

THE MORAY COUNCIL

**MINUTE OF MEETING OF THE ECONOMIC DEVELOPMENT &
INFRASTRUCTURE SERVICES COMMITTEE**

TUESDAY 23 OCTOBER 2012

COUNCIL OFFICE, ELGIN

PRESENT

Councillors F Murdoch, (Chair), L Creswell (Deputy), G Coull, S Cree, J Divers, G Leadbitter, G McDonald, A McLean, P Paul, D Ross, R Shepherd, C Tuke and A Wright.

ALSO PRESENT

Councillors G Alexander and M Howe.

APOLOGY

There were no apologies submitted at this meeting.

IN ATTENDANCE

The Corporate Director (Environmental Services), the Roads Maintenance Manager, the Consultancy Manager, the Environmental Protection Manager, Mr R Gerring and Mr A Duff, Senior Engineers (Traffic), Mr F Knight, Senior Engineer (Design), the Transportation Manager, the PPR & Communications Officer, the Public Relations Co-ordinator, Mr A McEachan, Legal Services Manager (Property & Contracts), and Mrs S Kennedy, Committee Services Officer as Clerk to the Meeting.

1. PRESENTATION

The Committee noted the interesting and informative presentation from Mr Dave Duthie, the outgoing Partnership Director of HITRANS, and the responses to the relevant questions thereafter.

The Chair on behalf of the Committee thanked Mr Duthie for what he had done for Moray over the years with his remarkable depth of knowledge and expertise and wished him well on his retirement.

2. DECLARATION OF GROUP DECISIONS

In terms of Standing Order 20 and the Councillors' Code of Conduct, the meeting noted the undernoted declaration:

In relation to Agenda Item 4 'Elgin Western Link Road – Progress Update', Councillor Leadbitter declared an interest as he was aware of people who may be affected by potential land loss.

Thereafter, the meeting noted that 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.

3. WRITTEN QUESTIONS

There were no written questions.

4. ELGIN WESTERN LINK ROAD – PROGRESS UPDATE

Councillor Leadbitter declared a personal interest in this item and left the meeting taking no part in the relevant discussion or decision.

There was submitted a report by the Head of Direct Services updating the Committee on the progress with the Elgin Western Link Road including the recent public consultation and process for making a Compulsory Purchase Order (CPO).

During discussion, the Corporate Director (Environmental Services) advised the Committee that the Council had been authorised to design the Western Link Road and should this proceed then a compulsory purchase order would be necessary.

The Consultancy Manager provided the Committee with an update of the public consultation and noted that a high level of responses were received and required to be fully analysed and considered. The Committee noted that, should more time be required to analyse and consider the responses, detailed design changes and a Draft CPO, including Statement of Reasons, would be submitted to the meeting of this Committee on 18 December 2012 for approval, rather than the Moray Council on 14 November 2012.

It was further noted that the Corporate Director (Environmental Services) had received two petitions and that he had advised both parties that the proper time to submit the petitions would be in response to the public advertisement for the planning application, which would then become a material consideration for the members of Planning and Regulatory Services Committee to consider when determining that planning application. He confirmed that he had written to both parties explaining the circumstances and had copied the correspondence to the Ward members so that they were fully aware of the situation.

The Corporate Director (Environmental Services) further intimated that, as the Council has no Petitions Committee, he was of the opinion that to put the petition before members may prejudice members and the fair consideration of any related planning application and that it would be wrong to put one material consideration without considering all the material considerations, which is the proper way to determine a planning application.

Councillor Ross referred to the recommendation to the Moray Council and the risk implications in delaying the making of the CPO until the 30 January 2013. He expressed concern that there was a recommendation asking this Committee and the Moray Council to move forward with a CPO before any planning application had been received. He was also of the view that the Planning and Regulatory Services

Committee should determine the planning application first and if agreed then the CPO should be progressed. However, should the Committee refuse the application then there would be no need for a CPO. He was also of the view that if it was good enough for a petition not to come before members until a planning application had been submitted then it was good enough for a CPO not to come before Committee as this would alleviate any concerns to the public that the Council are not prejudiced and are not making decisions at one Committee which may influence another.

Mr A McEachan, Legal Services Manager clarified the points and advised that he concurred with the comments of the Consultancy Manager that it was prudent to commence the CPO process as soon as the land concerned was identified, as there was a possibility that should objections be received, that a conjoined public local inquiry could be held and this would therefore save expense for the Council. He also clarified a CPO might take approximately 2 years; however commencement of a CPO procedure did not mean that it had to be followed through as it was not a final step in the process.

Councillor Divers intimated that the people of Elgin had come together to fight for what they wanted and time was required to consider the responses. He also made reference to the recent exhibition where he found the detail of the exhibition to be poor and he had serious concerns about the whole process. He requested that a full copy of the responses be made available to Members and this was agreed.

Thereafter, Councillor Ross, seconded by Councillor Divers, moved that any proposal to move forward with a CPO, including a statement of reasons, be deferred until the planning application had been determined by the Planning and Regulatory Services Committee.

As an amendment, Councillor McDonald, seconded by Councillor Cree, moved that recommendation 2.1 within the report be deleted and that the Committee approve recommendation 2.2 "that the detailed design changes and a Draft Compulsory Purchase Order (CPO), including Statement of Reasons, be submitted to this Committee on 18 December 2012, with a recommendation that the Committee agrees the design changes, land requirements and the Draft Statement of Reasons, with a further recommendation to The Moray Council that it makes the Order".

On a division there voted:

Motion (5)	-	Councillor Ross, Divers, Creswell, Tuke and Wright.
Amendment (7)	-	Councillor McDonald, Cree, Coull, McLean, Murdoch, Paul and Shepherd.

Abstention (0)

Accordingly the amendment became the finding of the meeting and it was agreed that:

- (i) the detailed design changes and a Draft Compulsory Purchase Order (CPO), including Statement of Reasons, be submitted to this Committee on 18 December 2012 with a recommendation that the Committee agrees the

design changes, land requirements and the Draft Statement of Reasons, with a further recommendation to The Moray Council that it makes the Order; and

- (ii) all members receive a copy of the full responses received from objectors.

5. PROPOSED ROAD TRAFFIC REGULATION ORDER – FORRES ENTERPRISE PARK

Councillor Leadbitter rejoined the meeting.

There was submitted a report by the Corporate Director (Environmental Services) seeking the Committee's approval to begin the consultation process for two proposed Traffic Regulation Orders to prohibit vehicular traffic on the U97E Tarras Road and to introduce a 40mph speed limit on a new section of road and two existing sections within the Forres Enterprise Park.

During discussion and in response to members concerns with regard to the increase in the speed limit from 30 mph to 40 mph and the relative road safety issues for workers crossing the main A96, Mr A Duff, Senior Engineer clarified the situation and advised that permission was being sought to begin the legal process to go out to consultation and if any objections were received a report would come back to Committee, however, he clarified that if no responses were received then the Order will be implemented. Members requested that, when the consultation process is being undertaken, all users of the route are consulted including staff at the Call Centre who are among the main users of this route.

Thereafter, the Committee agreed to:-

- (i) approve the proposed Traffic Regulation Order to amend the speed limit on the U173E Forres Enterprise Park and instruct the Head of Direct Services and the Head of Legal and Democratic Services to proceed with the statutory process;
- (ii) approve the proposed Prohibition of Motor vehicles except for access to adjacent agricultural land on the U97E Tarras Road and instruct the Head of Direct Services and the Head of Legal and Democratic Services to proceed with the statutory process; and
- (iii) instruct the Head of Direct Services and the Head of Legal and Democratic Services to make and implement both Orders if, following the consultation period, there are no outstanding objections.

6. PROPOSED TRAFFIC REGULATION ORDER; B9010 ST LEONARDS ROAD, FORRES

There was submitted a report by the Corporate Director (Environmental Services) asking Committee to consider the outstanding objections to the proposed Road Traffic Order for a 40mph speed limit at B9010 St Leonards Road, Forres (From Mackenzie Drive to the existing Forres boundary).

On the invitation of the Chair, Councillor Alexander as Local member expressed his concerns with regard to the proposed increase in speed from 30 mph to 40 mph and asked the Committee to reject the proposal.

During discussions, members expressed concern about the consultation and the lack of response to objectors and asked the Corporate Director (Environmental Services) to review the process with his Officers. Members also agreed that the Convener would collate all email addresses received by Councillors from objectors and forward them to Mr A Duff, Senior Engineer (Traffic), to ensure that all objectors receive a quick response.

Thereafter, Councillor Creswell, seconded by Councillor McLean moved that the residents' objections are considered and that the status quo prevails in retaining the present speed limit of 30 mph.

There being no one otherwise minded, the Committee agreed that:

- (i) the status quo prevails and that the existing 30 mph speed limit remains; and
- (ii) the Corporate Director (Environmental Services) would review the consultation process and that the Convener collates all email addresses received by Councillors from objectors and forwards them to Mr A Duff, Senior Engineer (Traffic) to ensure that all objectors receive a response.

7. PROPOSED TRAFFIC REGULATION ORDER; KING STREET, ELGIN

There was submitted a report by the Corporate Director (Environmental Services) asking Committee to consider the outstanding objections to the proposed Road Traffic Order for a prohibition of waiting on King Street, Elgin.

During discussions, members were of the view that consideration needs to be given to the parking situation at Elgin Cathedral; that objectors concerns in relation to the residential parking problems should be fed into the parking consultation and that the two objectors are consulted by Mr Duff (Senior Engineer) when the full parking survey of Elgin is undertaken.

Thereafter, the Committee agreed to:-

- (i) over-rule the unresolved objections received, approve the undernoted Traffic Regulation Order;
- (ii) authorise the Head of Direct Services and Head of Legal and Democratic Services to make the undernoted Order:

“The Moray Council (King Street, Elgin – Prohibition of Waiting) Order 2012”;
and

- (iii) ensure that the 2 objectors to the proposal, as detailed in the report, are consulted on the full parking survey of Elgin is being undertaken.

8. KEITH LANES STREET NAME SIGNS

There was submitted and noted a report by the Corporate Director (Environmental Services) providing an update to Committee for funding arrangements for street name signs for Keith lanes.

Councillor Cree and Coull thanked everyone involved in the process.

9. FLEET COMMUNICATIONS SYSTEMS

Under reference to paragraph 10 of the Minute of the meeting of the Economic Development and Infrastructure Services Committee dated 28 August 2012, there was submitted a report by the Corporate Director (Environmental Services) providing information, as requested, on the communications systems used in fleet vehicles including the waste collection vehicles and how the installation of these systems meet the requirements of the council's policy on the use of hands free communication devices in council owned vehicles.

During discussions, members welcomed the report and asked that a further report be submitted to an early meeting of this Committee advising on the financial implications of the options and how the Council intends to deal corporately with its fleet of vehicles and the safety of its staff.

Thereafter, the Committee agreed:-

- (i) to note the report;
- (ii) to invite a report on the replacement of the radio communications system deployed within Environmental Protection in due course;
- (iii) to ask the Health and Safety Manager to update the Council's safe driving policy to reflect advice relating to use of two-way radios in the current Highway Code; and
- (iv) that a report is submitted in early course to a future meeting of this Committee advising of the financial implications of the communication options and how the Council intends to deal corporately with its fleet of vehicles and the safety of its staff.

10. FINDHORN BAY LOCAL NATURE RESERVE MANAGEMENT COMMITTEE CONSTITUTION

There was submitted a report by the Corporate Director (Environmental Services) seeking Committee approval of a new and updated Constitution for the Findhorn Bay Local Nature Reserve Management Committee.

Following consideration, the Committee approved the new Constitution, as set out in Appendix 1 of the report, for adoption by the Findhorn Bay Local Nature Reserve Management Committee.

11. DIRECT SERVICES PERFORMANCE INDICATORS

There was submitted a report by the Corporate Director (Environmental Services) asking Committee to consider changes made to performance indicators, as attached in Appendix 1, for 2012/13 following an annual review.

During discussions, members expressed concerns regarding a number of the indicators contained within the report, in particular relating to the “Average subsidy cost per passenger – Moray Council Funded” public transport indicator and whether the “Statutory and General Transportation” performance indicators should also be reported to the Planning and Regulatory Committee; and proposed low targets where previous results have been much higher and requested that targets be reviewed. The Corporate Director (Environmental Services) agreed to respond to Councillors and to relook at the information being presented to Committee and the use of the Traffic Light System to allow for the scrutiny role to be carried out.

Thereafter, the Committee agreed:

- (i) to approve the Direct Services’ indicators to be reported during 2012/13, as detailed in Appendix 1 of the report;
- (ii) that the Corporate Director (Environmental Services) investigate why the Public Transport Unit target for “Average subsidy cost per passenger – Moray Council Funded” is higher than the results and advise Councillor Ross accordingly;
- (iii) that the Corporate Director investigates the targets in respect of “Statutory and General Transportation” with a view to these also being reported to the Planning and Regulatory Services Committee;
- (iv) to note that the Corporate Director agreed to review proposed targets which were proposed at a lower level where previous results have been much higher;
- (v) that, in future, the Corporate Director (Environmental Services) presents the Performance Indicators to the Service Committee using the traffic light system to allow the scrutiny role to be carried out.

12. FLOOD RISK AT KINGSTON AND GARMOUTH

There was submitted a report by the Corporate Director (Environmental Services) updating Committee on flooding and erosion issues at Garmouth on the River Spey and the coast at Kingston and emergency access to Kingston during flood events.

On the invitation of the Chair, Councillor Howe, as local member, was invited to speak to the report and outlined her concerns to the Committee.

During discussion and in response to members concerns, the Corporate Director (Environmental Services) agreed to ensure that all interested parties are kept informed of all developments - large and small - and that Councillor Ross is copied into any correspondence; and that a list be kept in respect of the continual delays by

regulatory bodies and passed on to the MP and MSPs. It was further requested that Officers relook at the remedial works down stream of the Golf Course. Members also asked Officers to look at the big picture when undertaking works to minimise the impact and affect that this may have elsewhere.

Thereafter, the Committee agreed:

- (i) to note that the sediment management work at Garmouth previously agreed, was, at the time of drafting this report, underway;
- (ii) to noted that a report will be submitted to the next meeting of the Committee based on the findings of an independent expert in coastal engineering on the flood risk at Kingston;
- (iii) to carry out further assessment on the alternative access road to Kingston and that the Council undertake to improve the road and carry out periodic maintenance as necessary, subject to approval from relevant landowners;
- (iv) that the Emergency Planning Officer contacts Innes Community Council with a view to assisting the community in Kingston to develop a Community Emergency Plan if they wish to do so;
- (v) that the Corporate Director (Environmental Services) ensures that all interested parties are kept informed of all developments - large and small - and that Councillor Ross be copied into any correspondence; and
- (vi) that a record of delays caused by regulatory Bodies is kept and passed on to the MP and MSPs;
- (vii) that the impact of the work on the River Spey be reviewed in Spring 2013 with a view to carrying out further sediment management works, in respect of which an area downstream of the viaduct was of particular concern to the Golf Club.

13. BOAT O' BRIG – BRIDGE DECK REFURBISHMENT

There was submitted a report by the Corporate Director (Environmental Services) seeking approval for proceedings with further work to bring forward a full business case to refurbish the bridge at Boat o' Brig.

During discussions, the meeting noted that following the opening of the Fochabers Bridge proposals had been mooted for a replacement deck on the Spey Bridge which had not taken place, and as this was one of main road arteries that contact should be made with Bear Scotland to ensure that the works on the relative bridges do not happen at the same time. Members also requested that costs for a new bridge be included in the report.

Following consideration, the Committee:

- (i) noted the deterioration of the bridge deck and the requirement to carry out major maintenance works, and agreed to a full feasibility study and to receive a further report thereafter, including costs a new bridge;
- (ii) agreed that Bear Scotland be contacted to seek funding to upgrade the deck at Boat o' Brig.

14. QUESTION TIME

In response to a question from Councillor Mclean regarding the proposed rent increases for an industrial unit in Forres, the Corporate Director (Environmental Services) agreed to liaise with the Estates Department and respond to all members of the Committee following the meeting.

In response to a question from Councillor Creswell in respect of the speed limits and access to Forres at the bus stop at Tarras Roundabout, the Corporate Director (Environmental Services) agreed to liaise with public transport and respond to the Forres Councillors.

In response to a question from Councillor Paul asking when the next meeting of the Trunk Roads will be held, the Corporate Director (Environmental Services) agreed to look into this and respond to Councillors.