

**THE MORAY COUNCIL****MINUTE OF MEETING OF THE ECONOMIC DEVELOPMENT &  
INFRASTRUCTURE SERVICES COMMITTEE****TUESDAY 18 DECEMBER 2012****COUNCIL OFFICE, ELGIN****Present**

Councillors F. Murdoch (Chair), L. Creswell (Depute), 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 S. Morton and M. Howe.

**IN ATTENDANCE**

The Corporate Director (Environmental Services), the Head of Direct Services, the Head of Development Services, the Planning and Development Manager, the Roads Maintenance Manager, the Consultancy Manager, the Estates Manager, Mr A Duff, Senior Engineers (Traffic), Mr F Knight, Senior Engineer (Design), Mr A. McEachan, Legal Services Manager (Property & Contracts) and Mr D. Westmacott, Committee Services Officer as Clerk to the Meeting.

Also in attendance by invitation, Mr D. Bryden, Cairngorm National Park (in respect of Item 5) and Mr G. Guthrie, Royal Haskoning DHV (in respect of Item 6).

**1. DECLARATION OF GROUP DECISIONS**

In terms of Standing Order 20 and the Councillors' Code of Conduct, Councillor Leadbitter declared a personal interest in Item 8 'Elgin Western Link Road – Report 1: Outline Design' and Item 9 'Elgin Western Link Road – Report 2: Compulsory Purchase Order', advising he was acquainted with someone potentially effected by the Compulsory Purchase Order.

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. EXEMPT INFORMATION**

The meeting resolved that, in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting during consideration of the items of business appearing at the relevant paragraph of this minute as specified below, so as to avoid disclosure of exempt information of the class described in the appropriate paragraphs of Part 1 of Schedule 7A of the Act.

<u>Para No of Minute</u>	<u>Para No of Schedule 7A</u>
17	6
18	6

### **3. ORDER OF BUSINESS**

In terms of Standing Order 28, the meeting agreed to vary the order of business set down on the Agenda and take Item 6 'Flood Risk at Kingston and Garmouth' following the morning break.

The meeting noted that Item 14 'Forres Climbing/ Skateboarding & Youth Centre' had been withdrawn from the Agenda.

### **4. WRITTEN QUESTIONS**

The meeting noted the following written question submitted by Councillor Ross and the Council's response thereto:

To ask when local members will be consulted on plans to seek a wayleave at Garmouth in connection to Planning Permission Ref. 09/01266/FUL and what regard council officers will give to the views of democratically elected members if it differs from their own?

#### **Council Response**

In relation to the proposed servitude at South Road Garmouth, the Corporate Director (Environmental Services) intends to convene a meeting on site, early in 2013 with the Community Gardening Group, developer, relevant Council Officers and ward members. Full regard will be given to the views of all parties even if they differ from Council officers views.

This is a routine issue normally dealt with by officers acting under the Council's Scheme of Delegation. Where an issue of this nature becomes controversial, then officers are happy to consult elected members and in exceptional circumstances to put a report and recommendation up to the appropriate Committee.

As a supplementary question, Councillor Ross noted that he had a proposal to address the issue, which fellow ward members, the community and the developer all agreed with, and asked that a meeting be arranged as early as possible and that the views of all parties are taken into account so that a resolution could be found as quickly as possible.

In response, the Corporate Director (Environmental Services) confirmed that a meeting would be arranged as soon as possible and that everyone's views would be taken into account. He advised that if views differed, consideration would be given to take the matter back to Committee.

## **5. PRESENTATION - CAIRNGORMS NATIONAL PARK AUTHORITY**

The Committee noted an informative presentation on Cairngorms National Park by Mr Duncan Bryden, the new Chairman of the Cairngorms National Park Authority Board.

## **6. MORAY ECONOMIC STRATEGY IMPLEMENTATION: ENGAGEMENT, MARKETING & COMMUNICATIONS ACTIONS PLAN**

There was submitted a report by the Corporate Director (Environmental Services) requesting that the Committee support funding for implementation of the Engagement, Marketing and Communications Action Plan for the Moray Economic Strategy. A copy of the action plan was provided as Appendix 1 to the report.

The Planning and Development Manager advised that recommendation 2.1 (i) should read “agreed to allocate up to £25,000 per annum from the Economic Development Budget 2013/14 and 2014/15, as a partner contribution, to the provision of engagement, marketing and communications to support implementation of the Moray Economic Strategy” and this was noted by the Committee.

Councillor Wright moved that recommendation 2.1 (iii) be amended to read “referred the matter and budget allocation to the Policy and Resources Committee for further consideration once partner contributions are confirmed”. This was unanimously agreed.

Following consideration, the Committee:-

- (i) agreed to allocate up to £25,000 per annum from the Economic Development Budget 2013/14 and 2014/15, as a partner contribution, to the provision of engagement, marketing and communications to support implementation of the Moray Economic Strategy;
- (ii) noted the draft action plan prepared, as set out in Appendix 1 to the report, and that funding contributions are being sought from members of the Moray Economic Partnership and Business Community;
- (iii) referred the matter and budget allocation to the Policy and Resources Committee for further consideration once partner contributions are confirmed; and
- (iv) recommended to the Moray Economic Partnership that contributions for this element of the Strategy should be sought from all partners.

## **7. ELGIN WESTERN LINK ROAD – REPORT 1: OUTLINE DESIGN**

Councillor Leadbitter, having declared an interest in this item, left the meeting, taking no part in the deliberation of the item.

Under reference to paragraph 4 of the Minute of the Meeting of this Committee dated 23 October 2012, there was submitted a report by the Corporate Director (Environmental Services) advising Committee of the outcomes of the recent public exhibition and to seek approval of the developed outline design for Elgin Western Link Road. A copy of the Stakeholder Design Appraisal Report was provided as Appendix 1 to the report.

During discussions, Councillor Ross moved that the Committee do not approve the outline design for progressing to a planning application.

There being no seconder, Councillor Ross' motion fell and thereafter, the Committee:-

- (i) noted the outcomes of the community engagement, the workshops and recent exhibition, as detailed in Appendix I of the report;
- (ii) approved the outline design for progressing to a planning application, as set out in Appendix I of the report; and
- (iii) authorised investigation into potential enhancements from Edgar Road to Sandy Road as identified in the Local Plan.

## **8. ELGIN WESTERN LINK ROAD – REPORT 2: COMPULSORY PURCHASE ORDER**

Under reference to paragraph 4 of the Minute of the Meeting of this Committee dated 23 October 2012, there was submitted a report by the Corporate Director (Environmental Services) asking Committee to consider Compulsory Purchase Order (CPO) proposals for the Elgin Western Link Road Scheme.

During discussions, Councillor Ross moved that the Committee note the content of the draft Statement of Reasons and do not proceed with a CPO until the relevant planning application has been determined. This was seconded by Councillor Wright.

Councillor McDonald queried if Councillor Ross' motion would require a suspension of Standing Order 83 following the decision of this Committee at its meeting on 23 October 2012.

Mr McEachan confirmed that at its meeting on 23 October 2012 this Committee voted against a motion that any proposal to move forward with a CPO be deferred until the planning application had been determined by the Planning and Regulatory Services Committee and thereafter agreed 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. He advised that a suspension of Standing Order 83 would be required to overturn this decision.

In response to the Chair's request for a material change in circumstances to merit a suspension of Standing Order 83, Councillor Ross advised that the draft Statement of Reasons presented did not provide enough reason to submit a CPO prior to a planning application, and the Committee did not have the draft Statement when making the decision on 23 October 2012.

Thereafter, the Committee agreed to consider the suspension of Standing Order 83 by "show of hands" to which Councillor Ross expressed concern regarding the recording of such a method. In response, the Chair advised that an electronic vote would be taken instead.

On a division, there voted:-

For the suspension (5)	Councillors Creswell, Divers, Ross, Tuke and Wright.
Against the suspension (7)	Councillors Coull, Cree, McDonald, McLean, Murdoch, Paul and Shepherd.

Abstentions (0)

Accordingly, in terms of Standing Order 84, the Committee agreed not to suspend Standing Order 83 as two-thirds of the members of the Council present did not agree the matter merited a suspension.

Following discussions, Councillor Ross queried as to how he could move against a recommendation that he did not agree with. In response, the Chair proposed that the meeting take a short adjournment to obtain further information.

Councillor Paul requested that a copy of the previous minute being referred to be issued to all members during the adjournment, and this was agreed.

Thereafter, the meeting took a short adjournment to allow Officers to obtain further information.

On resumption of the meeting, Mr McEachan advised that his earlier advice to the Committee was based on a narrow interpretation of the minute dated 23 October 2012 and confirmed that a wider interpretation would allow for a fuller debate.

Following further discussions, and on the advice that Councillor Ross' motion not to proceed with the CPO was competent, Councillor Cree moved the recommendations as set out in Section 2 of the report. This was seconded by Councillor Murdoch.

On a division, there voted:-

For the motion (5)	Councillors Creswell, Divers, Ross, Tuke and Wright.
For the amendment (7)	Councillors Coull, Cree, McDonald, McLean, Murdoch, Paul and Shepherd.

Abstentions (0)

Accordingly, the amendment became the finding of the meeting and the Committee:-

- (i) noted the content of the draft Statement of Reasons, as set out in Appendix 2 of the report;
- (ii) agreed there is justification for making a Compulsory Purchase Order (CPO) over the land detailed in Appendix 1 of the report; and
- (iii) recommended to the Moray Council that it promotes the CPO.

## **9. FLOOD RISK AT KINGSTON AND GARMOUTH**

Councillor Leadbitter rejoined the meeting.

Under reference to paragraph 12 of the minute of this Committee dated 23 October 2012, there was submitted a report by the Corporate Director (Environmental Services) updating the Committee on flooding, erosion and emergency issues at the coast at Kingston and the River Spey at Garmouth and recommending a course of action at Kingston.

On the invitation of the Chair, Mr Guthrie of Royal Haskoning DHV provided a presentation and update on flooding, erosion and emergency issues at the coast at Kingston.

During discussions, Councillor Ross moved that short term work be conducted to protect the land-face bank at the rear of the Lagoon, investigation be held on long term work available and that the Council request funding from the Scottish Government.

In terms of Standing Order 25, the meeting agreed to suspend Standing Orders and continue beyond 12.45pm in order to conclude the consideration of this item.

Councillor Paul moved that investigations into work available to protect the land-face bank at the rear of the Lagoon be held and a report be submitted to a future meeting of this Committee, a site visit be arranged for all Members of the Committee to assess flood risk at Kingston and that monitoring of the shingle bank continues in its current form to detect trends.

In response, Councillor Divers moved that remedial work to replace the shingle bank take place immediately and defences be installed to protect the land-ward face of the Lagoon.

During further discussions, Councillor Ross, referring to recommendation 2.1 (a) in the report, expressed his disappointment at the speed of which works on the River Spey was progressing and noted that no further discussions had been held with Garmouth Golf Club in the 8 weeks since the last Committee. In response, the Corporate Director (Environmental Services) acknowledged the apparent delay in the progress of the works and asked that the Committee agree that he takes a lead

role of the flood risk management project for Garmouth and Kingston. This was unanimously agreed by the Committee.

Thereafter, Councillor Cree seconded Councillor Paul's motion.

Councillor Divers, following consideration, withdrew his motion and seconded Councillor Ross'.

In response to advice from the Corporate Director (Environmental Services), the Consultancy Manager and Mr McEachan regarding Councillor Ross' motion, the Chair deemed it to be not competent due to budgetary implications that could not be predicted without investigation.

There being no one otherwise minded, Councillor Paul's motion became the finding of the meeting and the Committee:-

- (i) noted the success of recent works on the River Spey and that the position will be reviewed in Spring 2013;
- (ii) agreed that the Corporate Director (Environmental Services) take a lead role of the flood risk management project for Garmouth and Kingston;
- (iii) noted that the report considers that the shingle bank at Kingston is likely to continue to provide protection for properties along the beach front, but it will tend to retreat slowly towards the shore forming a beach in the long term;
- (iv) agreed that monitoring continues in its current form to detect trends, with information being provided to the Ward Members and community representatives;
- (v) agreed that further reports be submitted to this Committee should there be significant changes detected by monitoring;
- (vi) agreed that investigations into work available to protect the land-face bank at the rear of the Lagoon be held and a report be submitted to a future meeting of this Committee;
- (vii) noted that a site visit to assess flood risk at Kingston would be arranged for members of this Committee;
- (viii) noted progress towards facilitating an alternative emergency access to Kingston; and that the Emergency Planning Officer has been invited to speak to Innes Community Council meeting early in the New Year regarding community involvement in emergency planning.

## **10. ADJOURNMENT OF MEETING**

The Meeting agreed to adjourn at 1:50pm and, in agreeing to suspend Standing Order 25, reconvene at 2.30pm.

## 11. RESUMPTION OF MEETING

The Meeting reconvened at 2.31pm.

### **Present**

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

### **IN ATTENDANCE**

The Corporate Director (Environmental Services), the Head of Direct Services, the Roads Maintenance Manager, the Consultancy Manager, the Estates Manager, Mr A Duff, Senior Engineers (Traffic), Mr A. McEachan, Legal Services Manager (Property & Contracts), and Mr D. Westmacott, Committee Services Officer as Clerk to the Meeting.

## 12. PROPOSED TRAFFIC REGULATION ORDER: SCHOOL ROAD, KEITH

There was submitted a report by the Corporate Director (Environmental Services) asking Committee to consider outstanding objections to the following Road Traffic Order:-

“The Moray Council (School Road, Keith – Prohibition of Motor Vehicles – except for access to Kinnoir and Viewmount) and (Waiting Restrictions, Various Streets, Keith) Order 2012”.

The report also asked the Committee to over-rule the objections and authorise the Head of Direct Services and Head of Legal and Democratic Services to make the Order.

During discussions, Councillor Coull moved that the Committee do not approve the Traffic Regulation Order, defer consideration of waiting restrictions on School Road until an analysis of impact from the proposed reconfiguration of the school car park has been completed and consult on proposals to introduce an additional length of restricted waiting on Banff Road adjacent to Longmore Hall. This was seconded by Councillor Shepherd.

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

(i) not to approve the undernoted Traffic Regulation Order:-

“The Moray Council (School Road, Keith – Prohibition of Motor Vehicles – except for access to Kinnoir and Viewmount) and (Waiting Restrictions, Various Streets, Keith) Order 2012”;



- (ii) to defer consideration of waiting restrictions on School Road until an analysis of impact from the proposed reconfiguration of the school car park has been completed; and
- (iii) to consult on proposals to introduce an additional length of restricted waiting on Banff Road adjacent to Longmore Hall.

### **13. TRANSPORT FOR HEALTH AND SOCIAL CARE**

There was submitted and noted a report by the Corporate Director (Environmental Services) updating the Committee on proposals for greater integration of transport services across the health and social care sectors with the introduction of a transport information service for healthcare appointments.

### **14. FLOOD RISK MANAGEMENT (SCOTLAND) ACT 2009 – SECTION 16 ASSESSMENT OF FLOOD RISK FROM SEWERAGE SYSTEMS AND SURFACE WATER MANAGEMENT PLANS**

There was submitted a report by the Corporate Director (Environmental Services) advising the Committee of the areas within Moray that will be included in the first Flood Risk Management planning cycle Section 16 Assessments of flooding from sewers and potential financial implications of producing Surface Water Management Plans (SWMO) in partnership with SEPA and Scottish Water.

Following consideration, the Committee:-

- (i) noted the areas in Moray that will be assessed for flood risk from sewers under Section 16 of the Flood Risk Management (Scotland) Act 2009, as set out in Paragraph 3.4 of the report; and
- (ii) agreed to receive a report on Surface Water Management Plans and associated integrated catchment studies once candidate catchments have been identified by SEPA.

### **15. RAIL FREIGHT PROJECT, ELGIN**

There was submitted a report by the Corporate Director (Environmental Services) asking the Committee to recommend to the Policy and Resources Committee that the Council make a financial contribution in principle towards a HITRANS pilot project to ship some whisky products out of Elgin by rail.

The Head of Direct Services advised of an error within the recommendations and noted that if approved, the financial contribution would be met from the existing Environmental Services budget, and not the Direct Services budget as intimated in the report.

In response to a query from Councillor Paul regarding the possibility of using Keith as a rail freight yard, the Chair advised that she had already made this suggestion to

HITRANS but noted that the project was currently a pilot, based from Elgin in the first instance. She added that once the pilot had been completed and reviewed, then further consideration could be given to alternative locations.

Following consideration, the Committee agreed to recommend to the Policy and Resources Committee that a sum of £20,000, from the existing Environmental Services budget, is committed in the forthcoming budget setting process to supporting a HITRANS-led pilot project to transfer some whisky products from road transport to rail.

## **16. DIRECT SERVICES PERFORMANCE REPORT – QUARTER 2: 1 JULY TO 30 SEPTEMBER 2012**

There was submitted a report by the Corporate Director (Environmental Services) outlining the performance of Direct Services for the period 1 July to 30 September 2012.

The Committee joined the Chair in commending the Roads Maintenance Manager and his team following their award for highways and winter maintenance best performer from the Association of Public Service Excellence (APSE)

In response to a query from the Committee, the Head of Direct Services advised that a report on performance indicator ENVDR068a 'Street Cleanliness' would be submitted to a future meeting of this Committee, with a view to changing the target.

Following consideration, the Committee:-

- (i) commended the Roads Maintenance Manager and his team following their award for highways and winter maintenance best performer from the Association of Public Service Excellence (APSE);
- (ii) noted performance against Economic Development and Infrastructure Performance Indicators, Service Improvement Plan, Revenue and Complaints at the end of September 2012;
- (iii) welcomed good performance, as detailed in Paragraph 5.1 of the report;
- (iv) noted the actions being taken to seek improvements where required; and
- (v) noted that a report on performance indicator ENVDR068a 'Street Cleanliness' would be submitted to a future meeting of this Committee, with a view to changing the target.

## **17. QUESTION TIME**

The Chair advised that at the meeting of the Policy and Resources Committee on 27 November 2012, the Committee requested that a report be submitted to this Committee on the Castle to Cathedral to Cashmere project to update Members on

the progress being made on the feasibility study into this project, and queried what the status of the report was.

In response, the Corporate Director (Environmental Services) advised that there was a delay due to the unavailability of staff because of leave and advised that the report would be submitted to the first meeting of this Committee in 2013.

Councillor Paul requested that a report be submitted on the outcome of the public consultation in Rothes on traffic management. The Head of Direct Services advised that a report on the matter would be submitted to the next meeting of this Committee.

#### **18. PROPOSED LEASE VARIATIONS / ARRANGEMENTS: UNITS D & E ISLA BANK MILLS, KEITH [PARA 6]**

There was submitted a report by the Corporate Director (Environmental Services) seeking Committee approval to proposed lease variations/arrangements, as set out in Appendix I of the report, in respect of Units D & E, Isla Bank Mills, Keith.

In response to a query from the Committee regarding the station car park extension, the Estates Manager advised that Ward members would be advised of the timescales for the station car park extension and kept informed of progress.

Thereafter, the Committee:-

- (i) noted that Ward members would be advised of the timescales for the station car park extension and kept informed of progress; and
- (ii) approved the proposed leasing arrangements, as detailed in Appendix I of the report, and remitted the Legal Services Manager (Property and Contracts) to conclude the legal documentation.

#### **19. DIRECT SERVICES REVENUE BUDGET: QUARTER 2 MONITORING REPORT FOR TRADING ACCOUNTS [PARA 6]**

There was submitted and noted a report by the Corporate Director (Environmental Services) informing Committee of the progress of Trading Accounts against revenue budgetary targets for the financial year 2012/13 during the period 1 April 2012 to 30 September 2012.