

THE MORAY COUNCIL
MINUTE OF MEETING OF THE ENVIRONMENTAL SERVICES COMMITTEE
WEDNESDAY 5 DECEMBER 2007
COUNCIL OFFICE, ELGIN

PRESENT

Councillors A Wright (Joint Chair : Planning & Environment) J Russell (Joint Chair : Transportation & Direct Services), A Bisset, J Divers, G Leadbitter, J Hamilton, F Murdoch, G McDonald, G McIntyre, A Mckay, I Ogilvie, P Paul, R Shepherd and I Young.

ALSO PRESENT IN RESPECT OF ITEM 8 (j)

Councillor D Stewart.

APOLOGIES

An apology for absence was intimated on behalf of Councillor M McConnachie

IN ATTENDANCE

The Director of Environmental Services, the Head of Development Services, the Head of Direct Services, the Planning and Development Manager, the Transportation Manager, the Development Control Manager and A Burnie & J Martin, Principal Planning Officers (Development Control) in respect of items 8, 9 & 10, the Head of Estates Services, L Paisey, Principal Accountant, the Principal Solicitor (Commercial and Conveyancing) for items 1- 12 and the Senior Committee Services Officer, Clerk to the Meeting.

1. CHAIR

Councillor A Wright, Joint Chair (Planning & Environment), took the Chair in respect of the Planning & Environment section of business on the Agenda.

2. ADITIONAL BUSINESS

In terms of Standing Order 25 (iv) the Committee agreed to accept as additional items of business to be transacted at the meeting the undernoted confidential reports by the Director of Environmental Services on the Chairman certifying that, in his opinion, they required to be considered on the grounds of urgency given the timescales involved:-

- (i) Emergency Notice of Motion : Planning Application Call-In

Confidential Items

- (ii) Rothes Flood Alleviation Scheme (Paras 6&9)
 (iii) Residential Development at Thornhill Road, Elgin (Para 13)

3. ORDER OF BUSINESS

In terms of Standing Order 25 the meeting noted that to vary the order of business set down on the Agenda and take Item 5 (c) on the Supplementary Agenda 'Biomass Conference' as item 10 (a).

4. DECLARATION OF GROUP DECISIONS

In terms of the relevant Standing Order 20 and the Councillor's Code of Conduct 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.

5. 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 Paragraphs 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.

Para. No. of Minute	Para. No. of Schedule 7A
28	6 & 9
29	9
30	6
31	9
32	9
33	9
34	6 & 9
35	13

6. EMERGENCY NOTICE OF MOTION

In terms of Standing Order 29 (ii) there was tabled an emergency Notice of Motion by Councillor P Paul, seconded by Councillor G McDonald, in the following terms:-

'That Moray Council commends the Scottish Government on calling in the Trump Organisations planning application for a golf resort near Balmedie and agree that Moray Council supports the call by Aberdeen City and Angus Councils to take account of the impact this would have in revitalising the North East'.

Following consideration the Committee agreed to support the Emergency Notice of Motion tabled by Councillor Paul.

7. PLANNING APPLICATIONS

SPEYSIDE GLENLIVET : WARD 1

- (a) **07/00422/FUL** **ERECT DWELLINGHOUSE AND ASSOCIATED WORKS AT BURN OF AUCHBRECK GLENRINNES KEITH FOR MRS DIANE STRATHDEE**

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 a house and associated works at Burn of Auchbreck, Glenrinnnes, Keith for Mrs Diane Strathdee.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation given that competent written objections have been received from more than 10 separate households and that members of the Committee had visited the site of the application on 3 December 2007. The meeting also noted that the application had been advertised as a departure from policy to which representations had been received, therefore were the Committee minded to approve the application a Hearing was recommended. There was also circulated, in accordance with the policy decision of December 1991, direct to Members and copied to the Development Control and Legal & Committee Services, information in support of the application.

Following consideration and on the motion of Councillor Wright, seconded by Councillor Hamilton, the Committee agreed to refuse the application on the grounds that the proposal is contrary to Moray Structure Plan policies 1(e) and 2(a) and Moray Local Plan policies L/ENV7, L/HC3, L/IMP2 and L/IMP3 for the following reasons:

1. The proposal, being located on steeply sloping ground, would require to be the subject of significant engineering works and works of excavation in order to accommodate the dwelling and associated driveway, parking and garden areas. The resultant development would fail to integrate sensitively with the surrounding landform so as to blend unobtrusively with its surroundings and would significantly detract from the character of this part of the countryside, the scenic qualities of which are recognised as an Area of Great Landscape Value.
2. The siting of the plot involving heavy engineering works and the use of red roof tiles (more suited to a sub-urban setting) would also give rise to a development which would lack the necessary high standards of siting and design required by policy L/ENV7. The resultant development, which would be particularly obtrusive because of its location on a remote un-developed hillside, would detract significantly from the landscape character of the area.
3. The proposed boundaries to the plot would dissect open scrubland, which itself has no discernible features allowing for the natural separation of the site from adjoining ground. This would merely afford an artificial sub-division of the plot from the adjoining ground, which is indistinguishable from that within the site, rather than separate them naturally from the surrounding landform as required by policy L/HC3.
4. If approved, the proposal would set a serious and undesirable precedent for other proposals to be submitted within the immediate locality.

(b) **07/02128/FUL** **CONSTRUCT COOPERAGE DISGORGING AREA AND BONDED WAREHOUSE STORAGE AT OVERTOWN FARM CRAIGELLACHIE ABERLOUR FOR THE EDRLINGTON GROUP**

There was submitted a report by the Director of Environmental Services recommending that, subject to comments from the Council's Contaminated Land Section and conditions detailed in the report, planning consent be granted to construct a cooperage, disgorging area and bonded warehouse storage at Overton Farm, Craigellachie for the Edrlington Group.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation given that the proposal is considered a major development and that the Development Control Manager considered that the application raised matters of wider community interest and/or planning significance. Members of the Committee had previously visited the site of the application on 13 August 2007.

J Martin, Principal Planning Officer (Development Control) advised the meeting that this detailed application was a revision on the previous application approved by the Committee on 15 August 2007 (para 9 (g) of the Minute refers) and represents increases to the overall site area and length of warehouse buildings, details of which were set out on pages 12 & 13 of the Planning Officer's report on the application. He also advised that there were changes to the proposed SUDs drainage system and that the application was not considered to depart from the Development Plan and therefore had not been advertised as such. The meeting also noted that there were no objections to the application albeit there were numerous objections to the previous application, which had initially been advertised as a departure. There were no objections from statutory consultees, subject in some cases to the same conditions which were applied to the previous consent, and the Officer's recommendation remained one of approval subject to the same conditions, which previously applied.

Following consideration, Councillor Paul, seconded by Councillor Murdoch, moved deferral of consideration of the application to allow for consultations to be carried out with the wider community and public.

As an amendment, Councillor Bisset, seconded by Councillor Russell, moved approval of the application as recommended.

Following further discussion in regard to procedures in the event of there being no objections to the application, Councillor Paul, with the agreement of her seconder, amended her motion to deferral of consideration of the application to allow for consultations to be carried out with the wider community and public by the proposal being advertised as a development in the public interest and in the event of no objections being received, the Development Control Manager be granted delegated authority to approve the application, subject to comments from the Council's Contaminated Land Section and the conditions detailed in the report.

On a division there voted:-

For the Motion (9) Councillors Divers, Leadbitter, Murdoch, McDonald, McKay, Ogilvie, Paul, Shepherd and Wright.

For the Amendment (5) Councillors Bisset, Hamilton, McIntyre, Russell & Young.

Abstentions (0)

Accordingly the motion became the finding of the meeting and it was agreed to defer consideration of the application to allow for consultations to be carried out with the wider community and public by the proposal being advertised as a development in the public interest. It was also agreed that in the event of no objections being received, the Development Control Manager be granted delegated authority to approve the application, subject comments from the Council's Contaminated Land Section and the conditions detailed in the report.

(c) **07/02207/FUL CHANGE THE USE CLASS FROM HOLIDAY LETS AND PUBLIC HOUSE TO CLASS 8 RESIDENTIAL SCHOOL AT GLENLIVET LODGES AND POACHERS RETREAT GLENLIVET BALLINDALLOCH FOR MR GARY M JOHNSTON**

There was submitted a report by the Director of Environmental Services recommending that, subject to conditions detailed in the report and referral to Scottish Ministers prior to the issue of consent, planning consent be granted for the change of use Class from holiday lets and public house to a Class 8 Residential School at Glenlivet Lodges and Poachers Retreat, Glenlivet, Ballindalloch for Mr Gary M Johnston.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation given that competent written objections have been received from more than 10 separate households and that members of the Committee had visited the site of the application on 3 December 2007. The meeting also noted that the application had been advertised as a development in the public interest. The report also advised that, if approved, the application would, prior to issue of consent, require to be referred to Scottish Ministers, under Circular 5/2007, given that the Local Planning Authority, Moray Council may benefit financially by being one of the potential customers of the proposed use.

Following consideration and on the motion of Councillor Murdoch, seconded by Councillor Wright, the Committee agreed that the application be approved subject to the following conditions:-

1. 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.
2. The approval hereby granted is only for a limited period expiring on 31st December 2009.
3. There shall be no more than 12 young people residing on the site at any one time unless otherwise agreed in writing by the local Planning Authority.
4. The lodges shall not be used as staff accommodation or as permanent dwelling units.
5. Details of the yield and demand of the private water supply monitored over a 12 month period shall be submitted to and approved in writing by the local Planning Authority within 3

months from the date of the decision notice. Should this conclude that an additional water supply is required details as to how this can be provided shall be submitted for approval within 3 months from the completion of the 12 month monitoring period. The additional water supply shall be provided within an agreed timescale with the local Planning Authority.

6. There shall be no more than 36 persons including residents and staff on the site at any one time and a register shall be kept of all people on the site at any one given time unless otherwise agreed in writing by the local Planning Authority.

The Council's reasons for imposing the above conditions are:-

1. 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.
2. In order that Planning Authority may retain control over the use of the site and to ensure that further consideration can be given to the operation, effects and impact of the use approved herewith on the amenity of the area.
3. In order that Planning Authority may retain control over the use of the site and to ensure that further consideration can be given to the operation, effects and impact of the use approved herewith on the amenity of the area.
4. To ensure that these former holiday chalets are not be used as permanent dwellings and a separate application would be required.
5. To ensure that an adequate private water supply is provided.
6. To ensure that an adequate private water supply is provided.

On the determination of this application Councillors Hamilton and McIntyre left the meeting.

KEITH AND CULLEN : WARD 2

- (d) **07/02217/OUT** **OUTLINE TO ERECT A SINGLE DWELLING HOUSE ON PLOT B THE OLD RAILWAY SITE MILLEGAN GRANGE FOR MR KEITH INGRAM**

Under reference to Paragraph 7 (g) of the Minute of this Committee dated 17 January 2007 there was submitted a report by the Director of Environmental Services recommending that, for reasons detailed in the report, outline planning consent be refused in respect of an application to erect a single house on Plot B, The Old Railway Site, Millegan, Grange for Mr Keith Ingram.

The meeting noted that the application had been deferred from the meeting on 17 January 2007, after a site visit, in order to allow the applicant the opportunity to carry out and submit a contaminated land assessment. This had been submitted and the Contaminated Land Section had recommended that two conditions be imposed which would overcome the previously recommended second reason for refusal. The report also advised that the application had been advertised as a departure from policy to which no objections had been received and therefore were the Committee 'minded to approve' the application a hearing would not be required. Members of the Committee had visited the site on Monday 3 December 2007.

Following consideration and on the motion of Councillor Wright, the Committee agreed to refuse the application on the grounds that the proposal is contrary to Moray Structure Plan policy 1(e) and Moray Local Plan polices L/HC3 & L/IMP2 for the following reasons:

1. The proposal would fail to integrate sensitively with existing landforms so as to blend unobtrusively with its surroundings. The site occupies an open area with inadequate features to separate it naturally from the surrounding ground.

2. The resultant visual impact of the development would detract from the rural character of this part of the countryside and set a precedent for other similar applications to be submitted in the locality.

(e) **07/00623/FUL CHANGE OF USE AND ALTERATIONS TO EXISTING AGRICULTURAL WAREHOUSES TO FORM SEPARATE INDUSTRIAL UNITS AT BACKMUIR FARM FOR W R SIMMER LIMITED**

During consideration of this application Councillor McIntyre rejoined the meeting.

There was submitted a report by the Director of Environmental Services recommending that, subject to conditions detailed in the report, planning consent be refused in respect of an application for the change of use and alterations to existing agricultural warehouses to form separate industrial units at Backmuir Farm, Keith for W R Simmer Limited.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation given that the application is for a major development for an industrial use of over 2000m² of floorspace and that members of the Committee visited the site of the application on 3 December 2007.

A Burnie, Principal Planning Officer (Development Control) referred to issues raised at the site visit and in particular to consideration being given to the possible provision of a footpath from the A96 extending to the site to include Backmuir Cottages. He advised the meeting that the provision had been considered as part of the consultations with Transportation and that it had been decided, based on anticipated lower traffic movements to and from the proposed development site, there was no requirement to provide a footway. He also suggested however that were Members minded to require the provision of a footway Condition 6 be amended to include for a 1.8m wide footway between the A96 backwards towards Backmuir Cottages. He also requested that consideration be given to the inclusion of an additional condition requiring agreement on a Schedule of materials, colours and finishes and amending Condition 9 to clarify that the use of the premises is for Class 5 industrial use.

Following consideration and on the motion of Councillor Paul, the Committee agreed that the application be approved, subject to the conditions detailed in the report, amending Condition 6 to include a requirement for the provision of a 1.8m wide footway between the A95 and Backmuir Cottages, amending Condition 9 to clarify that the use of the premises is for Class 5 industrial use and an additional condition requiring agreement on a Schedule of materials, colours and finishes.

The approved conditions being as follows:-

- 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 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.
4. 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 industrial

units 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.

- 5 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.
- 6 No work shall commence until a scaled plan has been submitted to and approved in writing by the local Planning Authority indicating:
 - i) A passing place suitable to allow Heavy Good Vehicles to pass each other to The Moray Council specification for Industrial Access Roads at a position between the burn and the A96.
 - ii) The section of public road to the east of the bridge over the burn upgraded such that the existing width of surfacing at the eastern end of this section is matched along the whole length.
 - iii) A 1.8 metre wide footway, with localised narrowing over the bridge if required, along Backmuir Road, (fronting Backmuir Cottages and extended to the A96 junction) and extended along the A96 to the existing bus stop position.

The works detailed on the approved scaled plans shall be implemented prior to any work commencing on site.

- 7 Prior to development commencing the developer shall secure the implementation of an archaeological standing building survey of the extant structures to be carried out by an archaeological organisation acceptable to the Planning Authority. The scope of the archaeological standing building survey will be set by the Aberdeenshire Council Archaeology Service on behalf of the Planning Authority. The name of the archaeological organisation retained by the developer shall be given to the Planning Authority and to the Aberdeenshire Archaeology Service in writing not less than 14 days before the survey commences. Copies of the resulting survey shall be deposited in the National Monuments Record for Scotland and in the local Sites and Monuments Record upon completion. The standard conditions of fieldwork set by Aberdeenshire Council will apply.
8. The existing access which joins the trunk road shall be upgraded by the applicant to a standard as described in the department of Transport Advice Note TA 41/95 (Vehicular Access to All-Purpose Trunk Road(s) (as amended in Scotland)) complying with layout 6. The junction shall be constructed in accordance with details that shall be submitted to and approved in writing by the Planning Authority, after consultation with the Roads Authority, before any part of the development is commenced. The approved details shall be implemented in accordance with the approved plans prior to any work commencing on the site.
- 9 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 only relates to the use of the premises for industrial use (class 5) and for no other use or purpose without the prior approval of the Council, as Planning Authority.
- 10 The industrial units shall only retail goods, which are ancillary to the business operations as a whole. For the purpose of this condition ancillary is defined as 10% of total retail floorspace or 10% of turnover.
- 11 There shall be no outside storage or display for sale of any items.

- 12 No works shall commence until detailed schedule of the external finishes (including colours) for the walls and roofs of the industrial units have been submitted to and approved in writing by the local Planning Authority.

The Council's reasons for imposing the above conditions are:-

- 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 that detailed consideration can be given to the landscaping of the site.
- 4 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.
- 5 In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground contamination.
- 6 In the interests of road safety.
- 7 To record the historic environment of rural Moray.
8. To ensure that all works entering or exiting the access can undertake the manoeuvre safely and with maximum interference to the safety and free flow of traffic on the trunk road. To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished. To maintain safety for both the trunk road traffic and the traffic moving to and from the development.
- 9 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.
- 10 To ensure the Planning Authority retains control over the use.
- 11 To ensure adequate car parking and turning area within the site is retained.
- 12 In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.

- (f) **07/01575/OUT OUTLINE PLANNING FOR DWELLINGHOUSE SITES AT SITES 1,
07/01576/OUT 2, 3 & 4 CRAIGMIN DRYBRIDGE BUCKIE FOR MRS
07/01579/OUT SHEILA DUNCAN
&
07/01581/OUT**

There were submitted reports by the Director of Environmental Services recommending that, for reasons detailed in the reports, outline planning consent be refused in respect of applications for house site at Sites 1, 2, 3, & 4 Craigmin, Drybridge, Buckie for Mrs Sheila Duncan.

The meeting noted that the applications had been referred to Committee in terms of the Scheme of Delegation given that the Development Control Manager considered that the applications raised matters of wider community interest and/or planning significance. The report also advised that the applications had been advertised as departures from the Development Plan to which objections had been received and therefore were the Committee 'minded to approve' the applications a Hearing was recommended. In regard to the unresolved objection from a statutory consultee, the Community Council, the meeting noted that the Community Council was opposed to the proposals and, therefore,

were the Committee minded to refuse the application, as recommended, the objection would be resolved. Members of the Committee visited the site of the applications on 3 December 2007.

There was also circulated to Members, in accordance with the policy decision of December 1991, a copy of correspondence received, in support of the applications.

Councillor Shepherd expressed the view that whilst he accepted that the proposed development is marginally outwith the settlement boundary policy L/ENV10 advises that developments immediately outwith settlements will "not normally be acceptable", not refused. Policy S/H4 advises that there is a presumption in favour of developments in south and east Moray on well located sites and he did not consider that approval of these applications will result in an uncharacteristic build up of residential development and will integrate sensitively into the environment. He also expressed the view that, as those members who were on the site visit will have noted, there are already two new houses built under delegated powers to the south of Craigmint Cottages, which are not shown on the location plan appended to the reports. He was also of the opinion that when taken together the plot boundaries covering the 4 plots comply with the 50% requirement for this part of Moray, new boundaries would be formed to the north and west of the sites to separate them from the adjoining field.

Councillor Shepherd also advised the meeting that public drainage is not an issue as effluent will be dealt with by bio-disc chambers and individual soakaways which will be designed and approved by specialist engineers as will surface water drainage. In regard to concerns relating to access and traffic there are no objections from the Transportation Manager, subject to the provision of a visibility splay and pavements fronting the site. He also advised that the road only accesses houses and farms above Drybridge and is not a through road to another village. None of the other consultees have any objections.

For these reasons, Councillor Shepherd moved that the Committee be minded to approve the applications as acceptable departures from policy, subject to standard conditions to include those referred to by the Transportation Manager and referral to a Hearing. The motion was seconded by Councillor Bisset.

As an Amendment Councillor Wright, seconded by Councillor Russell, moved refusal of the applications, as recommended.

On a division there voted:-

For the Motion (5) Councillors Bisset, Divers, McIntyre, McKay and Shepherd.

For the Amendment (8) Councillors Leadbitter, McDonald, Murdoch, Ogilvie, Paul, Russell, Wright and Young.

Abstentions (0)

Accordingly the Amendment became the finding of the meeting and it was agreed that each of the four applications be refused on the same grounds, namely that the proposals are contrary to policies L/ENV10, L/H3 and L/IMP2 in the Moray Local Plan 2000 for the following reasons:-

1. The proposals would result in an uncharacteristic build up of residential development within close proximity to the rural community of Drybridge, compromising the distinction between the defined community and the surrounding open countryside.
2. The west and north west boundaries of the site form an arbitrary, unnatural separation from the adjoining agricultural land resulting in a proposal which would not blend unobtrusively with the surrounding landscape. The arbitrary nature of the site boundaries means that to permit such a development would set the undesirable precedent for similar further incursions into the same field.
3. The proposed sites contribute towards the creation of 4 adjacent new house plots located in the countryside. This would instantly create a group of housing unsympathetic to the settlement pattern of the countryside in this locality.

BUCKIE: WARD 3(g) **06/02199/FUL****ERECT 122 HOUSES WITH APARTMENTS WITH CAR PARKING AT NORTH YARD, BLANTYRE TERRACE, BUCKIE FOR DAWKINS BUCKIE LIMITED**

There was submitted a report by the Director of Environmental Services recommending that, subject to the completion of a legal agreement with the applicants on affordable housing, the provision of play equipment and recycling facilities, the submission of a detailed report by a qualified coastal engineer on the proposed sea wall and approval of this by the Council's Flood Alleviation Group and conditions detailed in the report, planning consent be granted in respect of an application to erect 122 houses with apartments and car parking at North Yard, Blantyre Terrace, Buckie for Dawkins Buckie Limited.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation given that competent written objections have been received from more than 10 separate households and that the Development Control Manager considered that the application raises issues of wider community interest and/or planning significance. Members of the Committee had visited the site of the application on 3 December 2007.

Councillor A McKay expressed the view that the application was being recommended for approval, ostensibly, on the grounds that it complies with the relevant Local Plan policies detailed in the Planning Officer's report.

She referred to the reference in the report to the run down condition and the large scale of the existing redundant buildings, which were being alluded to as justification for the scale and density of the development. In this regard she was of the opinion that a density of 33 houses per acre may be acceptable for an inner city development but was two to three times the apparent normal for Moray and far in excess of what is acceptable for a modern coastal development in keeping with the one and a half storey "fishertown" tradition. Councillor McKay was of the view that the scale of the redundant industrial buildings currently on the site should neither determine the scale of any proposals for residential re-development nor the scale of flatted buildings within that development and, therefore, was of the opinion that the proposal is inappropriate to the surrounding area in terms of scale, density and character.

Councillor McKay also expressed her concerns in regard to the penned access to the development, both in the context of the housing and implementation policies referred to in the report, and with reference to Policy L/T4 which requires "suitable and safe access".

Whilst not opposed to the redevelopment of the brownfield site Councillor McKay intimated that she was opposed to these proposals for the site in that, in her opinion, they are neither appropriate to their coastal location nor do they comply sufficiently with the relevant Local Plan policies. For these reasons Councillor McKay moved refusal of the application on the grounds that it fails to comply with Policies L/H3, L/H4, L/IMP3 and L/IMP4 in terms of scale, density and character. The motion was seconded by Councillor Murdoch.

With the agreement of her seconder Councillor McKay amended her Motion to include that the proposal also did not comply with Policy I7 The Harbour, in terms of density, referred to by Councillor G McDonald.

As an Amendment Councillor Wright, seconded by Councillor Bisset, moved approval of the application, as recommended

On a division there voted:-

For the Motion (7) Councillors Divers, Leadbitter, Murdoch, McDonald, McKay, Ogilvie and Paul.

For the Amendment (6) Councillors Bisset, McIntyre, Russell, Shepherd, Wright and Young.

Abstentions (0)

Accordingly the Motion became the finding of the meeting and it was agreed that the application be refused on the grounds that, in terms of scale, density and character, it did not comply with policies L/H3, L/H4, L/IMP3, L/IMP4 and I7 The Harbour.

(h) 07/01692/FUL ERECT FUEL OIL STORAGE TANK AT PIER 4 BUCKIE HARBOUR COMMERCIAL ROAD BUCKIE FOR RNLI SCOTLAND

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 an application to erect a fuel oil storage tank at Pier 4 Buckie Harbour, Commercial Road, Buckie for RNLI Scotland.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation given that the application had been submitted by an Officer involved in the statutory process and that members of the Committee had visited the site of the application on 3 December 2007.

Following consideration, the Committee agreed to approve the application 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 oil tank and all its ancillary equipment and pipework must be surrounded by a bund with a minimum capacity of 100% of the tank's volume.
4. The installation as a whole must comply with the "Pollution Prevention Guidelines, Above Ground Storage Tanks: PPG2, published by the Scottish Environment Protection Agency.

The Council's reasons for imposing the above conditions are:-

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 health and safety.
4. In the interests of health and safety.

HELDON AND LAICH : WARD 5

(i) 07/00634/OUT OUTLINE PLANNING FOR NEW DWELLINGHOUSE ON SUB-DIVIDED GROUND AT 4 FORESTRY COTTAGES NEWTON ELGIN FOR MR AND MRS STUART

Following consideration, the Committee agreed that the application be refused on the grounds that the proposal is contrary to policies 2(a) and 2(b) in the Moray Structure Plan and to policy ENV1 in the Lossiemouth Settlement Statement in the Moray Local Plan for the following reasons:

1. The proposal effectively involves a change in use from public access to private amenity associated with the adjoining house. Giving planning consent in the (revised) terms sought would effectively sanction the exclusion of the public from the area and further marginalise an already very narrow remaining strip of the foreshore designation. This together with the infilling would detract from the natural open character of the area in terms of the public enjoyment it affords.
2. The proposals would encourage more substantial physical separation of the area from the surrounding foreshore designation, which would increase the detrimental visual impact of the proposals on the setting.
3. The proposals would disrupt the continuity of the verge forming a boundary along the seashore area.

ELGIN CITY SOUTH : WARD 7

- (k) **07/02208/FUL** **EXTEND ORIGINAL PLANNING CONSENT 02/01764/FUL FOR A FURTHER 5 YEARS AT 81 HARDHILLOCK AVENUE ELGIN FOR MR AND MRS J A F RUGGERI**

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 an application to extend the original planning consent 02/01764/FUL for a further 5 years at 81 Hardhillock Avenue, Elgin for Mr & Mrs J A F Ruggeri.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation given that one of the applicants is an Officer involved in the statutory process.

Following consideration, the Committee agreed to approve the application, 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.

The Council's reasons for imposing the above conditions are:-

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.

8. SCHEME OF DELEGATION

Under reference to Paragraph 7 of the Minute of this Committee dated 7 March 2007 and Paragraph 9 of the Minute of this Committee dated 10 October 2007 there was submitted a progress report by the Director of Environmental Services on the amended Scheme of Delegation relating to the processing of planning applications, introduced subsequent to the meeting on 7 March 2007, and inviting the Committee to consider a proposed amended Scheme, which takes into account issues raised at the recent Members seminar on the process.

During discussion concern was expressed in regard to the proposal for representations from Community Councils to be included along with all other representations on applications as opposed to being a statutory consultee, as at present, and the diminishing role of Elected Members in the planning process. It was suggested that consideration be given to retaining the existing role of Community Councils as a statutory consultee and Ward Members having the right to request referral of any application to Committee for consideration. In regard to the position of Community Councils the meeting noted that there was to be a Members seminar on Tuesday 12 December 2007 on the Community Planning structure and the way forward in regard to the community planning process and that it may be appropriate to defer consideration of this matter until after the Seminar.

In regard to Members referring applications to Committee the meeting noted that, although not included in the recommendations, the Scheme does allow for Members to consult with the Development Control Manager in respect of any application, which is submitted, for the Council's consideration and it was suggested that the recommendations be amended to include this statement, for clarification.

Following consideration the Committee agreed:-

- (i) to approve the revised Scheme of Delegation to deal with the determination of planning applications, as detailed in Appendix 1 of the report, subject to the following amendments:
 - (a) that Community Councils remain a Statutory Consultee pending the outcome of Council consideration of the Community Planning process; and
 - (b) replace 'apply' with 'applies' at the last bullet point
- (ii) to note that these revisions are in respect of:-
 - (a) reducing the number of competent written objections from more than 10 to more than 5 separate households for Committee referral;
 - (b) clarifying the position on applications for less than 100 dwelling houses, unresolved objections from statutory consultees and re-submitted applications.
- (iii) to note that the revisions are required to improve the operation and the delivery of the Development Management function in accordance with the provisions of the Planning (Scotland) Act 2006;
- (iv) to the implementation of the revised Scheme of Delegation from 5 December 2007;
- (v) that Members will continue to be informed of all applications which attract any objections to applications in their Wards and can consult with the Development Control Manager to take advice on the Scheme of Delegation in respect of any application, which is submitted, for the Council's consideration;
- (vi) that the Scheme is reviewed as and when the Scottish Government provide further details of the proposed Local Review Panels; and
- (vii) that it be remitted to the Development Control Manager to ensure that the public and agents are informed regarding the agreed Scheme.

9. OPERATION OF NEW LOCAL PLAN

There was submitted a report by the Director of Environmental Services inviting the Committee to consider agreeing a commencement date for the operation of the emerging Moray Local Plan 2006 as

a 'material consideration' in the determination of planning applications and procedures for consultation on Supplementary Planning Guidance.

In regard to Supplementary Planning Guidance (SPG), the meeting noted that when the Council publishes Guidance which it proposes to use for planning purposes, it has always first sought opinion from stakeholders, and given careful consideration to different viewpoints, before finalising it. In the past, opinion has been sought by "written submission" and, while some stakeholders would wish to have inquiry-style procedures, with independent arbitration by a specially appointed reporter, it was recommended that the Committee consider Hearing procedures where an issue of disagreement is critical to the interpretation of the Council's approved policy.

Following consideration, the Committee agreed to:-

- (i) commence operation of the emerging Moray Local Plan as a "material consideration" in the determination of planning applications on Monday, 3 March 2008; and
- (ii) initiate procedures for Hearings of opposing views, prior to approval of Supplementary Planning Guidance, where the issue of disagreement is critical to the interpretation of the Council's approved policy.

10. PROGRESS REVIEW AGAINST PERFORMANCE INDICATORS, SERVICE IMPROVEMENT PLAN AND REVENUE BUDGETS FOR PERIOD APRIL 2007 - JUNE 2007

There was submitted a report by the Director of Environmental Services advising the Committee on the progress made against the targets laid down in the Environmental Services Improvement Plan for the period April to June 2007.

Officers responded to Members' questions during which concerns were expressed in regard to Development Control performance and, in noting the reasons therefore, the meeting noted that the targets are set by the Council and are reviewed annually by Committee and, should the Committee wish to set targets other than those in the current Improvement Plan, consideration could be given to this at the annual review. The meeting also noted that as a result of significant rainfall on Thursday 6 December 2007 a number of areas of damage have been brought to officers' attention which will require to be dealt with as a matter of urgency the costs will be in the region of £50,000 which will require to be added to the Flood Alleviation budget which is already overspend and measures being taken to address this issue will be reported on in due course.

Following consideration, the Committee agreed to:-

- (i) note the progress made against the targets laid down in the Environmental Services Service Improvement Plan and amendments to targets as a result of external influences outwith the Services' control;
- (ii) note the update of Service Performance regarding the Performance Indicators relating to the Environmental Services Department;
- (iii) note progress against departmental budgets; and
- (iv) approve the amendment to target as explained in Section 5.1.2 of the report.

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

Suspension of Standing Orders (12.44 p.m)

The meeting agreed to Suspend Standing Order 66 and continue the meeting and conclude the business under Remit 1 prior to adjourning for lunch.

11. APPOINTMENTS TO OUTSIDE BODIES : MORAY MICROBIOLOGICAL LABORATORIES LIMITED

There was submitted a report by the Chief legal Officer inviting the Committee to consider making two appointments to the Board of Directors of Moray Microbiological Laboratories Limited.

The meeting noted that the Company is run and managed by W A Baxters and Sons Limited and that the Council's only involvement is to attend Company Board Meetings to ensure that European grant funding conditions are being complied with. The meeting also noted that the Joint Venture Agreement gives Baxters an option to acquire the Council's shares, which may be exercised by Baxters following the publication of the annual accounts up to April 2008. It is likely that Baxters will exercise this option and the Council's interest in the Company will cease.

Following consideration, the Committee agreed that the Joint Chair (Planning & Environment) of this Committee, Councillor A Wright and Councillor A McDonald be appointed, as the Council's representatives, to sit on the Board of Directors of Moray Microbiological Laboratories Limited ("the Company")

Adjournment of Meeting

The meeting agreed to adjourn for lunch at 12.51 p.m and re-convene at 2.00 p.m.

Resumption of Meeting

The meeting resumed at 2.00 p.m.

PRESENT

Councillors A Wright (Joint Chair : Planning & Environment) A Bisset, J Divers, G Leadbitter, F Murdoch, G McDonald, G McIntyre, A McKay, I Ogilvie, P Paul and R Shepherd.

APOLOGIES

Apologies for absence were intimated on behalf of Councillors J Russell (Joint Chair : Transportation & Direct Services), J Hamilton, M McConnachie and I Young.

IN ATTENDANCE

The Director of Environmental Services, the Chief Legal Officer the Head of Development Services, the Head of Direct Services, the Head of Estates Services, L Paisey, Principal Accountant and the Senior Committee Services Officer, Clerk to the Meeting.

12. CHAIR

In the absence of the Joint Chair (Transportation & Direct Services) Councillor Wright, Joint Chair (Planning & Environment) Chaired the Remit 2 section of the meeting.

13. WASTE MANAGEMENT : PRESENTATION

Under reference to Paragraph 25(ii) of the Minute of this Committee dated 10 October 2007 S Williamson, Waste Management Officer, gave a presentation to Committee on the current waste management arrangements within Moray following which he responded to members questions.

Mr Williamson also advised the meeting that the Council had included £218,000 in the budget for 2007/08 in respect of additional burdens on waste services recognised by the Scottish Government in it's financial statement for the progression of recycling and diversion of waste from landfill. In this regard he invited the Committee to consider utilising these funds for the introduction of plastic recycling and offset increases in costs associated with the disposal of leachate from Dallachy Landfill Site. The meeting noted that approval was sought for expenditure in this financial year only and that

future expenditure against this additional burdens budget will be the subject of a further more detailed report to Committee.

Following consideration the Committee agreed to:-

- (i) note the presentation; and
- (ii) utilise the £218,000 in the 2007/08 budget in respect of additional burdens on waste services:
 - (a) for the introduction of plastic recycling; and
 - (b) to offset a considerable increase in the costs associated with the disposal of leachate from Dallachy Landfill Site.

14. CENTRAL EUROPEAN BIOMASS CONFERENCE 2008

There was submitted a report by the Director of Environmental Services inviting the Committee to consider attendance at a Biomass Conference to be held between the 16-19 January 2008 in Graz, Austria.

The meeting noted that the government of Styria, in which Graz is situated, is well respected as being among the most advanced in terms of the development and implementation of renewable energy and a that a copy of the 2008 Conference programme had been placed in the Members Library.

Following consideration, the Committee agreed:-

- (i) to be represented at the Biomass Conference on 16-19 January 2008 in Graz, Austria by the Joint Chair (Transportation & Direct Services) of this Committee, Councillor Russell, and an Official; and
- (ii) that a Conference Report be submitted to a future meeting of the Committee.

15. ROAD TRAFFIC ORDER : PROPOSED WIGHT LIMIT : LEA BRIDGE FORRES

Under reference to Paragraph 15 of the Minute of the meeting of this Committee dated 15 August 2007, there was submitted a report by the Chief Legal Officer inviting the Committee to approve a Road Traffic Order in respect of prohibiting vehicles in excess of 3 tonnes maximum gross weight using Lea Bridge, Forres.

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

“The Moray Council (Lea Bridge, Forres – Weight Limit) Order 2007”

16. PROPOSED ROAD TRAFFIC ORDER : ELGIN LIBRARY

There was submitted a report by the Chief Legal Officer inviting the Committee to approve the promotion of a Traffic Regulation Order which will have the effect of introducing various waiting restrictions adjacent to Elgin Library, as detailed in the Schedule and location plan appended to the report as Appendices A & B , respectively.

Following consideration the Committee agreed to approve the proposal to introduce a Traffic Regulation Order restricting parking adjacent to Elgin Library and instruct the Director of Environmental Services and the Chief Legal Officer to proceed with the statutory process.

17. BUCKIE-KEITH ROAD (B9016) ROUTE ACTION PLAN

There was submitted a report by the Director of Environmental Services inviting the Committee to note the progress made on the preparation of the Buckie to Keith Road Route Action Plan and the associated programme of works.

The Chairman advised the Committee in regard to two amendments to the report. These being the words 'to assist Members in prioritising limited funds for capital projects when the Capital Programme is next updated' being added to the recommendation and the last bullet point in Section 3.8 being amended to read 'That the programme outcomes are used to inform allocated funding in the Capital Plan.

During discussion, clarification was sought in regard to the effectiveness of work carried out on Westerton Brae, Dufftown, and whether or not there are any other measures, which may be required to be undertaken. The Head of Direct Services undertook to advise Ward Members.

Following consideration, the Committee agreed to:-

- (i) note the completion of the Route Action Plan Study; and
- (ii) approve the recommended action plan detailed in Section 3.10 of the report to assist Members in prioritising limited funds for capital projects when the Capital Programme is next updated.

18. PARKING ISSUES AROUND DR GRAY'S HOSPITAL, ELGIN

Under reference to Paragraph 29 of the Minute of the Council dated 10 October 2007 there was submitted a report by the Director of Environmental Services seeking Committee approval for the promotion of waiting restrictions in the streets surrounding Dr Gray's Hospital, as detailed in the site plans and Schedule appended to the report as Appendices A & B respectively.

During discussion reference was made to Section 3.8 of the report which advised that NHS Grampian were reviewing charging regime with a view to introducing a staff discount scheme, including the possibility of reduced parking charges for lower paid and part-time NHS staff. In this regard it was suggested that consideration be given to the Council requesting that NHS Grampian lift the charges pending the outcome of the review.

Following consideration the Committee agreed to:-

- (i) approve the promotion of waiting restrictions in the streets surrounding Dr Gray's Hospital, as detailed in Appendices A & B to the report, and instruct the Director of Environmental Services and the Chief Legal Officer to proceed with the statutory process;
- (ii) note the proposals for white lining in the streets surrounding Dr Gray's Hospital; and
- (iii) welcome the sympathetic attitude, which NHS Grampian would appear to be taking in regard to parking charges at Dr Gray's Hospital for lower paid and part-time NHS staff.

19. CAPITAL PLAN 2007/2008 – ROAD SAFETY AND TRAFFIC MANAGEMENT SCHEMES UPDATE

There was submitted a report by the Director of Environmental Services seeking Committee approval of the list of Road Safety, Cycling, Walking and Safer Streets, 20 mph limits around schools; Safer Routes to Schools or Home Zone schemes to be funded from the 2007/08 Capital Plan, details of which were appended to the report as Appendices 1, 2, 3 & 4.

Following consideration, the Committee agreed to approve funding from the appropriate Capital allocation in the financial the year 2007/2008 for the following schemes:-

- (i) those identified in Appendix 1 to the report to improve Road Safety;
- (ii) those identified in Appendix 2 to the report as Cycling Walking and Safer Streets projects; and
- (iii) those at the schools, identified in Appendix 3 to the report, as Introduction of 20mph limits around schools; Safer Routes to Schools and Home Zones schemes.

On the determination of this item Councillor Bisset left the meeting

20. ELGIN TO LOSSIEMOUTH CYCLE ROUTE : PROPOSED ELGIN TOWN CENTRE LINK

There was submitted a report by the Director of Environmental Services seeking Committee approval of proposals to improve conditions for vulnerable road users on Lossie Wynd, to encourage more people to walk and cycle into Elgin Town Centre and to complete the link to Elgin Town Centre from the Elgin to Lossiemouth Cycle Route, as detailed in the site plan and the Schedule appended to the report as Appendices C & D. There was also appended to the report as Appendices A & B details comments received during the consultation period and the responses to these comments.

Following consideration, the Committee agreed to:-

- (i) approve the revocation of the (Elgin-Central Pedestrianisation) (Traffic Management) Order, 1995 and the (Various Streets, Elgin) (One-Way) Order, 1980 in so far as they relate to cyclists and Lossie Wynd, as detailed and indicated in Appendices D & C respectively, to this report, and instruct the Director of Environmental Services and the Chief Legal Officer to proceed with the statutory process;
- (ii) approve the redesignation of footway to Cycle Track in accordance with Section 152(2) of the Roads (Scotland) Act 1984 as indicated and detailed in Appendices C & D respectively to this report, and instruct the Director of Environmental Services and the Chief Legal Officer to proceed with the statutory process;
- (iii) note the very favourable public response towards the proposed scheme in Lossie Wynd; and
- (iv) note that a future report will be presented to this Committee on a review of town centre traffic management arrangements.

21. HOPEMAN-DUFFUS CYCLEWAY : PHASE 1

There was submitted a report by the Director of Environmental Services advising the Committee in regard to the proposal to construct the first phase of a 2m wide surfaced cycleway between Hopeman and Duffus funded by Sustrans.

A copy of the feasibility report on the cycleway had been placed in the Member's Library and the meeting noted that the full 2.5km cycleway has been costed at £267,000. Sustrans have provided £75,000 in the current financial year to commence the project and further project phases would be dependent on the success of future bids for Sustrans funds.

Following consideration, the Committee agreed to approve the construction of the first phase of a surfaced cycleway between Hopeman and Duffus.

22. KINGSTON COASTAL PROTECTION SCHEME – ECONOMIC AND ENVIRONMENTAL RISK APPRAISAL

Under reference to Paragraph 12 of the Minute of the Flood Alleviation Sub-Committee there was submitted a report by the Director of Environmental Services inviting the Committee to consider a recommendation from the Sub-Committee that further investment in the Kingston Coastal Protection Scheme will not be deliverable, and that consequently it should proceed no further.

Following consideration, the Committee agreed:-

- (i) to approve the recommendation of the Flood Alleviation Sub-Committee that further investment in the Kingston Coastal Protection Scheme represents too great a financial risk to the Council, with a high risk that the scheme will not be deliverable, and that consequently it should proceed no further;
- (ii) to note that shingle bank monitoring will continue every three months and following significant storm events and any significant variations will be reported; and
- (iii) that Ward Members receive a copy of reports on any significant variation, which will also be placed on the Council's Flood Alleviation internet web site.

23. STREET NAMING AND NUMBERING

There was submitted a report by the Director of Environmental Services recommending approval of street names which had been submitted by Local Members concerned in respect of a new housing development off Thornhill Road, Elgin.

Following consideration the Committee agreed to approve the following names for the development off Thornhill Road in Elgin, as submitted by Councillors Bisset, Divers and Leadbitter:-

Linkwood Drive, Linkwood Court, Linkwood Avenue, Thornhill Drive, DooCot Court, Dove Avenue, Dove Court, Sandstone Street, Sandstone Place, Sandstone Drive, Sandstone Avenue, Fogwatt Crescent, Ben Riach Court and Ben Riach View.

24. PUBLIC TRANSPORT UNIT

There was submitted and noted a report by the Director of Environmental Services advising the Committee of the role and functions of the Council's Public Transport Unit.

25. QUESTION TIME: REMIT 2

In response to a question from Councillor Paul, it was agreed that, subject to discussions on locations and switching arrangements, flashing lights be installed in Rothes warning of the danger of flood waters and requesting that motorists slow down.

26. URQUHART (C18E) IMP (PARAS 6 & 9)

There was submitted a report by the Director of Environmental Services requesting that the Committee authorise the allocation of additional Capital expenditure within the Capital Plan to allow for the C18E Improvement of Access Road to Urquhart contract to be awarded. Details of the tender submissions and proposed changes to the Capital Plan were set out in Sections 3.4 & 4 (c) of the report.

Following consideration, the Committee agreed that the:-

- (i) contract be awarded to Erntone Thistle, being the lowest tender submitted, in the sum of £210,363.61; and
- (ii) estimated increase in the capital allocation be accommodated in the overall Roads Capital Plan being addressed as part of the financial planning process for 2008-2013, as set out in Section 4 (c) of the report.

27. BUCKIE ICE HOUSE (PARA 9)

There was submitted a report by the Director of Environmental Services seeking homologation of action taken, in consultation with the Joint Chairmen of the Environmental Services Committee, Ward Members and the Chairman of the Buckie Harbour Advisory Committee, to agree the terms for negotiations with the tenant of the Buckie Ice House at the termination of the lease.

Following consideration, the Committee agreed:-

- (i) to homologate the actions taken by the Director of Environmental Services, in consultation with the Joint Chairmen of this Committee, Ward Members and the Chairman of the Buckie Harbour Advisory Committee, to negotiate and agree terms with the tenant of the Ice House at the termination of the lease; and
- (ii) that the Head of Estates and Principal Solicitor (Commercial and Conveyancing) conclude terms with the tenant of the Ice House that the Council contributes 20% of the cost, up to a maximum of £10,000 for the removal, this sum to be inclusive of the Council's fees.

28. ENVIRONMENTAL SERVICES REVENUE BUDGET : MONITORING REPORT FOR TRADING ACCOUNTS (PARA 6)

There was submitted and noted a monitoring report by the Director of Environmental Services informing the Committee of the progress of trading accounts against revenue budgetary targets in respect of Grounds Maintenance, Roads and Fleet Services for the period April to September 2007.

29. LAND TO THE REAR OF 69 HARBOUR STREET, HOPEMAN (PARA 9)

There was submitted a joint report by the Head of Estates Services and the Director of Environmental Services inviting the Committee to consider declaring an area of ground to the rear of 69 Harbour Street, Hopeman surplus to requirements and to refer consideration of its future use/disposal to the Policy Committee. A site plan highlighting the area of ground was appended to the report as Appendix 1.

Following consideration, the Committee agreed to declare the land to the rear of 69 Harbour Street, Hopeman, extending to approximately 388m², as shown on Appendix 1 to the report, surplus to requirements and refer its future use/disposal to the Policy Committee for consideration.

30. PROPOSED DISPOSAL OF GROUND ADJOINING STATION COTTAGES, CRAIGELLACHIE (PARA 9)

There was submitted and noted a report by the Head of Estates Services advising the Committee of the decision of the meeting of the Policy Committee dated 24 October 2007 (para 38 of the Minute refers) to declare the an area of ground adjoining Station Cottages, Craigellachie, as detailed in the Appendix to the report, surplus to requirements and available for sale to the prospective purchaser.

31. LHANBRYDE FLOOD ALLEVIATION SCHEME : PAYMENT OF COMPENSATION (PARAS 6 & 9)

There was submitted a report by the Head of Estates Services seeking Committee approval of a compensation payment to Mr I Hendry of Scotston Farm in respect of a claim for losses arising from the dam construction works associated with the Lhanbryde Flood Alleviation Scheme, details of which were set out in Section 4.1 of the report.

Following consideration, the Committee agreed to approve the payment of the provisionally agreed compensation to Mr J Hendry of Scotston Farm as set out in Section 4.1 of the report.

32. ROTHES FLOOD ALLEVIATION SCHEME [PARAS 6 & 9]

There was submitted a report by the Head of Estates Services advising the Committee of the present position regarding negotiations for compensation payable to two house owners whose properties will be demolished as a consequence of the Rothes Flood Alleviation Scheme and inviting the Committee to consider a number of options set out in Section 5 of the report for dealing with the objections and compensation claims submitted by the two house owners.

Following consideration, the Committee agreed to:-

- (i) proceed with option 2, as detailed in Section 5 of the report, on the condition that both house owners agree to immediately withdraw their objections to the Flood Prevention Order;
- (ii) approve the compensation sums as set out in Section 4.1 of the report;
- (i) instruct the Principal Solicitor (Commercial and Conveyancing) to enter into a formal written agreement with the 2 house owners; and
- (ii) note that a further report will be brought back to this Committee in relation to the settlement of the two householders claims following confirmation of the Flood Prevention Order.

**35. RESIDENTIAL DEVELOPMENT AT THORNHILL ROAD, ELGIN
[PARA 13]**

There was submitted a report by the Director of Environmental Services requesting that the Committee note the suspensive condition on development at the Springfield/Barratt site at R14, Thornhill Road Elgin and apparent difficulties the Developer is having in complying with the condition, which have implications for road safety in the area. The report also sought authorisation for appropriate enforcement action to be taken, if and when deemed necessary, by the Director of Environmental Services. The report also made reference to a request from the Developer for the Council's intervention into land ownership negotiations. There was appended to the report as an Appendix an extract from the Road Construction Consent approved drawings indicating the area of concern.

Following consideration, the Committee agreed:-

- (i) that intervention by the Council into a private negotiation into land ownership is not appropriate;
- (ii) that Officers highlight to the Developers the road safety issues caused by the current road alignment and the potential implications of their failure to complete the widening works;
- (iii) to note the content of Condition 10 on Planning Permission 06/01067/FUL and Condition 17 on Planning Permission 07/00834/FUL for residential development at R14, Thornhill Road, Elgin;
- (c) to authorise the issue of a letter from the Director of Environmental Services to the Developer highlighting the conditions and the Council's intention to enforce them; and
- (e) to authorise any subsequent enforcement action deemed necessary by the Director of Environmental Services in consultation with the Chief Legal Officer and the two Joint Chairs of Environmental Services Committee.