further reports being submitted to the Technical & Leisure Services and Policy & Resources Committees if the application for European Funding is successful.

26. PROPOSED NATIONAL CONCESSIONARY TRAVEL SCHEME FOR BLIND AND PARTIALLY SIGHTED PEOPLE

There was submitted a report by the Director of Economic Development and Planning inviting the Committee to consider a proposal for the introduction of a National Concessionary Travel Scheme for blind and partially sighted people in response to requests by the National League for the Blind and other representative groups.

Following consideration the Committee agreed to recommend to The Moray Council that the establishment of a national concessionary fare scheme for blind and visually impaired people, as detailed in Appendix A of the report, be supported;

27. CONCESSIONARY TRAVEL SCHEME

There was submitted a report by the Director of Economic Development and Planning informing the Committee of the decision made by Aberdeen City Council to withdraw from the current joint concessionary travel scheme at the end of the 1998/99 financial year. The meeting noted that arrangements had been made for an urgent meeting between Members and Officers from The Moray Council and Aberdeenshire Council to discuss the implications of Aberdeen City Council's decision to withdraw from the joint concessionary travel scheme with a view to identifying alternative options to replace the existing scheme from 1 April, 1999.

During discussions the meeting noted that, as well as meeting with representatives of Aberdeenshire Council on the morning of Wednesday 20th January 1999, arrangements had also been made for representatives of all three Authorities to meet in the afternoon of the 20th and reference was also made to a confidential report on the financial implications of the Scheme.

Following consideration the Committee agreed:-

- (i) that the report be noted;
- (ii) to note that the Council would be represented at the meeting with Aberdeen City and Aberdeenshire Councils by the Chair and Vice-Chair of the Committee, the Chair of Policy and Resources and appropriate Officials;
- (iii) that any alternative concessionary travel proposals arising from the meeting between representatives of Moray and Aberdeenshire Councils be referred to Full Council; and
- (iii) that copies of the confidential report on the financial implications of the concessionary travel scheme, referred to at the meeting, be circulated to all Members of the Council for their information.

28. CONTRACT FOR THE MANAGEMENT OF THE TRUNK ROAD (Para. 9)

Under reference to Para 19 of the Minute of the meeting of the Economic Development and Planning Committee dated 18 June, 1998 there was submitted a report by the Director of Economic Development and Planning advising the Committee of the outcome of the recent tendering process for the provision of trunk road management services from 1 April, 1999, which had been unsuccessful, the contract having been awarded to Mouchel Consultancy Ltd.

Following consideration the Committee agreed:-

- (i) to note the outcome of the provision of trunk road management services for two years from 1 April, 1999; and
- (ii) that the Chief Roads Officer in conjunction with the Depute Chief Executive (Finance & IT), Director of Technical & Leisure Services and the Legal Services Manager, continue discussions with Mouchel Consultancy Ltd. to finalise the delivery of trunk road services in Moray.

29. REVENUE ROADS MAINTENANCE PROGRAMME VIREMENT (Para. 9)

There was submitted a report by the Director of Economic Development and Planning advising the Committee of the latest monitoring of expenditure for the revenue road maintenance activities. The report also sought approval to delay schemes to contain expenditure within approved budgets and the virement of money from projected underspends in the Winter Maintenance budget into the Roads Maintenance budget.

During discussion reference was made to the gritting and snow clearing procedures applied throughout Moray over the weekend of 16 – 17 January, 1999.

Councillor G. McDonald, seconded by Councillor R. Patterson, moved approval of the recommendations contained in the report, and that a letter explaining the Council's snow clearing and gritting procedures for the weekend of 16 and 17 January 1999 be circulated to all Members of the Council with a copy to all Community Councils / Associations and the media.

As an amendment Councillor A. Keith seconded by Councillor W. Jappy moved that the proposal to vire from the Winter Maintenance Budget was premature, at this time, and should be resubmitted, for consideration, in late February..

For the amendment (3) Councillor A Keith, W. Jappy, and P. Mann

For the motion (7) Councillors G. McDonald, R.I. Patterson, H. McDonald, M.C. Howe, T.A. Howe, A.M. Scott and J. Stewart.

Abstentions (0)

Following consideration the Committee agreed:-

- (i) to recommend to the Policy and Resources Committee:-
 - (a) that those planned maintenance schemes listed in Appendix 1 of the report can only be constructed this financial year from money vired from projected savings in the Revenue Winter Maintenance budget;
 - (b) that any projects in Appendix 1 which cannot be constructed in the current financial year, be put forward as priority schemes in the 1999/2000 Revenue Road Maintenance budget;
 - (c) that the best value submission target of all schemes above £50,000 and 30% of schemes under £50,000 being subject to competition be re-examined for financial year 1999/2000 in order that Moray Council Contract Services can sustain a viable organisation capable of providing adequate Winter Maintenance Cover. Every effort would be made to ensure that the 30% target is met, however these late changes may not make the target achievable, therefore every effort would be made to ensure that the out-turn figure was close to the target figure.
- (ii) that a letter explaining the Council's snow clearing and gritting procedures adopted over the weekend 16th – 17th January, 1999 be circulated to all Members of the Council, the Media and Community Councils / Associations.

**30. PROPOSED RE-ROOFING OF INDUSTRIAL UNIT AT PINEFIELD BUSINESS CENTRE
(Para. 9)**

There was submitted a report by the Director of Economic Development and Planning seeking the Committee's approval of the necessary expenditure required to replace sections of roofing at Pinefield Business Centre, Elgin due to rainwater penetration and the need to remove and replace asbestos sheeting in certain sections.

Following consideration the Committee agreed to authorise the Assistant Property Manager (Estates) to accept the lowest tender for the re-roofing of Pinefield Business Centre subject to the work being carried out for less than £40,000 and to be completed in the current financial year.

31. MORAY BUSINESS ENTERPRISE SCHEME – APPLICATIONS 076 and 078 (Para. 4)

There was submitted reports by the Director of Economic Development and Planning recommending approval of a grants in respect of applications 076 and 078 for financial assistance in terms of the Moray Business Enterprise Scheme.

Following consideration the meeting agreed to approve the recommendations in regard to applications 076 and 078.

**32. STREET LIGHTING AND OTHER UNMETERED ELECTRICAL EQUIPMENT –
AGREEMENT FOR THE SUPPLY OF ELECTRICITY (Para. 9)**

There was submitted a report by the Director of Economic Development and Planning advising the Committee on imminent changes in the unmetered electrical supplies market and recommending action to ensure that best value in the purchase of electricity for road lighting and illuminated traffic signs is achieved.

Following consideration the Committee agreed to:-

- (i) this Council becoming part of the buying group to obtain the maximum discounts available in the supply of electricity;
- (ii) instruct the Council's Chief Roads Officer and Legal Services Manager to investigate further the need to tender using EU regulations along with other members of the group;

- (iii) instruct the Council's Chief Roads Officer, in conjunction with the Legal Services Manager, to form a temporary agreement with Scottish Hydro Electric on the best terms that can be obtained; and
- (iv) instruct the Chief Roads Officer to report back to the Committee with details of the final offer negotiated.

33. REQUEST FOR A RIGHT OF ACCESS OVER THE STAFF CAR PARK ADJACENT TO COUNCIL HEADQUARTERS, ELGIN (Para. 9)

There was submitted a report by the Director of Economic Development and Planning seeking the Committee's approval of conditions for granting a right of access to the proprietor of 34 High Street, Elgin over the staff car park adjacent to Council Headquarters, Elgin.

Following consideration the Committee agreed to defer consideration of the matter to the next meeting on 9 February, 1999 for further information regarding the implication of the access proposal and a site plan to include an indication of vehicle turning proposals.

34. ABERDEEN AND GRAMPIAN TOURIST BOARD'S BUSINESS PLAN (Para. 6)

There was submitted a report by the Director of Economic Development and Planning seeking the Committee's approval of:- (a) Aberdeen and Grampian Tourist Board's Business Plan as forming the basis of the funding agreement between The Moray Council and the Aberdeen and Grampian Tourist Board and replacing the 1996 Service Level Agreement; (b) formalised arrangements in regard to the Elgin, Dufftown and Tomintoul Tourist Information Centres and (c) a proposed rent formula for Tomintoul and a rental grant for Elgin, Forres and Dufftown.

Following consideration the Committee agreed:-

- (a) to approve, for its interest, the Aberdeen and Grampian Tourist Board's Business Plan on the basis of that currently budgeted for, in replacement of the 1996 Service Level Agreement;
- (b) to instruct the Estates Section to agree the terms of a license agreement for the Tomintoul TIC and lease agreement for Dufftown and Elgin TIC's as detailed in the report and that it be remitted to the Principal Solicitor (Commercial & Conveyancing) to formalise the agreement;
- (c) to refer the report to Policy & Resources Committee;
- (d) to a rental grant equivalent to the rent for the Elgin, Dufftown and Forres TIC's for the next financial year.
- (e) that the above decisions be subject to the following:-
 - (1) the terms of the license agreement of the Tourist Information Centre in Tomintoul being approved by the Technical & Leisure Committee;
 - (2) the Aberdeen and Grampian Tourist Board reviewing the Council's representation on the Board in line with the funding level; and
 - (3) the Board providing statistics and forecasts broken down when practicable, to show figures for the Moray area separately.

35. ENFORCEMENT: UNAUTHORISED DEVELOPMENT AT DRYBRIDGE (Para. 13)

Under reference to Para 26 of the Minute of the meeting of the Economic Development & Planning Services Committee on 21 April, 1998 there was submitted a report by the Director of Economic Development and Planning advising the Committee of the current situation in relation to certain unauthorised works and uses at Drybridge.

The meeting agreed to note the current situation relating to certain unauthorised works and uses at Drybridge.

36. KEITH LAUNDRY, BALLOCH ROAD, KEITH (Paras. 6 & 12)

Under reference to para. 16 of the Minute of the Committee dated 8 December, 1998 there was submitted a report by the Legal and Administration Services Manager advising the Committee of progress regarding a request from Keith Laundry Limited to suspend further legal action for recovery of outstanding rent.

Following consideration the Committee agreed:-

- (i) to approve the use of summary diligence in respect of rent arrears outstanding by the Keith Laundry Ltd. followed, if necessary, by an action for Declarator of Irritancy of the lease all as detailed in the report; and
- (ii) to authorise determination of progress from the initial marking of the goods in security to the point of sale, by the Estates Section in consultation with the Finance Department, subject to approval of any application for warrant sale by the Warrant Sales Sub-Committee.