

THE MORAY COUNCIL
MINUTE OF MEETING OF THE ENVIRONMENTAL SERVICES COMMITTEE
WEDNESDAY 4 FEBRUARY 2004
COUNCIL OFFICE, ELGIN

PRESENT

Councillors E. Aldridge (Chairman), R.F. McIntosh (Vice-Chairman), J.C. Hogg (Vice-Chairman), A. Bisset, T.M. Bothwell, A.R. Burgess, R.J Burns, A.E. Coutts, L. Gorn, J. Hamilton, , R. Hossack, W. Jappy, A. Keith, J.A. Leslie, S.D.I. Longmore, E. McGillivray, G. McIntyre, P.B. Paul, R.H. Shepherd, R. Sim, J. Stewart, A. Urquhart, W.P. Watt, A.R. Wilson and I.R. Young

APOLOGIES

An apology for absence was intimated on behalf of Councillor J.A. Divers.

IN ATTENDANCE

The Director of Environmental Services, the Head of Development Services, the Head of Direct Services, the Development Control Manager and A Burnie, the Principal Planning Officer (Development Control) in respect of items 5, 7 & 8, the Planning and Development Manager, the Environmental Health Manager in respect of item 4, the Principal Building Control Officer in respect of item 6 (f), the Principal Planning Officer (Planning & Development) and the Chief Housing Officer in respect of item 8, the Head of Estates Services, the Principal Technician (Planning) (Direct Services), the Consultancy Manager and the Project Sponsor (Consultancy) in respect of item 16, the Principal Solicitor (Commercial and Conveyancing) and the Senior Committee Services Officer, Clerk to the Meeting.

1. DECLARATION OF GROUP DECISIONS

In terms of Standing Order 20 the meeting noted that there were no declarations from group leaders or spokespersons in regard to any prior decisions taken on how members will vote on any item on the Agenda.

2. ADDITIONAL BUSINESS

In terms of Standing Order 25 the Committee agreed to accept as an additional Item of Business to be transacted at the meeting, a statement by Councillor Gorn in regard to the provision of Winter Maintenance in light of the recent adverse weather conditions on the Chairman certifying that, in his opinion, it required to be considered on the grounds of urgency in order that the Council's position is clarified in light of recent media coverage.

3. 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

Para No. of Schedule 7A

18 to 22

9

4. ADDITIONAL FUNDING FOR HOUSES IN MULTIPLE OCCUPATION (HMO) LICENSING

There was submitted a report by the Director of Environmental Services advising the Committee of a short term package of funding which has been made available by Scottish Ministers to deal with Licensing of Houses in Multiple Occupation (HMO) and the proposed use of the funding by the Environmental Health Service.

The meeting noted that, following consultations with Communities Scotland, it is proposed to carry forward unspent grant from 2003/04 and use the grants for 2003/04 and 2004/05 to employ a full-time HMO Licensing Officer until 31 March 2005.

Following consideration the Committee agreed to approve the proposal and recommend to the Policy and Resources Committee that, subject to review, an HMO Licensing Officer be appointed within the Environmental Health Section for a temporary period expiring on 31 March 2005,

5. MACKENZIE AND CRUICKSHANK GARDEN CENTRE, GRESHOP ROAD, GRESHOP INDUSTRIAL ESTATE, FORRES

There was submitted a report by the Director of Environmental Services advising the Committee regarding a breach of condition 5 of planning consent 03/00681/FUL granted following a Hearing a Special meeting of this Committee on 30 July 2003 (paragraph 2 of the Minute refers). The meeting noted that the breach related to the sale of non garden related items at the MacKenzie and Cruickshank Garden Centre on the Greshop Industrial Estate, Forres and the report recommended enforcement action to secure compliance with condition.

The meeting noted that following enquiries received as to whether or not goods being sold on the premises complied with the condition of planning consent the site was visited and it was ascertained that approximately 60% of the retail floor space within the building was dedicated to the sale and display of goods restricted by the condition. By the second week in January 2004 this had been reduced to 45% of the retail floor space within the building being dedicated to the sale and display of goods restricted by the condition.

The report also advised that a meeting took place between officers and the applicant's Solicitors who were advised of the options available to the applicant if he wished consideration to be given to selling goods beyond the scope of the condition. These options were that he could have appealed against the condition to the Scottish Executive or submitted a planning application to the Council for a variation of the condition. It had also been pointed out that it was open to the applicant to lodge an appeal which could be put on hold pending an application to vary the condition and then reactivated in the event of the application being refused. Officers were subsequently advised that the applicant did not intend to appeal against the condition, apply for a variation of it or remove the goods causing breach of condition.

The report further advised that, in response, a further letter was sent to the applicant's Solicitors advising them that, whilst the matter would be reported to this meeting of the Committee, it was still open to the applicant to discuss the options available if he wished to do so.

Following consideration Councillor Aldridge, seconded by Councillor Hamilton, moved that consideration of the matter be continued until the meeting of this Committee on 31 March 2004 in order to allow the applicant the opportunity to consider the options available to him and in the meantime the situation be monitored.

As an amendment Councillor Urquhart, seconded by Councillor McIntosh, moved that no enforcement action be taken on the grounds that the reference in condition 5 to "garden related items" was too vague.

As a second amendment Councillor Coutts, seconded by Councillor Wilson, moved that enforcement action be taken through the service of an enforcement notice to secure compliance with condition no 5 of planning consent 03/00681/FUL.

On a division as between the first amendment and the second amendment there voted:-

For the First Amendment (3)	-	Councillors Urquhart, McIntosh and Young
For the Second Amendment (9)	-	Councillors Coutts, Wilson, Burgess, Burns, Leslie, McIntyre, Shepherd, Stewart and Watt
Abstentions (13)	-	Councillors Aldridge, Bisset, Bothwell, Gorn, Hamilton, Hogg, Hossack, Jappy, Keith, Longmore, McGillivray, Paul and Sim

Accordingly the second amendment became the amendment.

On a division as between the motion and the amendment there voted:-

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| For the Motion (16) | - | Councillors Aldridge, Hamilton, Bisset, Burns, Gorn, Hogg, Hossack, Jappy, Keith, Longmore, McGillivray, McIntosh, Paul, Sim, Urquhart and Young |
| For the Amendment (8) | - | Councillors Coutts, Wilson, Burgess, Leslie, McIntyre, Shepherd, Stewart and Watt |
| Abstentions (1) | - | Councillor Bothwell |

Accordingly the motion became the finding of the meeting and it was agreed to continue consideration of the matter until the meeting of the Committee on 31 March 2004 in order to allow the applicant the opportunity to consider the options available to him and in the meantime the situation be monitored.

6. WINTER MAINTENANCE

On the invitation of the Chairman the meeting heard a statement from Councillor Gorn, who sought clarification in regard to the Council's policy relative to winter maintenance in light of recent media coverage on Wednesday 28 January 2004 relating to the adverse weather conditions affecting the Fochabers-Keith Road, which implied that Moray Council could not cope and was to abandon work at 9pm.

The Head of Direct Services advised the meeting in regard to the events over the two day period and confirmed that the ceasing of gritting at 9pm was in accordance with the Council's policy. He also advised that it would appear that the message passed to the media, that work would be stopping at 9pm, in accordance with policy, was misinterpreted and reported as abandoned despite efforts to have this rectified when brought to the Council's attention.

Following discussion the Committee agreed:-

- (i) to note the clarification of the Council's policy in regard the ceasing of gritting; and
- (ii) that all staff concerned to be commended for their efforts during the period of adverse weather.

On the conclusion of this item Councillor Young left the meeting.

7. CURRENT PLANNING APPLICATIONS

CENTRAL WEST – NO. 4 WARD

- (a) 03/02395/FUL Erect garage at 5 Brucelands Elgin for Mr Ian Grant

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 the erection of a garage at 5 Brucelands Elgin for Mr Ian Grant.

The meeting noted that the application was being referred to Committee, in terms of the Scheme of Delegation, at the request of the Local Member, Chairman and Vice-Chairmen. The meeting also noted that Members of the Committee visited the site of the application on Monday 2 February 2004.

Councillor Bisset advised the meeting that he had requested referral of the application to the Committee and for a site visit to be undertaken given that the proposed development was located in a prestigious development within Elgin and, given the history of the development and the potential implications were approval to be granted, he considered it was appropriate that the application be determined by Committee.

Thereafter Councillor Bisset advised the meeting that, with one exception, all properties in the development had integral garages and that the application was to seek to build a garage within garden ground but taking into account all the circumstances he moved that approval should be granted subject to conditions detailed in the report and that the height of the garage be lower by approximately 6 inches, the footprint of the garage located,

if possible up to one metre to the north of the proposed site, and that approval of the application would not set a precedent for other such applications within the development.

The Development Control Manager advised the meeting that, of the additional conditions referred to by Councillor Bisset, the lowering of the height could be included but may be difficult to defend on appeal. In regard to relocating the footprint of the garage to the north of the site this may require an amended plan and re-neighbour notification. The condition relating to not setting a precedent could not be applied. He also advised the meeting that, with hindsight, the Committee could have considered, at the time of considering planning consent for the development, placing an additional condition removing permitted development rights although he emphasised that this could only be applied in exceptional circumstances.

In light of the observations by the Development Control Manager, Councillor Bisset withdrew his motion for approval subject to the conditions detailed in the report and his proposed additional conditions and moved that the application simply be approved as recommended.

There being no-one otherwise minded the motion became the finding of the meeting and it was agreed that 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. The width of vehicular access shall be 2.4 x 3.0 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 The Moray Council specification and surfaced in bitmac.
4. No water shall be permitted to drain onto the public footpath/carriageway.
5. Drop kerbs shall be provided across the access to The Moray Council specification.
6. Prior to the garage being brought into use the drop kerbs across the existing drive shall be removed and replaced with 125 x 225 mm half battered kerbs.

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.

FORRES WEST AND ALTYRE – NO. 10 WARD

- (b) 03/02135/FUL Extend the garden centre and provide external plant display area at Unit 1 Greshop Industrial Estate Forres for Mackenzie And Cruickshank Limited

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 extending the garden centre and provide external plant display area at Unit 1 Greshop Industrial Estate Forres for Mackenzie And Cruickshank Limited.

The meeting noted that the application was being referred to Committee, in terms of the Scheme of Delegation, as a departure from the Development Plan which was being recommended for approval and that given no objections/representations had been received, a Hearing was not recommended, in this instance. The reasons for recommending approval of the departure were set out in the report on the application.

Following consideration the Committee agreed to approve the application as an acceptable departure, 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. Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (or any order revoking and re-enacting that order) the approval hereby granted for the extension to the garden centre and external display area only relates to their use as a garden centre for the sale of plants, related garden items sales and no other use within Class 1 "Shops" of that order.
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;
 - (d) the position of any children's play areas and public amenity open space. Details of the surface finishes, boundary enclosures and number, type (for example, inclusion of manufacturer's specification) and position of pieces of play equipment to be provided.
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 extension 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 retain local authority control over the use of the site and to ensure that consideration can be given to the effects and impact of uses other than that approved herewith.
4. In order that detailed consideration can be given to the landscaping of the site and provision of any play equipment.
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.

BURGHSEA – NO. 11 WARD

- (c) 03/02061/OUT Outline to erect new dwellinghouse at Easter Cove sea Duffus Elgin for Mr and Mrs M Philips

The meeting noted that this application had been withdrawn at the request of the applicant.

LHANBRYDE AND BIRNIE – NO. 15 WARD

- (d) 03/02233/EIA Construct the Lhanbryde flood alleviation scheme (to include flood storage reservoirs, borrow pit, earth bank dam, channel alignment works and new walls) at Scotsburn Farm And on the Lhanbryde Burn within Lhanbryde Elgin for The Moray Council

There was submitted a report by the Director of Environmental Services recommending that he be granted delegated powers to approve the application to construct the Lhanbryde Flood Alleviation Scheme (to include flood storage reservoirs, borrow pit, earth bank dam, channel alignment works and new walls) at Scotsburn Farm and on the Lhanbryde Burn within Lhanbryde for The Moray Council, subject to the satisfactory outcome of contaminated land issues, conditions detailed in the report and referral to Scottish Ministers.

The report was augmented by oral reports by the Development Control Manager and the Principal Planning Officer (Development Control) in regard to outstanding issues and some matters that had come to light subsequent to the preparation of the report which would require additional conditions and/or amendments to the existing conditions.

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

- (i) the satisfactory outcome of contaminated land issues;
- (ii) referral to Scottish Ministers;
- (iii) confirmation that regular reports on the progress of the application be included in future monitoring reports on flood alleviation; and
- (iv) the following conditions, as amended at the meeting:-
 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. At Scotsburn, in particular the proposed borrow pit activity, no development shall commence until:
 - (a) details have been submitted to and approved by the Council, as planning authority in consultation with the Council's Archaeological Advisor regarding a written scheme for archaeological investigation, to include proposals for field evaluation, mitigation and publication of results; and
 - (b) the archaeological evaluation and mitigation measures have been carried out in accordance with the approved scheme of investigation.
 4. As part of all the proposed works at Scotsburn the developer shall afford access at all reasonable times to any archaeological organisation acceptable to the Council as planning authority and shall allow them access to observe work in progress and discover and record items of interest and finds. Where such features are discovered work should cease in the immediate area to enable evaluation of the archaeological significance of the interest/find and undertake mitigation measures in consultation with the Council's Archaeological Advisor. Notification of commencement date, information as to whom the archaeologist should contact on site and the name of the archaeological organisation

retained by the developer shall be given in writing to the Council as planning authority not less than 14 days before the development commences.

5. No development shall commence until details of the following have been submitted to and approved by the Council, as planning authority,
 - (a) confirmation of the date of commencement of the scheme works at both Scotsburn and within Lhanbryde, including site clearance works (*Note: the date should take into account breeding and hibernating seasons of ecological/nature conservation interests identified in the submitted Environmental Statement*);
 - (b) the location and size of any proposed site compound area to be provided within Lhanbryde for any temporary buildings, storage of construction materials, plant and equipment etc. for use in conjunction with the development, and upon completion of construction works within Lhanbryde, any site compound area so identified shall be re-instated to its existing condition;
 - (c) samples of the proposed reconstituted stone work for the wall to be erected within Maple Creek;
 - (d) the location, design, external appearance, material finishes and time-scale for provision of the proposed footbridge over the re-aligned channel and pond area within Lhanbryde, off Station Row;
 - (e) all engineering works and other operations, including the extent of earth excavation moulding and mounding works associated with the formation of the new pond area at Scotsburn, including cross section and existing and finished level details of the pond, including its depth(s) and the location, number, size, shape and height of the 'islands' within the pond;
 - (f) the results of a badger survey to confirm the location and extent of any sett, together with proposals, including arrangements or measures to demarcate any sett such that no development works or activity take place within 30 m of any sett;
 - (g) in consultation with SEPA, construction method statements for each phase of the works to prevent pollution during construction;
 - (h) a finalised Environmental Action Plan (EAP) to be based upon the final detailed scheme design and final contract documents and include all environmental recommendations and mitigation measures. Thereafter, the development shall be implemented in accordance with the agreed EAP.

6. The required EAP (Condition 5 refers) shall include proposals for post-construction monitoring of the development in relation to the fitness of use of the excavated material, plus surveys on fish, the wildlife river corridor and tree planting and prior to development works commencing, details shall be submitted to and approved by the Council, as planning authority, regarding the timing of the undertaking of the proposed survey works and submission of survey results. Where appropriate, the surveys should identify whether further remediation work is required and where so identified, details of all proposed remediation works to be carried out shall be submitted for approval by the Council, as planning authority.

7. 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 new planting to be undertaken.

- (d) the arrangements for the long-term maintenance of all landscaping to be undertaken at Scotsburn and within Lhanbryde.

8. In respect of the required landscape scheme (Condition 7 refers):

- (i) as part of the requirements for the identification of all trees/shrubs to be removed:
 - (a) the details shall include the location and species of all trees/shrubs to be removed within Lhanbryde and at Scotsburn, the latter in the 'footprint' of the embankment dam; and
 - (b) no trees/shrubs or other vegetation other than those identified for removal within the approved scheme details shall be removed either during the construction phase or thereafter without the prior consent, in writing, of the Council, as planning authority.
- (ii) as part of the arrangements for protection of any existing trees, shrubs and hedgerows during the course of developing the site
 - (a) the details shall include the measures such as temporary fencing or similar means of enclosure to demarcate defined working areas for construction activity at Scotsburn and within Lhanbryde,
 - (b) the details shall include the arrangements to protect bankside and channel vegetation, trees and shrubs during the proposed transplanting and trans-location operations; and
 - (c) no construction activity, including the storage of material and use of equipment shall take place outside the defined working areas.
- (iii) the details of all new planting to be undertaken shall include:
 - (a) the proposed seeding and planting mixes for all bankside vegetation;
 - (b) the use of native tree/shrub species of local provenance;
 - (c) where appropriate, the transplanting of (young) tree/shrub and other vegetation as opposed to new or replacement planting for felled/removed species and the infilling of the proposed gabions with soil and seeded with vegetation to enhance the areas habitat value and impact; and
 - (d) new planting in the following locations:
 - (i) at Scotsburn - the proposed new windbreak/the 5600 m² area (approx) to be planted above the dam at the eastern end of the embankment to link existing woodland areas and create a wildlife corridor, around the new pond area and its 'islands', the proposed locations within the site boundary into which young trees will be transplanted from the eastern end of the embankment and around the borrow pit, as part of the site restoration works; and
 - (ii) within Lhanbryde - new planting to replace existing trees/shrubs removed and in the area of the channel re-alignment and pond area off Station Row.

9. All planting, seeding or turfing comprised in the approved landscaping details shall be carried out not later than the end of the first planting and seeding season following the completion of construction works at Scotsburn and within Lhanbryde respectively. Any tree, shrub and plants which within a period of 5 years from planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species to the satisfaction of the Council, as planning authority.

10. In respect of the proposed borrow pit activity and prior to development commencing:
- (a) the area of such activity shall be enclosed, for example by temporary fencing or similar form of enclosure to demarcate the area and no excavation or storage of associated materials or equipment shall take place outwith the defined area;
 - (b) details shall be submitted to and approved by the Council, as planning authority regarding
 - (i) the arrangements to enclose the area of borrow pit activity
 - (ii) the arrangements for the restoration of the site upon cessation of excavation operations, to include final finished ground levels, detailed profiles of restored slopes within and around the excavated area, depth of top soil, type and method of seeding, planting etc. to enable the entire area to be returned to agricultural use and thereafter, the area of the borrow pit shall be restored in accordance with the approved site restoration details within not more than 6 months of the cessation of borrow pit activity at the site or completion of all construction works at Scotsburn, whichever is the sooner.

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. To safeguard any archaeological interest which may be affected by the development, including the proposed borrow pit activity in the vicinity of the known cropmark "Scotsburn".
4. To safeguard any archaeological interest, which may be affected by the development including potential as yet unknown and undisturbed items of archaeological interest.
5. Details of the matters specified are described as indicative only or lacking from the submission and to ensure a satisfactory form of development in the interests of the impact on the amenities and appearance of the development and the surrounding locality, to reduce the risk of pollution, to maintain access and minimise disturbance to property, land and protected species.
6. To ensure an acceptable form of development, including further evaluation of the scheme as constructed and where required, to ensure that further remediation work is undertaken to mitigate any residual impact of arising from the construction and operation of the scheme.
7. In order that detailed consideration can be given to the landscaping of the site.
8. To ensure an acceptable form of development in the interests of the amenities and appearance of the development and the surrounding locality.
9. 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.
10. To ensure an acceptable form of development, and enable an appropriate restoration of the site in the interests of the visual amenity and appearance of the proposal.

On the determination of this application Councillor Gorn left the meeting.

INNES – NO. 16 WARD

- (e) 03/01146/FUL Erect a 25 metre telecommunications mast with associated equipment at Coul Brae Dipple Wood Fochabers for Orange Personal Communications Services Limited

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 the erection of a 25 metre telecommunications mast with associated equipment at Coul Brae Dipple Wood Fochabers for Orange Personal Communications Services Limited.

The meeting noted the application was being referred to the Committee, in terms of the Scheme of Delegation, at the request of the Local Member, Chairman and Vice-Chairmen. The meeting also noted that Members of the Committee visited the site of the application on Monday 2 February 2004.

Councillor Coutts advised the meeting that he had requested referral of the application to the Committee and for a site visit to be undertaken to allow Members to gauge for themselves the degree of mitigation of visual impact being afforded to the proposed mast and to highlight the close proximity of a similar mast at Baxters, Fochabers.

Thereafter Councillor Coutts advised the meeting that the application had generated 11 letters of objections from local residents which focussed on three main aspects of the proposed development relating to the potential health dangers of radiation from the installation, possibility of the applicant sharing the existing Vodafone mast at Baxters and the visual impact of the mast. In regard to the potential health dangers he advised the meeting that the proposed installation had been certified in compliance with the International Commission of Non-Ionising Radiation Protection Public Exposure Guidelines. In regard to the possibility of mast sharing potential he advised the meeting that, it was the local view that, it would be more acceptable if one, albeit a higher mast, were used to serve several operators rather than possible proliferation of individual masts in close proximity to the village. He also referred to policy L/ED9 and expressed the view that, given the close proximity of the existing Vodafone mast at Baxters, this would have been an ideal opportunity to more fully explore the mast sharing potential.

He also expressed the view that the most concerning aspect of the recommendation to approve this application was in relation to the future visible appearance. Whilst it is the applicants' intention to retain a screen of trees around the proposed mast, which would be retained should there be any felling works on the adjoining trees, he expressed concern that these remaining trees would, largely due to the shallow root structure of the species, be susceptible to wind blow damage, which will be an increasing risk if the trees grow higher, therefore the mast would be left totally exposed in much the same way as the much criticised mast at the side of the A96 just beyond Loch Oire.

Taking into consideration his comments on the application and in view of the potential risk that the mast may in the future become exposed and subsequently offer a significant visual impact upon the surrounding area he moved that the application be refused. The motion was seconded by Councillor Hossack.

As an amendment Councillor Aldridge, seconded by Councillor Burgess, moved that the application be approved as recommended.

On a division there voted:-

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| For the Motion (5) | - | Councillors Coutts, Hossack, Jappy, McIntosh and McIntyre |
| For the Amendment (17) | - | Councillors Aldridge, Burgess, Bisset, Bothwell, Burns, Hamilton, Hogg, Keith, Leslie, Longmore, McGillivray, Paul, Shepherd, Sim, Stewart, Urquhart and Wilson |
| Abstentions (1) | - | Councillor Watt |

Accordingly the motion became the finding of the meeting and it was agreed that 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. The mast shall be painted green to a height of 21m with the remainder of the structure and antennas above this height painted a light grey. details of the colour specification to be agreed with the Development Control Manager prior to commencement of the development.
4. No trees within the tree control zone shall be felled without the prior written consent of the Development Control Manager. No work shall commence until approval has been obtained from the Council (as Planning Authority) for plans (drawn to scale) showing details of the exact position, species and number of trees to be retained along with the details of how these trees will be protected during construction works.

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. To ensure the visual impact of the structure is minimised in the interest of the amenity of the area.
4. To retain control over the felling of trees within this area and to ensure that trees are retained to mitigate the visual impact of the mast and associated equipment.

FIFE KEITH AND STRATHISLA – NO. 22 WARD

- (f) 03/00505/FUL Alter and extend existing buildings at 39-45 Regent Street Keith for Mr Graham Whyte.

During discussion of this application Councillor Hossack left the meeting.

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 alter and extend existing buildings at 39-45 Regent Street Keith for Mr Graham Whyte.

The meeting noted that the application was being referred to the Committee, in terms of the Scheme of Delegation, at the request of the Local Member, Chairman and Vice-Chairmen. The meeting also noted that Members of the Committee had visited the site of the application on Monday 2 February 2004.

Councillor Watt advised the meeting that he had requested referral of the application to the Committee and for a site visit to be undertaken so that Members could see for themselves the proposed development, on site and the implications in terms of policies L/T4 and L/T7.

Thereafter Councillor Watt moved that, given the Council is currently promoting the extension of the “no waiting at any time” restrictions on Station Road, Keith and that once the vehicles had been loaded in the early morning, exiting the premises in a forward gear, they would not be returning to the premises, the Committee be “minded to approve” the application subject to it being advertised as a departure from the Moray Local Plan 2000 and referral to a Hearing in the event of any objections being received. The motion was seconded by Councillor Longmore.

The meeting noted the advice from the Head of Direct Services that the proposed "no waiting restrictions" would not prevent the loading and unloading of vehicles at the premises.

As an amendment Councillor Urquhart, seconded by Councillor Hossack, moved that the application be refused as recommended and that enforcement action be taken to remove the unauthorised building and cease the use as a preparation, storage and distribution of food business.

On a division there voted:-

- | | | |
|-----------------------|---|--|
| For the Motion (12) | - | Councillors Watt, Longmore, Aldridge, Bisset, Burns, Hogg, McIntosh, McIntyre, Paul, Shepherd, Stewart, and Wilson |
| For the Amendment (7) | - | Councillors Urquhart, Burgess, Coutts, Hamilton, Keith, Leslie and McGillivray |
| Abstentions (3) | - | Councillors Bothwell, Jappy and Sim |

Accordingly the motion became the finding of the meeting and it was agreed that in view of the proposed extension of the "no waiting at any time" restrictions on Station Road, Keith the Committee was "minded to approve" the application subject to it being advertised as a departure from the Moray Local Plan 2000 and referral to a Hearing in the event of any objections being received.

RURAL KEITH AND ROTHES – NO. 24 WARD

- | | | |
|-----|-----------------------------------|---|
| (g) | 03/02444/OUT
&
03/02445/OUT | Outline planning to erect new dwellinghouse on Plots 1 & 2 Chapelhill Conrock
Rothes for Mr & Mrs G Retson |
|-----|-----------------------------------|---|

During consideration of these applications Councillor Gorn rejoined the meeting.

There were submitted reports by the Director of Environmental Services recommending that, for reasons detailed in the reports, planning consent be refused in respect of outline applications to erect new dwellinghouses on Plots 1 & 2 Chapelhill Conrock Rothes for Mr and Mrs G Retson.

The meeting noted that the applications were being referred to Committee, in terms of the Scheme of Delegation, at the request of the Local Member, Chairman and Vice-Chairmen and that Members of the Committee visited the site of the applications on Monday 2 February 2004.

Councillor Paul advised the meeting that she requested referral of the applications to the Committee and for a site visit to be undertaken in order that Members may see for themselves the proposed sites, in context, given that the main issue is whether or not there was a build up of residential development in this particular locality and whether the proposals would fit in with the surrounding landscape.

Thereafter Councillor Paul, expressed the view that, in her opinion, the proposed sites were the same as those nearby granted under delegated powers and would not have a detrimental impact upon the landscape and character of the designed area, they would comply with the dispersed pattern of settlement in the open area and would not contribute to an uncharacteristic build up of residential developments. For these reasons she moved approval of the applications as complying with policy. The motion was seconded by Councillor Jappy.

As an amendment Councillor Keith, seconded by Councillor Burgess, moved refusal of the applications as recommended.

On a division there voted:-

- | | | |
|-----------------------|---|--|
| For the Motion (11) | - | Councillors Paul, Jappy, Aldridge, Bisset, Burns, Hogg, Longmore, McGillivray, McIntosh, McIntyre and Shepherd |
| For the Amendment (9) | - | Councillors Keith, Burgess, Coutts, Hamilton, Leslie, Sim, Stewart, Urquhart and Wilson |
| Abstentions (3) | - | Councillors Bothwell, Gorn and Watt |

Accordingly the motion became the finding of the meeting and it was agreed that the applications be approved as complying with policy subject to standard conditions.

- (h) 03/02552/FUL Erect new dwellinghouse and garage on Ground At Conrock Rothes Aberlour for Mr Greg Tough

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 new dwellinghouse and garage on Ground At Conrock Rothes Aberlour for Mr Greg Tough

The meeting noted that the application was being referred to Committee, in terms of the Scheme of Delegation, at the request of the Local Member, Chairman and Vice-Chairmen and that Members of the Committee visited the site of the application on Monday 2 February 2004.

Councillor Paul advised the meeting that she requested referral of the application to the Committee and for a site visit to be undertaken in order that Members may see for themselves the proposed site, in context, given that the main issue is whether or not there was a build up of residential development in this particular locality and whether the proposals would fit in with the surrounding landscape.

Thereafter Councillor Paul, expressed the view that, in her opinion, the proposed development would not have a detrimental impact upon the landscape and character of the designed area, it would comply with the dispersed pattern of settlement in the open area and would not contribute to an uncharacteristic build up of residential development. She was also of the view that the development had clearly defined boundaries and would not be visible from Rothes or the A941 and, for these reasons, moved approval of the application as complying with policy. The motion was seconded by Councillor Jappy.

As an amendment Councillor Burgess, seconded by Councillor Keith, moved refusal of the application as recommended.

On a division there voted:-

- | | | |
|-----------------------|---|--|
| For the Motion (12) | - | Councillors Paul, Jappy, Aldridge, Bisset, Burns, Hamilton, Hogg, Longmore, McGillivray, McIntosh, McIntyre and Shepherd |
| For the Amendment (7) | - | Councillors Burgess, Keith, Coutts, Leslie, Sim, Stewart and Urquhart |
| Abstentions (4) | - | Councillors Bothwell, Gorn, Watt and Wilson |

Accordingly 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.

GLENLIVET – NO. 26 WARD

- (j) 03/01240/FUL Erect dwellinghouse with attached garage and oil tank at Bridge of Auchgorm Dufftown Keith for Mr Charles McBain

During consideration of this application Councillor Hossack rejoined the meeting.

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 dwellinghouse with attached garage and oil tank at Bridge Of Auchgorm Dufftown Keith for Mr Charles McBain

The meeting noted the application was being referred to the Committee, in terms of the Scheme of Delegation, at the request of the Local Member, Chairman and Vice-Chairman.

Councillor Wilson advised the meeting that the site is located at the foot of the Hill of Meikle Conval, one mile outside Glenrinnnes and that there was a large factory within two miles of the proposed site. He also expressed the view that the woodlands provided a natural boundary fronted by the B9009 to the south-east. He referred to

policy S/H4 which stated that there was a presumption in favour of housebuilding in the south of Moray in well located and desired sites in the open countryside and, in accordance with policy L/ENV7, the proposal would not have a significant adverse effect on the landscape character of the area and that there were other houses in the locality. He also expressed the view that whilst the site was in close proximity to a themed tourist trail the majority of Moray could be classed as being adjacent to a tourist trail and that a private water supply was available through a well in the field and, for these reasons, he was of the view that the application complied with policy. The motion was seconded by Councillor Watt.

As an amendment Councillor Aldridge, seconded by Councillor Jappy, moved that, given views expressed by Councillor Wilson, it would be appropriate, in this instance, to defer consideration of the application for a site visit.

Councillor Wilson, with the agreement of his seconder, withdrew his motion and it was agreed that consideration of the application be deferred for a site visit.

BISHOPMILL EAST – NO. 2 WARD

- (k) 03/02298/FUL Erect 48 residential dwellings and supported unit at Area R6 Lesmurdie Road Elgin for Robertson Residential Limited

Councillor McIntyre intimated an interest in this application as a Council representative on Langstane Housing Association Management Committee and during discussion of the application he left the meeting.

There was submitted a report by the Director of Environmental Services recommending that, in view of an outstanding objection by Scottish Water regarding surface water drainage arrangements, delegated powers be granted to approve the application in respect of the erection of 31 residential dwellings and supported unit at Area R6 Lesmurdie Road Elgin for Robertson Residential Limited, subject to satisfactory outcome of the surface water drainage issue, the completion of a legal agreement regarding the required commuted payment for affordable housing element of the proposal, to be completed prior to the issue of any consent and conditions as detailed in the report.

The meeting noted that the application submitted was for consent to erect 48 residential dwellings and supported unit at R6, Lesmurdie Road, Elgin whereas the recommended approval was for part of the development relating to the erection of 31 houses and supported unit only on Area 1 given that it was considered unacceptable, in terms of impact on housing land supply and the surrounding area, to permit further development on Area 2.

Following consideration Councillor Keith, seconded by Councillor Burgess, moved that delegated powers be granted to approve the application in respect of the erection of 31 residential dwellings and supported unit at Area R6 Lesmurdie Road Elgin, subject to the satisfactory resolution of outstanding surface water drainage issues, the completion of a legal agreement regarding the required commuted payment for the affordable housing element of the proposal, to be completed prior to the issue of any consent and the conditions detailed in the report.

As an amendment Councillor Watt, seconded by Councillor Bisset moved that the Committee be "minded to approve" the application, as submitted, in respect of 48 dwellings and supported unit, subject to a referral to a Hearing to which the applicant and the objectors be invited to attend and be afforded the opportunity of being heard.

On a division there voted:-

- | | | |
|-----------------------|---|--|
| For the Motion (14) | - | Councillors Keith, Burgess, Aldridge, Bothwell, Coutts, Hamilton, Jappy, Leslie, Longmore, McGillivray, Paul, Sim, Stewart and Urquhart. |
| For the Amendment (8) | - | Councillors Watt, Bisset, Burns, Hogg, Hossack, McIntosh, Shepherd and Wilson. |
| Abstentions (1) | - | Councillor Gorn |

Accordingly the motion became the finding of the meeting and it was agreed that delegated powers be granted to approve the application subject to:-

- (i) The satisfactory resolution of outstanding surface water drainage issues;
- (ii) The completion of a legal agreement regarding the required commuted payment for the affordable housing element of the proposal, to be completed prior to the issue of any consent; and
- (iii) 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. The development hereby granted shall relate only to the erection of 31 houses i.e. Plots 323/324 and 417-445 and the supported unit only. The design and layout details relating to the 17 houses proposed on Plots 400-416 are not hereby approved.

In respect of the plots 323/324, 417-445 and the supported unit:

4. The development shall relate to the amended plans submitted under cover of the applicants/agents letter dated 4 December 2003 regarding site layout, finished level, fencing and landscaping details and information regarding the proposed drainage strategy.
5. Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (or any order revoking and re-enacting that order) the approval hereby granted relates solely to the use of the supported unit as a premises within Use Class 8 (a) of the said Order and for no other use or purpose.
6. In accordance with the applicants submitted schedule of external finishes (2/7/2001 Rev F) the proposed external roof and wall finishes for the 31 house plots hereby approved shall match the external finishes approved for the adjoining development as approved under formal decision notice 01/01969/FUL dated 22 February 2002.
7. Unless otherwise agreed with the Council (as Planning Authority) the development shall not commence until samples of the proposed external roof and wall finishes for the supported unit have been submitted to and approved by the Head of Development Services.
8. Sample panels of the roughcast finish for the supported unit shall be prepared on the site for the inspection and approval of the Head of Development Services and the roughcast work shall not be carried out until agreement has been reached with the Head of Development Services regarding the type and colour of materials to be used.
9. 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 development 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.
10. No development shall commence until details have been submitted to and approved by the Council, as planning authority regarding
 - (a) the arrangements for the long-term maintenance of all landscaping to be introduced;
 - (b) a revised site layout regarding the orientation of plots in the south-eastern corner of the approved development area (i.e. in vicinity of Plots 435-436) to enhance the degree of 'surveillance' over the play area.

11. In respect of the arrangements for the disposal of surface water;
- (a) no development shall commence until details have been submitted to and approved by the Council as planning authority regarding:
- (i) the location, design and construction specifications and arrangements for maintenance of all measures to be incorporated for the disposal of surface water, including SUDs, together with the details of the time-scale for the implementation of the surface water drainage arrangements
- (ii) a construction method statement, to include details of all temporary measures to deal with surface water run-off during construction and prior to operation of the final surface water drainage arrangements.
- and
- (b) thereafter, the drainage arrangements shall be implemented in accordance with the approved plans.
12. As part of the development hereby approved, 10 affordable housing units shall be provided within the site, i.e. plots 436-445 and prior to development works first commencing on these plots, details shall be submitted to and approved by the Council, as planning authority, in consultation with the Chief Housing Officer regarding the arrangements to ensure the long-term delivery and provision of such accommodation.
13. 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.
14. Houses requiring 2 parking spaces shall have a driveway length of 6.0m minimum in front of garage to permit a second car to park, unless alternative parking arrangements are provided. No part of the driveway shall be included in the public road.
15. Parking provision shall be outwith visibility splays.
16. Minor access or 'Novel' roads shall be designed as 'open plan' with no fencing along rear of service verges.
17. Driveways over service verges shall be constructed to take vehicles and shall be finished in bituminous macadam.
18. No unit of accommodation shall be occupied until all roads, parking and footpaths serving the respective property have been provided in accordance with the approved plans or at least to base course level, or to a stage of road construction previously agreed in writing with the Council, as planning authority in consultation with the Transportation Manager.
19. Eleven car parking spaces shall be provided for use in conjunction with the supported unit and the parking arrangements shall be laid out and made available for use prior to use of the unit first commencing and thereafter shall be retained at all times for the parking of vehicles attending the site.
20. If significant unsuspected contamination is found then all work shall cease until an appropriate investigation to determine the nature, extent and potential impacts of the contamination has been undertaken and a remediation method statement agreed with The Council as Planning Authority.
21. No part of the development hereby approved shall be exercised in addition to, or in conjunction with the development approved under formal decision notice 01/01969/FUL dated 22 February 2002 for plots 26-57 (now renumbered Plots 323/324, 417-446 and the supported unit).
22. No part of the permission hereby granted shall relate or be so construed to relate to the "additional sheds if required" to be provided adjacent to the supported unit.

- 23 The use of the area of Plots 400-416 (which are not approved) shall remain solely for landscaping purposes only and for no other use or purpose without the prior consent, in writing of the Council, as planning authority, as approved under formal decision notice 01/01969/FUL dated 22 February 2002.

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. To ensure an acceptable form of development whereby the proposals on Plots 400-416 would be unacceptable and contrary to the Moray Development Plan (Moray Structure Plan and Moray Local Plan 2000) and in particular be
 - (a) contrary to policies S/H1, S/H2, L/H1 and Elgin R6, where the provision of this additional housing would increase the total number of houses on the site and be in excess of the site capacity at a time when the requirements to maintain a land supply for Moray are met and there is no need to release additional land for housing, and in terms of the resultant increasing adverse impact on the housing strategy for Elgin; and
 - (b) contrary to policies S/H1, S/H3, S/IMP1, L/IMP1 and Elgin R6, where as a result of the location and scale of the development, the proposal would give rise to an elevated, conspicuous and intrusive form of development on the highest part of the site and the resultant impact would detract from the surrounding locality.
4. In order to avoid any ambiguity regarding the terms of this consent and ensure a satisfactory form of development, details of the matters specified were lacking from the original submission.
5. In order to retain Local Authority control over the use of the site and to ensure that consideration can be given to the effects and impact of uses other than that approved herewith.
6. In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.
7. In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.
8. In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.
9. 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.
10. To ensure a satisfactory form of development, including the provision of details lacking from the submission.
11. To ensure a satisfactory form of development, in surface water drainage terms, and in accordance with proposals in the drainage strategy, full details of the measures are lacking from the submission.
12. To safeguard the provision for such housing on site, in accordance with policy S/H5 and L/H7 of the Moray Development Plan, details of which are lacking from the submission.
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.
18. To ensure a satisfactory standard of access and parking is provided at an early stage for the servicing of each plot.
19. To ensure a satisfactory standard of parking is provided for use in conjunction with the development.
20. In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground contamination.
21. To ensure a satisfactory form of development ensuring that only one permission is implemented, the proposals being accepted as amended or revised proposal to that approved earlier and not an addition thereto.
22. No details for the sheds including their final number, location and design have been submitted as part of the current application.
23. To ensure a satisfactory form of development in the interests of the amenities, character and appearance of the development.

8. MORAY DEVELOPMENT PLAN : SUPPLEMENTARY PLANNING GUIDANCE ON AFFORDABLE HOUSING

During discussion of this item Councillor Young rejoined the meeting.

Under reference to Paragraph 13 of the Minute of Meeting of this Committee dated 18 June 2003 there was submitted a joint report by the Director of Environmental Services and the Director of Community Services inviting the Committee to consider the responses to the consultation on the draft Supplementary Planning Guidance on Affordable Housing and to agree the finalised document for use as a material consideration in the development control process.

Appendix 1 to the report set out the proposed responses to the comments received during the consultation process and proposed a number of changes to the Supplementary Guidance. Appendix 2 to the report set out the proposed revised Supplementary Guidance taking into account responses received.

The meeting noted that the draft Supplementary Planning Guidance had been forwarded to 180 agents, developers, housing associations, community councils and other groups and that a total of 13 responses had been received, most of which were broadly supportive of the proposed Supplementary Guidance. Some concerns were raised however on the principle of Supplementary Guidance by some house developers and their parent organisations.

Following discussion, during which the Head of Development Services, the Principal Planning Officer (Planning and Development) and the Chief Housing Officer responded to Members questions, the Committee agreed to:-

- (i) approve the comments to the response to consultation on the draft Supplementary Planning Guidance as set out in Appendix 1 to the report;
- (ii) approve the finalised Supplementary Planning Guidance on Affordable Housing as set out in Appendix 2 of the report; and
- (iii) use the finalised Supplementary Planning Guidance on Affordable Housing as a material consideration in the consideration of planning applications

9. GRAMPIAN WOODLANDS COMPANY

During consideration of this item Councillors Hossack and Gorn left the meeting and Councillor McIntyre rejoined the meeting.

There was submitted a report by the Director of Environmental Services providing the Committee with background information on the Grampian Woodlands Company and inviting the Committee to hear a presentation on behalf of the Company and thereafter consider future financial support to the Company for 2004-2006.

On the invitation of the Chairman the Chief Executive of Grampian Woodland Company, John Fraser and Associate Director Murray Swapp gave a presentation on the background to the Company and the proposed projects for 2004/2006 following which they responded to Members questions.

Suspension of Standing Orders 12.45 p.m.

In terms of Standing Order 70 the meeting agreed to suspend Standing Order 61 and conclude the business of the meeting prior to breaking for lunch.

The Planning and Development Manager advised the meeting that he had not seen the figures referred to in the presentation relating to costings for the proposed projects for 2004-2006, prior to the meeting. In view of this he recommended that consideration of the level of contribution to the work of the Grampian Woodland Company be continued until he had the opportunity to consider these costings and make a recommendation to the Committee in regard to the proposed level of contribution towards the Company's projects for 2004-2006.

Thereafter, on the motion of Councillor Aldridge, seconded by Councillor Coutts, the Committee agreed:-

- (i) to note the presentation on the current activities and outputs from the Grampian Woodlands Company and the proposed future projects; and
- (i) that a report be submitted to a future meeting of the Committee on the proposed level of contributions to be made to the work of the Grampian Woodlands Company in respect of the years 2004 to 2006.

10. KEITH REGENERATION PROGRAMME

Under reference to Paragraph 8 of the Minute of Meeting of this Committee dated 16 January 2002 there was submitted a report by the Director of Environmental Services inviting the Committee to consider making a funding contribution towards the post of Project Officer for the Keith Regeneration Programme, the cost of which to be met from the Council's Corporate Economic Development Activities (CEDA) budget.

Following consideration the Committee agreed to recommend to the Policy and Resources Committee approval of a contribution of £2,500 for 2004/2005 and 2005/2006 towards the cost of the establishment of a Project Officer post for the Keith Regeneration Programme to be met from the CEDA budget subject to:-

- (ii) final confirmation of the CEDA budget, at the budget setting meeting of the Council on 12 February 2004;
- (ii) the submission of an application for European Objective 2 funding for a two year period, August 2004 to July 2006;
- (iii) a further report being submitted once the administrative arrangements have been finalised; and
- (iv) the Director of Environmental Services submitting an annual progress report to Environmental Services Committee.

11. TRAFFIC REGULATION ORDERS

(a) Various Speed Limits : Kinloss

Under reference to Paragraph 9 of the Minute of Meeting of this Committee dated 26 November 2003 there was submitted a report by the Chief Legal Officer advising the Committee that no objections/observations had been received in response to the statutory consultations relating to proposals to re-make the 30 mph speed restriction on the B9011 in Kinloss and to introduce a 40 mph speed restriction as a buffer on the south approach to Kinloss on the B9011 and recommended approval of the Traffic Regulation Order.

Following consideration the Committee agreed to approve the undernoted Traffic Regulation Order and to authorise the Chief Legal Officer to make the Order:-

The Moray Council (B9011 Kinloss - Various Speed Limits) Order 2003.

(b) Various Parking Restrictions : Lossiemouth

Under reference to Paragraph 9 of the Minute of Meeting of this Committee dated 29 October 2003 there was submitted a report by the Chief Legal Officer advising the Committee that no objections/observations had been received in response to the statutory consultations relating to proposals to introduce “no waiting at any time” restrictions around the junctions of High Street and Hill Street, Town Hall Lane and James Street, Lossiemouth and the introduction of on-street disabled parking spaces outside the Town Hall, Lossiemouth and recommended approval of the Traffic Regulation Order.

Following consideration the Committee agreed to approve the undernoted Traffic Regulation Order and authorise the Chief Legal Officer to make the Order:-

The Moray Council (High Street, Lossiemouth - Various Parking Restrictions) Order 2003.

(c) Forres

Under reference to Paragraph 8 of the Minute of Meeting of this Committee dated 1 October 2003 and Paragraph 7 of the Minute of this Committee dated 26 November 2003 there was submitted a report by the Chief Legal Officer advising the Committee that no objections/observations had been received in response to statutory consultations regarding proposals to revoke part of the waiting restrictions on the west side of Tolbooth Street and promote a bus parking area on Tolbooth Street and the introduction of “no waiting at any time” along part of Nairn Road, Forres from Matrix Filling Station to its junction off Ramflat Road and to provide “no waiting at any time” on Pilmuir Road around its junction with West Park Road and Councillors Walk, Forres and recommended approval of the Traffic Regulation Orders.

Following consideration the Committee agreed to approve the undernoted Traffic Regulation Orders and authorise the Chief Legal Officer to make the Orders:-

(a) The Moray Council (Tolbooth Street, Forres - Waiting Restrictions and Designated Bus Parking Bay) Order 2003; and

(b) The Moray Council (Nairn Road/Pilmuir Road, Forres - Waiting Restrictions) Order 2003.

(d) Waiting Restrictions and One Way System

Under reference to Paragraph 9(c) of the Minute of Meeting of this Committee dated 29 October 2003 and Paragraph 7(iv) and (viii) of the Minute of Meeting of this Committee dated 26 November 2003 there was submitted a report by the Chief Legal Officer advising the Committee that no objections/observations had been received in response to the statutory consultations relating to proposals to extend the “no waiting at any time” restrictions on Station Road, Keith, extend the “no waiting at any time” restrictions on Harbour Road, Cullen and the introduction of a one way system to access/egress the car parks off Mid Street, Keith and recommended approval of the Traffic Regulation Orders.

Following consideration the Committee agreed to approve the undernoted Traffic Regulation Orders and authorise the Chief Legal Officer to make the Order:-

- (a) The Moray Council (Station Road, Keith - Waiting Restrictions) Order 2003;
- (b) The Moray Council (Harbour Road, Cullen - Waiting Restrictions) Order 2003; and
- (c) The Moray Council (Car Parks, Keith - One Way System) Order 2003.

12. 20 MPH SPEED LIMITS AROUND SCHOOLS

During discussion of this Item Councillor Hamilton left the meeting.

Under reference to Paragraph 8 of the Minute of Meeting of this Committee dated 29 October 2003 there was submitted a report by the Director of Environmental Services informing the Committee of the current position regarding 20 mph speed limits outside schools and inviting the Committee to note the intention to spend this year's grant allocation of up to £82,000 on seventy signs which are to be used for the introduction of part-time 20 mph limits around schools in Moray.

During discussion of this item Councillor Paul sought clarification in regard to winter maintenance around schools.

Following consideration the Committee agreed to note:-

- (i) the current position regarding 20mph speed limits outside schools;
- (ii) the intention to spend this year's Grant allocation of up to £82,000 on 70 signs which are to be used for the introduction of part time 20 mph limits around schools in Moray; and
- (iii) that Councillor Paul be advised in regard to the policy on winter maintenance around schools and, if necessary the matter be the subject of a report to a future meeting of the Committee.

13. PROVISION OF DROP KERB CROSSING FACILITIES FOR PERSONS WITH A DISABILITY 2003/04

Under reference to Paragraph 3 of the Minute of Meeting of the Full Council dated 12 February 2003 and Paragraph 19 of the Minute of the Meeting of the Full Council dated 19 March 2003 and Paragraph 9 of the Minute of the Meeting of the Full Council dated 9 July 2003 there was submitted a report by the Director of Environmental Services seeking Committee approval of the programme of works to provide drop kerb crossings in various locations throughout Moray to enable persons with a disability to cross roads. Details of the proposed list of sites were set out in the Appendix to the report.

Following consideration the Committee agreed to approve the programme of work, as detailed in the Appendix to the report, for the provision of drop kerb crossings for persons with a disability to be funded from the approved Capital and Quality of Life budgets.

14. CYCLING, WALKING AND SAFER STREETS PROJECTS

Under reference to Paragraph 17 of the Minute of Meeting of this Committee dated 7 August 2002 there was submitted a report by the Director of Environmental Services inviting the Committee to consider relocating the funding within the 2003/04 cycling, walking and safer streets capital plan from completion of cycleway along the B9135 Muirton Road Lossiemouth from Fulmar Road to Stotfield Road to providing cycle parking facilities at school.

The meeting noted that the number of schools will depend on the cost of providing each of the requested cycle parking facilities which are still undergoing budget process albeit it is highly likely that the money will be spent on new cycle parking shelters at Elgin High School and Dyke Primary School.

Following consideration the Committee agreed to reallocate the funding within the 2003/04 Cycling Walking and Safer Streets Capital Plan from completion of cycleway along B9135 Muirton Road, Lossiemouth from Fulmar Road to Stotfield Road to providing cycle parking facilities at schools.

15. ADOPTION OF ROADS ON TO LIST OF HIGHWAYS

There was submitted a report by the Director of Environmental Services seeking Committee approval under the Roads (Scotland) Act 1984 to adopt to the Statutory List of Public Roads, sections of roads, remote footways/cycleways which have been constructed by developers, in accordance with the Council's specification. Details of the roads, footways/cyclepaths to be added to the List were set out in the Appendix to the report.

Following consideration the Committee agreed to approve the adoption of the roads, detailed in the Appendix to the report, to the Statutory List of Public Roads.

16. ELGIN FLOOD ALLEVIATION SCHEME

Under reference to Paragraph 2 of the Minute of Special Meeting of the Council dated 8 December 2003 there was submitted a report by the Director of Environmental Services seeking Committee approval of a timetable and evaluation criteria for selecting the preferred option for the Elgin Flood Alleviation Scheme.

The meeting noted that it was proposed that the full evaluation be completed in draft for submission on 13 February 2004 to the Council's Central Management Team and thereafter the recommendation would be submitted for consideration to a Special Meeting of the Council on 25 February 2004 which would include a presentation of the evaluation rationale and methodology, conclusions and recommendations.

Following consideration the Committee agreed:-

- (i) to approve that the evaluation criteria for Elgin Flood Alleviation Scheme option selection be: -
 - Whole life cost
 - Risk of cost increase
 - Environmental impact and sustainability
 - Flood Alleviation Working Group matrix
- (ii) to approve the criteria in the matrix prepared by the Flood Alleviation Working Group, as contained in Appendix 1 to the report;
- (iii) a report be submitted to a Special Meeting of The Moray Council on 25 February 2004 on the outcome of the evaluation and that the report be supported by a presentation of the evaluation rationale and methodology, conclusions and recommendations; and
- (iv) to note that there remains a risk that further investigations may reveal impediments that may require that the option selection decision be revisited.

17. LIST OF REPORTS 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 report 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, Rent Reviews and Assignations Submitted for Noting
- Health and Safety at Work Etc 1974: Prosecution

18. LIST OF LEASES SUBMITTED FOR APPROVAL (Para. 9)

There was submitted a report by the Head of Estates Services inviting the Committee to consider the terms of a lease, as set out in Appendix 1 to the report, relating to site at Greshop Industrial Estate, Forres.

The Committee agreed to approve the terms of the lease set out in Appendix 1 to the report.

19. ACQUISITION OF LAND FOR ROAD IMPROVEMENT SCHEMES (Para. 9)

There was submitted a report by the Head of Estates Services seeking homologation of his decision, taken in consultation with the Chair of this Committee, to approve the terms agreed with the landowners for the acquisition of land required for road improvement schemes relating to the Forres Findhorn Cycleway, as set out in Sections 1 to 5 of Appendix A to the report, and seeking Committee approval of terms provisionally agreed with the landowners for the acquisition of land required in regard to the proposed pelican crossing, Main Street, New Elgin, as detailed in Appendix A to the report.

Following consideration the Committee agreed to:-

- (a) homologate the decision of the Head of Estates Services, taken in consultation with the Chair of the Committee, to approve the terms agreed for the acquisition of the land required in connection with the road improvement schemes set out in Sections 1-5 of Appendix A to the report;
- (b) approve the terms for the acquisition of the land required in connection with the road improvement scheme set out in Sections 6 of Appendix A to the report; and
- (c) remit it to the Principal Solicitor (Commercial and Conveyancing) to conclude the transactions.

20. STORE OFF NEW STREET, ROTHES (Para. 9)

Councillor Paul declared an interest in this item in her capacity as a Member of the Rothes Council and left the meeting taking no part in the discussion or decision.

There was submitted a report by the Head of Estates Services inviting the Committee to consider a request by Rothes Council to lease the former toilet off New Street, Rothes, shown hatched on the attached Appendix to the report, at a concessionary rental for the use as a community store.

Following consideration the Committee agreed to approve the request for a lease of the former toilet off New Street, Rothes to the Rothes Council at a concessionary rental, subject to the consent of the Scottish Ministers.

On the conclusion of this Item Councillor Paul rejoined the meeting.

21. WATER BOTTLING PLANT, BRAES OF GLENLIVET (Para. 9)

Under reference to Paragraph 11 of the Minute of Meeting of this Committee dated 1 October 2003 there was submitted a report by the Head of Estates Services updating the Committee on the terms of the dispute between the Council and the tenants of the Water Bottling Plant at Braes of Glenlivet, the Speyside Glenlivet Water Company Limited. There was Appended to the report a copy of a letter from the Company setting out its proposal to resolve the dispute.

Following consideration the Committee agreed to:-

- (a) note the current position regarding the ongoing dispute between the Council and the Speyside Glenlivet Water Company Ltd; and
- (b) decline to accept the Company's proposal to resolve the dispute.

22. CAR PARKING PROVISION IN CENTRAL ELGIN (Para. 9)

Under reference to Paragraph 27 of the Minute of Meeting of the Full Council dated 12 November 2003 there was submitted a joint report by the Head of Estates Services and Head of Direct Services updating the Committee on the issues surrounding the present and future constraints and opportunities for car parking within central area of Elgin.

Following consideration Councillor Aldridge moved that in light of a material change in circumstances since the matter was last considered by the Council it be referred back to the Full Council for further consideration. There being no-one otherwise minded the motion became the finding of the meeting.