

THE MORAY COUNCIL

MINUTE OF MEETING OF THE ECONOMIC DEVELOPMENT & INFRASTRUCTURE SERVICES COMMITTEE

TUESDAY 24 AUGUST 2010

COUNCIL OFFICE, ELGIN

PRESENT

Councillor J Russell (Chairman), S L Bell, G Coull, S Cree, J Divers, G Leadbitter, G McDonald, G McIntyre, P Paul, R Shepherd and A Wright.

APOLOGIES

Apologies for absence were intimated on behalf of Councillors J Hamilton and I Ogilvie.

ALSO PRESENT

Councillors D Stewart (in respect of Item 10 (paragraph 11 of the Minute refers)), A McDonald and Ross (in respect of Item 16 (paragraph 17 of the Minute refers))

IN ATTENDANCE

The Head of Direct Services, the Head of Development Services, The Transportation Manager, The Consultancy Manager, P Haslam, Senior Engineer (Consultancy) L Paisey, Principal Accountant, S Beveridge, Estates, A McEachan, Principal Solicitor (Commercial & Conveyancing), Surveyor and D Westmacott, Apprentice Committee Services Officer, Clerk to the Meeting.

1. DECLARATION OF GROUP DECISIONS

In terms of Standing Order 20 and the Councillors' Code of Conduct the meeting noted that Councillor G Leadbitter declared a personal interest in item 8, Elgin Traffic Management Programme – Western Distributer Road – Stage 1 Report.

There were no other declarations from group leaders or spokespersons in regard to any prior decisions taken on how members will vote on any item on the Agenda or any declarations of Members Interest in respect of any Item on the Agenda.

2. WRITTEN QUESTIONS

There were no written questions submitted to the Committee.

3. ORDER OF BUSINESS

In terms of Standing Order 25, the Meeting agreed to vary the order of business and take item 16 'Managing Flood Risk at Kingston and Garmouth' as item 3(a) on the Agenda (paragraph 4 of the Minute refers) on the grounds that this would make best use of officers time.

4. MANAGING FLOOD RISK AT KINGSTON AND GARMOUTH

There was submitted a report by the Director of Environmental Services asking the Committee to consider how to progress a flood alleviation scheme for Garmouth and to consider additional flood risk management measure that may be implemented including:

- (i) Advising residents of flood risk measures available and encouraging residents to make their own homes more resilient to flooding;
- (ii) Improvements to flood warning, and
- (iii) Legislative requirements.

Following discussion, Councillor McIntyre stated that communication with local residents was extremely important and that this did not appear to be addressed within the report and therefore moved the addition of a recommendation as follows;

“that arrangements be made to invite the landowners and public agencies to meet to discuss what might be done to prevent further erosion of the river bank immediately upstream of Garmouth”

There being no one otherwise minded the committee agreed that a meeting be arranged and that a report on the outcome of the meeting be brought back to a future meeting of this committee.

With the permission of the Chair, Councillors A McDonald and D Ross addressed the Meeting and both expressed their support with Councillor McIntyre's additional recommendation and conveyed concerns they had in regard to the progress being made in respect to a flood alleviation scheme for Kingston and Garmouth.

Following further discussion during which Councillor Leadbitter asked whether consideration could be given to upgrading Cadgers Road, Kingston to allow emergency vehicle access only during periods where the main access road was flooded, the meeting agreed that a report on the implications of upgrading Cadgers Road and whether there were any other similar alternative access roads in Kingston be brought back to a future meeting.

Thereafter the Committee agreed:

- (i) the additional Flood Risk Management measures that may be implemented including:
 - a) advising residents of flood risk measures available and encouraging residents to make their homes more resilient to flooding;

- b) improvements to Flood Warning; and
- c) legislative requirements; and
- (ii) that arrangements are made to invite the landowners and public agencies to meet to discuss what might be done to prevent further erosion of the river bank immediately upstream of Garmouth
- (iii) that a report on the outcome of the public meeting be reported to this Committee, and
- (iv) that a report on the implications of upgrading Cadgers Road and similar access roads in Kingston be brought back to a future meeting of this committee.

5. PROPOSED ROAD TRAFFIC REGULATION ORDER - VARIOUS STREETS, ELGIN 2010

There was submitted a report by the Director of Environmental Services asking the Committee to over-rule the outstanding objections and proceed to approve the Road Traffic Regulation Order "The Moray Council (Various Streets, Elgin – Prohibition of Waiting) Order 2010" and to note and approve the minor amendments to the original proposal which will allow some additional parking outwith the working day and at weekends at Ashgrove Road as detailed in the report.

Following consideration the Committee agreed to:

- (a) over-rule the outstanding objections received;
- (b) approve the amended Road Traffic Regulation Order as detailed in the report; and
- (c) instruct the Chief Legal Officer to make the order.

'The Moray Council (Various Streets, Elgin – Prohibition of Waiting) Order 2010'

6. PROPOSED ROAD TRAFFIC REGULATION ORDER - A941/MORRISTON ROAD, ELGIN

There was submitted a report by the Director of Environmental Services informing the Committee of the implementation of the new signal controlled junction at North Street/Morrison Road Elgin which involves changes to the road layout and associated waiting restrictions as a result of a new residential development at Spynie, Elgin.

The report also asked the Committee to approve the promotion of a Traffic Regulation Order to alter the existing waiting restrictions in the vicinity of North Street/Morrison Road Junction, Elgin which will alter the existing parking restrictions to complement the new traffic signals as detailed in Appendix A and shown in plans Appendix B to the report

Following consideration the Committee agreed to:

- (a) approve the proposed Traffic Regulation Order to alter the existing waiting restrictions in the vicinity of North Street/Morrison Road junction Elgin and instruct the Director of Environmental Services and Chief Legal Officer to proceed with the statutory process; and
- (b) instruct the Director of Environmental Services and the Chief Legal Officer to make and implement the order if, following the consultation period, there are no outstanding objections.

7. PROPOSED ROAD TRAFFIC REGULATION ORDER - B9116 QUARRY BRAE, NEWMILL, KEITH

Under reference to paragraph 23 of the Minute of the Meeting of this Committee dated 20 April 2010, there was submitted a report by the Director of Environmental Services inviting the Committee to consider the outstanding objections to the proposed Road Traffic Regulation Order – “The Moray Council (B9116 Quarry Brae, Newmill – One-Way) Order 2010” and proceed to approve this Road Traffic Regulation order on the basis that benefits of the proposal outweigh the disbenefits.

During discussion Councillor Shepherd stated that he had received an unofficial survey which showed that 64.07% of local residents wanted a two-way system. He further stated that he was of the opinion that it was clear that the people of Newmill wanted to revert to the two-way system, and moved that the committee instruct the Chief Legal Officer not to make the order “The Moray Council (B9116 Quarry Brae, Newmill – One Way) Order 2010”. Councillor Coull seconded the Motion.

Councillor Cree stated that he was concerned that the Committee were being asked to consider this Road Traffic Regulation Order in terms of road safety and moved as an amendment that the recommendations be agreed. Councillor Russell seconded the amendment.

Following further discussions, during which Councillor Coull raised concerns regarding the safety of the alternative route during the winter months which is a very steep brae that becomes very icy during the winter months and the issues raised in regard to the additional traffic diverted past the primary school, Councillor Cree stated that the issue raised regarding the condition of this road during the winter months caused him great concern and that he would wish to know more in regard to whether the proposal to resurface the alternative route would make any difference to what is known to be a very slippery road during the winter months which could cause further problems and that he would have liked some data on the usage before making a decision. Accordingly he withdrew his amendment on the grounds that he did not feel he had enough information to make a decision.

In response the Transportation Manager advised that he did not have available further details in regard to the winter maintenance program and should Members

(c) that in future reports which refer to objectors provide a list of names and addresses and grounds of objections along with a plan showing the locations of the objectors in respect to the proposed application.

9. ELGIN TRAFFIC MANAGEMENT PROGRAMME - WESTERN DISTRIBUTOR ROAD - STAGE 1 REPORT

Councillor G Leadbitter declared a personal interest in this item but remained in the meeting.

There was submitted a report by the Director of Environmental Services advising Committee of the current progress on the Elgin Traffic Management Programme - proposed Western Distributor Road (WDR) option appraisal and seeking approval for the process to continue.

Following consideration the Committee noted the Main Issues Report and approved the continuation of the Option Appraisal process.

10. ADOPTION OF ROADS ON TO LIST OF ROADS

There was submitted a report by the Director of Environmental Services asking the Committee to approve the addition of the roads specified in the schedule in the attached Appendix to the statutory list of Public Roads.

Following consideration the Committee approved the adoption of the roads scheduled in the appendix to the Statutory List of Public Roads.

11. OBSTRUCTION OF ACCESS RIGHTS UNDER THE LAND REFORM (SCOTLAND) ACT 2003 (RELATIVE TO LAND LYING TO THE NORTH OF THE HYTHE, STOTFIELD, LOSSIEMOUTH)

There was submitted a report by the Director of Environmental Services seeking Committee's approval that formal enforcement proceedings should not be raised further to the erection of a fence, preventing the public from enjoying public access rights that apply to an area of ground to the north of 'The Hythe', Lossiemouth, in light of the individual circumstances relating to this case.

In response to Member's concerns as to whether any decision taken at this committee would prejudice those Members of this Committee who were also Members of the Planning & Regulatory Services Committee when considering the planning application, the Head of Development Services advised that the Committee could consider the addition of a recommendation as follows:

"that the recommendation not to raise enforcement proceedings under Section 13(1) of The Land Reform (Scotland) Act 2003 should not prevent the consideration of Enforcement action under The Town and Country Planning (Scotland) Act 1997, where it is expedient to do so having regard to the provisions of the development plan and any other material considerations"

On the invitation of the Chairman, Councillor Stewart expressed concerns that the erection of the fence could lead others to follow suit, denying further access to the whole area and as such encouraged proceeding with Section 14 to remove the fencing.

Following further discussion, during which clarification was sought regarding the implications should the decision be deferred until such time as it was clear whether or not a planning application was submitted, the Principal Solicitor (Commercial and Conveyancing advised that in order to keep the two processes separate, he suggested that the recommendation be altered to read 'that the Moray Council should defer consideration of formal enforcement proceedings'.

This was agreed and thereafter the Committee agreed:-

- (i) to defer consideration of formal enforcement proceedings by the service of notice under Section 14(2) of the Land Reform (Scotland) Act 2003 in response to the erection of a fence by Mr and Mrs Lennon with the express purpose of preventing public access rights being exercised over a section of land to the north of 'The Hythe', Lossiemouth, from being taken, and;
- (ii) to note that the recommendation not to raise enforcement proceedings under Section 13(1) of the Land Reform (Scotland) Act 2003 should not prevent the consideration of Enforcement action under The Town and Country Planning (Scotland) Act 1997, where it is expedient to do so having regard to the provisions of the development plan and any other material considerations.

12. EAST OF SCOTLAND INVESTMENT FUND (ESIF)

There was submitted a report by the Director of Environmental Services updating the Committee on ESIF and inviting the Committee to grant delegated authority to the Director of Environmental Services in consultation with the Chair of the Loan Panel for approval for loans under £5,000 and to nominate two officers as signatories to act on behalf of ESIF Ltd.

Following consideration the Committee agree to:

- (i) note the content of the report;
- (ii) grant delegated authority to the Director of Environmental Services in consultation with the chair of the Loan Panel for approval of loans of a value of £5,000 or under on behalf of ESIF Ltd; and
- (iii) authorise the Director of Environmental Services to nominate two officers as signatories on behalf of ESIF Ltd.

13. INDUSTRIAL PORTFOLIO ANNUAL REPORT 2010

There was submitted a report by the Director of Community Services asking the Committee to note the terms of the 2010 Annual Report on the Council's Industrial Portfolio.

Councillor Wright left the meeting during discussion of this item.

Following consideration the Committee agreed to:

- (a) note the terms of the 2010 Annual Report on the Council's Industrial Portfolio; and
- (b) approve, in principle, the additional proposals detailed in section 8 of the Annual Report, subject to sufficient funding being identified and detailed reports being approved by the appropriate Committee(s).

14. KEITH CONSERVATION AREA REGENERATION SCHEME

There was submitted a report by the Head of Development Services asking the Committee to consider changes that have occurred since May 2009 including a limit to potential funding available from Historic Scotland for a Keith Conservation Area Regeneration Scheme which would likely affect the extent of participation from private property owners.

Following discussion Councillor Cree stated that in accepting that circumstances had changed since the original bid for funding was rejected by Historic Scotland for a Keith Conservation Area Regeneration Scheme, he did not agree that the project should not be resubmitted to Historic Scotland for consideration in the fourth and final round of funding for Conservation Area Regeneration Schemes and that consideration should be given to resubmitting the original scheme and moved that The Moray Council resubmit the project to Historic Scotland under the previous terms. Councillor Coull seconded the motion

Councillor Russell, seconded by Councillor McIntyre, moved as an amendment to accept the recommendations as printed in the report, on the basis that the project was not economically viable.

On a division there voted:-

For the Motion (6) Councillors Coull, Cree, Leadbitter, G McDonald, Paul and Shepherd

For the Amendment (4) Councillors Bell, Divers, McIntyre and Russell

Abstentions (0)

Not Voted (1) Councillor Wright

Accordingly the Motion became the finding of the meeting and it was agreed to resubmit to Historic Scotland the project for a Keith Conservation Area Regeneration Scheme, as described in the report to Committee on 26 May 2009.

The Chair wished Keith the best of luck on the application.

15. CAR PARK INCOME AND USE

There was submitted a report by the Director of Environmental Services asking the Committee to note changes to car park income and use in Elgin during the first three months of this financial year compared with the same period last financial year.

During discussion during which Members stated various views on the issue of car parking charges and income, the Chair requested that a report be submitted at the next meeting of the Committee with updated information on the income and use

Following consideration the Committee noted changes to Pay and Display income from Elgin car parks over April, May and June 2010 compared with the same period during 2009 following the increase in charges from 1 April 2010 and that a report be submitted at the next meeting of Committee with updated information.

Councillor Divers left the meeting at this juncture.

16. MORAY FILM FESTIVAL TAKE 2

There was submitted a report by the Director of Environmental Services seeking approval of a contribution towards a budget to fund the Moray Film Festival.

During discussion clarification was sought in regard to what events had taken place at the Film Festival and what benefits had resulted from it and it was agreed that a report be provided after the Festival providing details on what has taken place and the benefits resulting from both Festivals.

Following consideration the Committee agreed:

- (i) to approve funding in the sum of £5,000 towards the overall total budget of £15,374 to fund the Moray Film Festival; and
- (ii) that a report providing details on what has taken place and what the benefits are in regard to both the previous and this year's film festivals be brought back to a meeting of this committee at an appropriate date after the festival.

17. QUESTION TIME

Councillor McIntyre asked when the introduction of parking charges at Lossie Green Car Park would take effect. In response the Transportation Manager advised that when the charges were agreed these would commence in the autumn. He further advised that he would investigate this further and come back to Councillor McIntyre with a better idea of a date.

Councillor Coull enquired as to why the Vehicle Activation signs at Crossroads Primary School had not been erected despite saying it would be done by the end of the Easter holidays and asked that the signs be erected as a matter of urgency.

In response the Transportation Manager explained that the delay was due to advice received from the Head of Educational Resources Services who advised that whilst Education budget reviews were ongoing it would not be prudent to incur significant expenditure at this stage.

In response Councillor Coull stated that this was unacceptable as this committee had taken the decision to install the activation signs and did not accept the advice given by Educational Services.

Councillor Paul sought clarification as to whether the signs had been paid for and if so from which budget. In response the Transportation Manager confirmed that the signs had been funded from the Road Safety Budget. Councillor Paul sought further clarification as to what Educational Services had to do with the issue if they did not fund the erection of the signs. In response the Transportation Manager advised that Transportation had a duty to ensure full and most efficient use of the road safety budget but that due to all budgets across council departments being reviewed, it required to take into consideration the advice given by Educational Services in regard to the rural school.

Councillor G McDonald stated that he had serious concerns that officers had overruled a committee decision.

The Head of Direct Services advised that the previous instruction from Committee was to carry out the work before the end of the financial year and officers can still do that. The question was one of whether the work should be done right away or delayed until more was known about the Council's budget review process.

Following further discussion, it was agreed that the original committee decision to install the activation signs at Crossroads Primary School be carried out and that officers continue with the completion of erecting the signs.

Councillor Leadbitter requested an update on the Elgin Freedom Project. The Transportation Manager informed that public consultations were being planned for September and a comprehensive report was to follow. He advised that the School Transport Co-ordinator was looking to organise a meeting Elgin Councillors regarding consultations.

In response to a query from Councillor Cree, the Head of Development Services advised that the proposals for the Moray Food Festival had been completed, and would be sent to Councillor Cree.