

**THE MORAY COUNCIL**

**MINUTE OF MEETING OF THE ENVIRONMENTAL SERVICES COMMITTEE**

**WEDNESDAY 16 APRIL 2008**

**COUNCIL OFFICE, ELGIN**

**PRESENT**

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

**APOLOGIES**

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

**IN ATTENDANCE**

The Director of Environmental Services, the Head of Development Services, the Head of Direct Services, the Transportation Manager, the Planning and Development Manager, the Development Control Manager and J Martin, Principal Planning Officer (Development Control) in respect of items 6 & 7, the Roads Maintenance Manager, the Head of Estates Services, A Scott, Principal Solicitor (Commercial and Conveyancing), L Paisey, Principal Accountant, P Haslam, Senior Engineer (Flooding and Coastal Protection) 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. ADDITIONAL BUSINESS**

In terms of Standing Order 25 (iv) the Committee agreed to accept as an additional item of business to be transacted at the meeting as item 9 (a) a report by the Director of Environmental Services in regard to Civic Support on the Chairman certifying that, in his opinion, it required to be considered on the grounds of urgency given the timescales involved.

**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 12 'HITRANS : Presentation by Dave Duthie, Director' immediately following the morning break or on the conclusion of consideration of the planning applications, whichever was the later.

**4. DECLARATION OF GROUP DECISIONS**

In terms of Standing Order 20 the meeting noted that Councillor Leadbitter declared a personal interest in Item 5 (a) and Councillor McIntyre declared a personal interest in Item 9 (a).

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.

**5. EXEMPT INFORMATION**

The meeting agreed that Item 29 "Residential development at Thornhill Road, Elgin" be taken in the public section of the meeting as Item 5 (a).

Thereafter 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.

<b>Para. No. of Minute</b>	<b>Para. No. of Schedule 7A</b>
28	9
29	12
30	9
31	9

## **6. PLANNING APPLICATIONS**

### **KEITH & CULLEN : WARD 2**

(a) **06/00631/OUT Outline to erect new dwellinghouse on Site Adjacent To The Old Railway Line Millegan Grange Keith for Miss Linda Hendry**

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 outline application to erect a new house on a site adjacent to the old railway line at Millegan, Grange, Keith for Miss Linda Hendry.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation given that the application had previously been reported to Committee on 17 January 2007 (Para 7(g) of the Minute refers) and the Development Control Manager considered that significant amendments have been made to the proposal for the Committee to reconsider the proposed development. The meeting also noted that the application had been advertised as a departure from policy to which no representations had been received, therefore were the Committee minded to approve the application a Hearing would not be required. Members of the Committee visited the site of the application on 14 April 2008.

The report also advised that the issues relating to the previous deferral of the application in regard to contaminated land and site levels could be dealt with by attaching conditions to any outline consent to ensure that the exact height of any dwelling and site levels were submitted for detailed consideration and to ensure that development was in accordance with the agreed remediation scheme. However the application was still recommended for refusal. There was also tabled at the meeting an amended site plan detailing the history of applications in the area.

Councillor Shepherd expressed the view that, in his opinion, this is a low-lying site adjacent to an old railway line which, in terms of policies L/HC3 & L/IMP2 and IMP1 of the Emerging Local Plan, will integrate sensitively with the existing landforms, adopts the spacing of a dispersed pattern of settlement and meets the 50% boundary requirements which are clearly defined on the ground. It has a backdrop of scrub woodland to the south and west and if approved would not, in his opinion detract from the rural character of this part of the countryside. In regard to setting a precedent Councillor Shepherd was of the view that each application was considered on its individual merit.

For these reasons and given the assurances in the report that the outstanding reasons for referral can be dealt with at the detailed stage of the application Councillor Shepherd moved approval of the application as complying with policy, subject to appropriate conditions, as indicated in the planning officer's report, in regard to the site levels and contaminated land issues and other standard conditions. The motion was seconded by Councillor A McKay.

There being no-one otherwise minded the motion became the finding of the meeting and it was agreed that the application be approved as complying with policy, subject to appropriate conditions, as indicated in the planning officer's report, in regard to the site levels and contaminated land issues and other standard conditions.

## **FOCHABERS LHANBRYDE : WARD 4**

- (b) **04/01198/FUL**                    **CHANGE OF USE OF DISTILLERY TO TRAVEL LODGE RESTAURANT SHOPS MUSIC STUDIOS AND ENTERTAINMENT CENTRE AT COLEBURN DISTILLERY LONGMORN ELGIN FOR D AND M WINCHESTER LIMITED**

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 for the change of use of distillery to travel lodge, restaurant, shops, music studios and entertainment centre at Coleburn , Longmorn, Elgin for D and M Winchester Limited.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation given that the Development Control Manager considers that the application raises matters of wider community interest and/or planning significance and that members of the Committee visited the site of the application on Monday 14 April 2008. The meeting also noted that the application had been advertised as a departure from Development Plan policies L/T2 and L/T4 and in terms of Section 34 of the Act as a 'Bad Neighbour' to which objections had been received. The meeting also noted that were the Committee minded to approve the application it would require to be advertised as a departure from Development Plan Policy L/T7 and thereafter referral to a Hearing. Proposed planning conditions and legal agreements would also require to be identified and agreed prior to the issue of consent.

As the application is being considered in conjunction with Listed Building Consent application 04/01199/LBC, which is recommended for approval, that application would require referral to Historic Scotland prior to the issue of consent.

The Development Control Manager advised the meeting that the planning application was being recommended for refusal for the reasons set out in the report as the applicant had been unable to demonstrate that the required amount of car parking for the proposed development can be provided. The Joint Chair reminded the meeting that in considering the application in its capacity as the Planning Authority the Committee should also bear in mind that economic development is a material consideration when considering applications of this nature.

Councillor Russell enquired as to whether it would be possible to limit numbers attending events so that the level of proposed car parking provision would be acceptable. The Transportation Manager advised the meeting that the application was not just being recommended for refusal simply because it did not meet the required parking standards, it was mainly to do with the potential road safety implications on the A941 which were of concern to the Council's Transportation Section and Grampian Police. The meeting noted that were the application to be approved with the current proposed level of parking then, in the case of a large event, the applicant would have to limit the number of cars on the site which, when full, would lead to people being dropped off at the event and the driver proceeding to park the car wherever possible and more likely than not on the verge of the busy A941 in the dark. For these reasons the Transportation Manager supported the recommendation for refusal.

Councillor Wright enquired as to the competency of approving the application subject to limiting ticket sales to 700, for which appropriate car parking can be met, and with appropriate stewarding. The question was also raised in regard to the potential for an overflow car park during large events. The meeting noted that the suggestions being put forward are not part of the application before the Committee and the applicant acknowledges that he cannot control the numbers attending events and has requested that the application be considered as submitted. The meeting also noted that the use of conditions to limit the numbers would not be appropriate, as they would not meet the relevant 'tests' regarding reasonableness and enforcement.

Thereafter Councillor Wright, seconded by Councillor Russell, reluctantly moved refusal of the application as recommended. There being no-one otherwise minded the motion became the finding of the meeting and it was agreed that the application be refused on the grounds that:-

- (i) the proposal is contrary to policy L/ED15, L/IMP2 and L/T7 of the adopted Moray Local Plan 2000 and as a material consideration, policy ED8, ED9 and T5 of the Emerging Moray Local Plan 2008 because the proposal results in an under-provision of car parking for use in conjunction with the development, in particular for larger-sized events hosted by the Entertainment Centre and the likely resultant overflow of parking onto the A941 would be unacceptable in road safety terms; and
- (ii) the Travel Plan (amended, January 2008) is not considered sufficiently robust in demonstrating that adequate and appropriate arrangements are in place to address the impact of the development, including measures to control numbers arriving by car or other means of transport such that available parking capacity will not be exceeded or that travel to the site can be provided without a risk of overflow of parking.
- (c) **04/01199/LBC LISTED BUILDING CONSENT FOR CHANGE OF USE OF DISTILLERY TO TRAVEL LODGE RESTAURANT SHOPS MUSIC STUDIOS AND ENTERTAINMENT CENTRE AT COLEBURN DISTILLERY LONGMORN ELGIN FOR D AND M WINCHESTER LIMITED**

There was submitted a report by the Director of Environmental Services recommending that, subject to conditions detailed in the report, Listed Building consent be granted in respect of an application for the change of use of distillery to travel lodge, restaurant, shops, music studios and entertainment centre at Coleburn , Longmorn, Elgin for D and M Winchester Limited.

The meeting noted that the application, which was considered in conjunction with planning application 04/01198/FUL (item (b) above), had been advertised under the current Listed Buildings and Conservation Area Regulations in respect of a Category B listed building and, if approved, would require to be referred to Historic Scotland prior to the issue of consent. As for (b) above members of the Committee visited the site of the application on Monday 14 April 2008.

Following consideration the Committee agreed that the application be approved, subject to the following conditions:-

1. That the proposal to which it relates must be begun not later than the expiration of five years beginning with the date of this consent.
2. Unless otherwise agreed with the Council, as Planning Authority, the development hereby approved shall be carried out strictly in accordance with the approved plans and conditions.
3. The development shall relate to the amended drawings, numbered 1 - 19 (in so far as they relate to listed building considerations) submitted under cover of the applicants/agents letter dated 31st July 2007, 12th October 2007 and 29th October 2007 regarding the design and external appearance of all proposed alterations to be carried out to the listed buildings including details of the glazed canopies, the retention of the grass area adjacent to the southern entrance to the travel lodge/restaurant, removal of the external fire escape from the travel lodge, and the removal of an extension at the entrance to the Entertainment Centre.
4. In accordance with the applicant's agents letter dated 25th April 2005, 11th October 2007 and 29th October 2007:
  - a) All plant and machinery for heating, ventilation and extraction or similar service provision shall be located in roof voids and terminate within the roof kiln (of the main range of Distillery buildings) or, in the case of the proposed Entertainment Centre, extracted externally through the rear upper windows of the building;
  - b) All alterations and repairs to existing openings and all new openings shall be formed with sandstone masonry to match the existing openings;

- c) All proposed windows shall be traditional sash and case opening and all doors and windows shall be timber, painted white; and
  - d) No external alterations other than those shown on the approved drawings shall be carried out without the prior written consent of the Council, as Planning Authority.
5. No development shall commence until details have been submitted to and approved by the Council, as Planning Authority regarding: -
- a) Full specification for all external finishes and colours to the buildings including walls, pointing render/roughcast, windows doors and rainwater goods, etc;
  - b) Full specification for all external repairs to the buildings including roof, walls and rainwater goods, etc;
  - c) At a scale of 1:10 or 1:20, typical window details to include size proportions and thickness of frames and glazing bars, opening methods, finishes and no trickle vents;
  - d) Full specification for all external lighting either affixed to or in the vicinity of the buildings, including the location, design, external appearance height and intensity of illumination for all lighting units to be provided;
  - e) The location and design specifications for all measures of acoustic treatment to be introduced (internally within the buildings) to increase noise insulation and mitigate against noise intrusion to ensure that: -
    - (i) The LA90 of the entertainment noise shall not exceed the representative background noise level LA90 (without entertainment noise) and
    - (ii) The L10 of the entertainment noise shall not exceed the representative background noise level L90 (without entertainment noise) in any 1/3rd octave band between 40 Hz and 190 HZ, as measured in the nearest noise-sensitive dwelling.
- and thereafter,
- f) the above details shall be carried out in accordance with the approved details.
6. No development shall commence until details have been submitted to the Council, as Planning Authority regarding a photographic record of all sites and buildings to be altered, including a photographic record of both the exterior and interior of the buildings/structures.

**Reasons:**

1. The time limit condition is imposed in order to comply with the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
2. In order to ensure that there are no unauthorised departures from the approved plans, which could adversely affect the development or character and amenity of the surrounding properties and area.
3. To ensure an acceptable form of development and in the interests of the character, appearance and amenities of the Category B Listed Building.
4. To ensure an acceptable form of development and in the interests of the character, appearance and amenities of the Category B Listed Building.
5. To ensure an acceptable form of development and in the interests of the character, appearance and amenities of the Category B Listed Building.
6. In the interests of safeguarding a record of Moray's industrial heritage.

## HELDON & LAICH : WARD 5

- (d) **07/02674/FUL** **BUILD TRADITIONAL DWELLINGHOUSE WITH SEPTIC TANK AND SOAK-AWAY ON YARD BEHIND PLUSCARDEN HALL PLUSCARDEN ELGIN FOR MR AND MRS EDWARD NICOL**

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 build a traditional dwellinghouse with septic tank and soak-away on a yard behind Pluscarden Hall, Pluscarden, Elgin for Mr and Mrs Edward Nicol

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation given that there is an unresolved objection from a statutory consultee, Heldon Community Council in regard to noise and car parking provision and that members of the Committee visited the site of the application Monday 14 April 2008. Mr Martin, Principal Planning Officer (Development Control) advised the meeting that there were no objections from the Council's Environmental Health Section in regard to either noise or contaminated land issues and there were no objections from the Transportation Manager in regard to access or car parking provision. In regard to car parking provision Mr Martin also advised that 5.5 spaces are required per 100 sq. meters of floor area of a hall and as Pluscarden Hall has 131 sq. meters of floor area 8 car parking spaces and 1 coach space is required, as those Members of the Committee who attended the site visit will have noted, there was adequate provision and therefore in his opinion there were no grounds for objection and recommended approval of the application, subject to the conditions detailed in the report.

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

1. The development to which this permission relates must be begun not later than the expiration of five years beginning with the date on which this permission is granted.
2. Unless otherwise agreed with the Council, as Planning Authority, the development hereby approved shall be carried out strictly in accordance with the approved plans and conditions.
3. The roof of the dwelling hereby approved shall be finished in natural slate.
4. No boundary fences, hedges, walls or any obstruction whatsoever over 1.0m in height and fronting onto the public road shall be within 2.1 m of the edge of the carriageway.
5. The width of vehicular access shall be as existing and have a maximum gradient of 1:20 measured for the first 5.0 m from the edge of the public carriageway. Section of access over the public footpath/verge shall be to The Moray Council specification and surfaced in bitmac.
6. No water shall be permitted to drain or loose material be carried onto the public footpath/carriageway.
7. A minimum of 3 private parking spaces shall be provided at all times.
8. A turning area shall be provided within the curtilage of the site to enable vehicles to enter/exit in a forward gear.
9. A visibility splay of 2.4 metres x 160 metres shall be provided at the access.

10. That no trees, shrubs, or hedgerows on the site shall be removed without prior written consent of this Council as Planning Authority.
11. 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.

**Reasons:**

1. The time limit condition is imposed in order to comply with the requirements of Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to ensure that there are no unauthorised departures from the approved plans which could adversely affect the development or character and amenity of the surrounding properties and area.
3. In order to ensure that the development harmonises with the appearance and character of the surrounding properties in the area.
4. In the interests of road safety.
5. In the interests of road safety.
6. In the interests of road safety.
7. In the interests of road safety.
8. In the interests of road safety.
9. In the interests of road safety.
10. In order to ensure that the existing trees, shrubs or hedgerows are retained as they add interest and character to the site and will contribute to the appearance of the development approved herewith.
11. In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground contamination.

**ELGIN CITY NORTH : WARD 6**

- (e) **08/00162/FUL**                      **CHANGE OF USE FROM COUNCIL OWNED GROUND TO PRIVATE GARDEN GROUND AT 5 EAST BACK STREET ELGIN FOR MR IAIN SIMPSON**

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 for the change of use from Council owned ground to private garden ground at 5 East Back Street, Elgin for Mr Iain Simpson

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation given that the application had attracted competent written objections from more than 5 separate households/premises/organisations and that members of the Committee visited the site of the application Monday 14 April 2008.

Following consideration Councillor Wright, seconded by Councillor Russell, moved approval of the application, subject to the conditions detailed in the report and an additional appropriate condition requiring that the site be enclosed by a fence/wall of up to 1 metre in height.

There being no-one otherwise minded the motion became the finding of the meeting and it was agreed that the application be approved, subject to the following conditions:-

1. The development to which this permission relates must be begun not later than the expiration of five years beginning with the date on which this permission is granted.
2. Unless otherwise agreed with the Council, as Planning Authority, the development hereby approved shall be carried out strictly in accordance with the approved plans and conditions.
3. No surface water shall be permitted to drain or loose material be carried onto the public footpath/carriageway.
4. Two private parking spaces shall be retained at all times.
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**Reasons:**

1. The time limit condition is imposed in order to comply with the requirements of Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to ensure that there are no unauthorised departures from the approved plans which could adversely affect the development or character and amenity of the surrounding properties and area.
3. In the interests of road safety.
4. In the interests of road safety.
5. TO GET FROM ALAN

**(f) 08/00081/FUL                      INSTALL WOOD PELLETT BOILER WITH FLUE AT 40 FINDHORN FORRES FOR MR MARTIN BLAKE**

There was submitted a report by the Director of Environmental Services recommending that, subject to conditions detailed in the report, retrospective planning consent be granted in respect of an application to install a wood pellet boiler with flue at 40 Findhorn, Forres for Mr Martin Blake.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation given that there is an unresolved objection from a statutory consultee, Findhorn Community Council and that members of the Committee visited the site of the application Monday 14 April 2008. The meeting also noted that the application had been advertised under the current Listed Building and Conservation Area Regulations as a development within a Conservation Area.

Following consideration the Committee agreed that the application be approved, subject to the following conditions:-

1. The development to which this permission relates must be begun not later than the expiration of five years beginning with the date on which this permission is granted.
2. Unless otherwise agreed with the Council, as Planning Authority, the development hereby approved shall be carried out strictly in accordance with the approved plans and conditions.

**Reasons:**

1. The time limit condition is imposed in order to comply with the requirements of Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. In order to ensure that there are no unauthorised departures from the approved plans which could adversely affect the development or character and amenity of the surrounding properties and area.

## **7. RESIDENTIAL DEVELOPMENT AT THORNHILL ROAD ELGIN**

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

Under reference to paragraph 34 (v) of the Minute of this Committee dated 5 December 2007 there was submitted a report by the Director of Environmental Services advising the Committee of the current position in regard to the as yet incomplete works undertaken to up-grade/widen Thornhill Road, Elgin as part of the planning consent granted in respect of developing site R14 and the outcome of an independent road safety assessment undertaken given concerns raised by Grampian Police. A copy of the independent assessment, which also set out a number of recommendations was appended to the report.

In light of the recommendations of the independent assessment the report also invited the Committee to consider a number of recommendations/ actions to be undertaken to alleviate the situation, including appropriate enforcement action should this be necessary.

Following consideration the Committee agreed to:-

- (i) note the outcome of the independent road safety assessment including recommended short-term remedial measures;
- (ii) note that development has commenced on units of accommodation within the site without compliance with planning conditions, including the requirement to upgrade/widen Thornhill Road;
- (iii) note that Officers have met with notifiable parties to establish whether satisfactory progress towards the resolution of the breach of planning condition can be achieved;
- (iv) grant delegated responsibility to the Director of Environmental Services, in consultation with the Joint Chairs and Chief Legal Officer, to receive sufficient details within stated timescales that confirm:-
  - (a) within the next 7 days - interim road safety measures have been addressed and implemented;
  - (b) within the next 4 weeks - progress with negotiations between the parties required to achieve compliance with the planning conditions relating to the construction of the road widening works have been undertaken; and
  - (c) otherwise, if satisfactory progress is not established then Officers be instructed to immediately serve the Enforcement Notice on the developers, Springfield Properties and Barratt North Properties Limited, and the landowner, Diageo Limited as described within this report.

On the determination of this item Councillor Leadbitter rejoined the meeting.

## **8. MODERNISING PLANNING APPEALS**

There was submitted a report by the Director of Environmental Services inviting the Committee to consider a draft response to the Scottish Government consultation paper "Modernising Planning Appeals", details of which were set out in Appendix A to the report.

The meeting noted that the aim of the proposals is to assist Planning Authorities to take more efficient decisions and provide a better service to the public. The timescale for appealing against all decisions is to be reduced from six months to three and appeals against decisions taken under delegated

powers would be determined by the local Review Panel. Appeals against decisions taken by the Planning Committee would continue to be dealt with by Scottish Ministers. The proposals also suggested that each Authority should establish a “pool” of Councillors from which to select a Review Panel of three or five. The panel would be able to endorse, amend or reverse decisions taken by officers under the Scheme of Delegation, which requires the prior approval of the Scottish Government and reviewed every five years.

Following consideration the Committee agreed:-

- (i) to note the comments and proposals contained in the report;
- (ii) that the comments set out in Appendix A to the report be submitted to the Scottish Government as the Council’s response to the consultation document; and
- (iii) that the issues raised be discussed at an informal seminar prior to further amendment of the Scheme of Delegation.

## **9. FORRES SOUTH INTEGRATED TRANSPORT PLAN**

There was submitted a report by the Director of Environmental Services seeking Committee approval of a Forres South Integrated Transport Plan, as detailed in Appendix 1 to the report, in order to provide a steer for developers and enable Transportation Officers to use it as a material consideration when dealing with individual planning applications.

The meeting noted that two planning applications have been received from different developers for residential sites in the South of Forres. Given that other sites are allocated for significant development within the emerging Moray Local Plan for which applications have not yet been received it is considered that there is a need to ensure sustainable development in accordance with Scottish Planning Policy 17 (Planning for Transport) (SPP17). Achieving sustainable development across all of the appropriate residential sites is best achieved through an integrated transport approach.

During discussion the meeting noted that the road layout on page 7 of the report is indicative and whilst it would be ideal for Transport Assessments in respect of residential developments and the new Health Centre to be considered at the same time this would be dependant on the timing of submission and consideration of the respective planning applications.

Following consideration the Committee agreed:-

- (i) to approve the Forres South Integrated Transport Plan, as set out in Appendix 1 to the report;
- (ii) grant delegated authority to the Transportation Manager to treat the Forres South Integrated Transport Plan as a material consideration in preparing appropriate planning consultation responses in respect of individual planning applications; and
- (iii) that the Transportation Manager liaise with developers for sites R1, R2, R3 and R8 to achieve the objectives set out in the Forres South Integrated Transport Plan.

## **10. NATIONAL PLANNING FRAMEWORK FOR SCOTLAND 2 : DISCUSSION DRAFT**

There was submitted a report by the Director of Environmental Services inviting the Committee to consider the terms of a draft response, as detailed in sections 4.11 – 4.15 of the report, to the Scottish Government’s Discussion Draft of the National Planning Framework 2 (NPF 2).

The meeting noted that the NPF 2 follows on from the Scottish Government’s commitment to update its National Planning Framework on a 5 yearly basis. The Framework sets the national development objectives for Scotland, for a timeframe of 25 years ahead, into a spatial context, linking the Government’s related objectives in its Economic Strategy, Transport Strategies, Climate Change Bill, new Planning legislation, SPPs, PANs, public agency commitments, etc. and proposes 9 key strategic developments of national importance on which inviting comments are invited and on the overall

strategic direction of the document. A copy of the NPF 2 document has been lodged in the Members' Library.

During discussion reference was made to the notable absence in the Framework of any proposals for Defence facilities in Scotland which is of significant to the economy of Moray, and with the vital contribution by the RAF locally, it is therefore an unfortunate gap in the national strategy. The meeting also noted that the Moray Military Civic Forum meets 6 monthly or earlier should the need arise.

Following consideration the Committee agreed to approve the draft response set out in Sections 4.11 – 4.15 of the report as the Council's response to the Discussion Draft of NPF 2.

### **11. MODERNISING THE PLANNING SYSTEM : CONSULTATION ON DEVELOPMENT PLAN EXAMINATIONS**

There was submitted a report by the Director of Environmental Services seeking homologation of the submission of a consultation response on the Scottish Government's Draft Regulations on Development Plan Examinations (Local Plan Public Inquiries) which was required to be submitted by 4 April 2008. A copy of the response was appended to the report as Appendix 1.

The meeting noted that given the deadline for the submission of responses and Committee meeting dates any additional comments agreed would be forwarded as an addendum to the response already submitted.

### **12. HITRANS : PRESENTATION**

Councillor Murdoch joined the meeting prior to this item.

On the invitation of the Chairman, the Transportation Manager gave a brief introduction to the work of the Highlands and Islands Transport Partnership (HITRANS) and the benefits to Moray of being a member of the organisation. Thereafter he introduced Dave Duthie, Director of HITRANS who gave a presentation to the Committee on the work of the organisation and its relevance to Moray. Mr Duthie was accompanied by Mr W Metcalfe, a non-elected Board Member.

The meeting noted that the aim of HITRANS is to enhance the viability of the Highlands & Islands through the improvement of transport services and infrastructure. In terms of a national purpose the organisation focuses on government and public services through the creation of a more successful country with opportunities for all of Scotland to flourish through increasing sustainable economic growth. This can be achieved nationally through the Strategic Transport Projects Review and Government investment in air and ferry and locally through Single Outcome Agreements. It was also noted that this can be achieved through the delivery of important local and regional improvements, which add value at a regional and national level. Mr Duthie also advised that the Regional Transport Strategy will be delivered in three phases, short term, medium term and long term with commitment to improving the A96, improving the Inverness to Elgin to Aberdeen rail line, promoting Invernet 2, better public transport integration, promoting regionally important infrastructure projects. In conclusion Mr Duthie advised that for Scotland to prosper the whole country must be allowed to play its part. Thereafter Mr Duthie responded to Member's questions.

On behalf of the Committee the Chairman thanked Mr Duthie and Mr Metcalfe for their attendance and interesting presentation. The meeting also noted that a copy of the presentation would be placed on the Member's Portal.

### **13. TREES & DEVELOPMENT : FINALISED SUPPLEMENTARY PLANNING GUIDANCE**

There was submitted a report by the Director of Environmental Services seeking Committee approval to publish the Finalised Supplementary Planning Guidance on Trees and Development for stakeholder consultation, a copy of which was appended to the report.

The meeting noted that the Supplementary Planning Guidance (SPG) on Trees and Development is one of a series identified as requiring preparation in the short term in the Action Plan for the Finalised

Local Plan. The SPG is required to support the effective implementation of Policy E3: Tree Preservation Orders and Controls on Trees.

Following consideration the Committee agreed to approve the:-

- (i) content of the Finalised Supplementary Planning Guidance (SPG) on Trees and Development, as detailed in the Appendix to the report; and
- (ii) publication of the Finalised SPG for stakeholder consultation, for a consultation period of one month.

#### **14. HIGHLAND TOURISM PARTNERSHIP**

There was submitted a report by the Director of Environmental Services inviting the Committee to note that the Council's membership of the North East of Scotland Tourism Partnership has ceased and that membership is now with The Highland Tourism Partnership. The report also invited the Council to consider nominating one Member to represent the Council on The Highland Tourism Partnership.

Following consideration the Committee agreed:-

- (i) to note the change in membership of the Tourism Partnership from The North East of Scotland Tourism Partnership to The Highland Tourism Partnership; and
- (ii) that Councillor Russell be appointed as the Council's representative on The Highland Tourism Partnership.

#### **15. SCOTTISH HIGHLANDS & ISLANDS FILM COMMISSION 61<sup>ST</sup> CANNES FILM FESTIVAL 2008 : CIVIC SUPPORT**

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

There was submitted a report by the Director of Environmental Services inviting the Committee to consider appropriate civic support for a "Moray Focus Event" to be hosted by the Scottish Highlands & Islands Film Commission (SHIFC) at the 61<sup>st</sup> Cannes Film Festival on 17-19 May 2008.

The meeting noted that a "MacBeth" theme will be the focus of a specially organised Moray event where there will be an opportunity to gain film business for the area and improve the profile of Moray as a filming location. The promotion will also feature some of Moray's local food and drink companies who have donated a range of produce free of charge. 300 specially selected industry guests will be invited to attend the Moray event where they will sample quality food and drink products as well as having the opportunity to see what Moray has to offer in the way for film locations, services etc. It was also noted that a DVD is to be produced showing an overview of the Moray area, its heritage and quality companies.

Following consideration the Committee agreed:-

- (i) to approve appropriate civic support for the Moray Focus event to be held at the 2008 Cannes Film Festival be in the form of a letter of thanks to the Moray companies sponsoring the event and through the attendance of the Convener at the SHIFC reception on the 19 May 2008;
- (ii) that an annual report on the benefits to Moray of the Council's membership of SHIFC to be submitted to a future meeting of either the Tourism Steering Group or the Economic Development Infrastructure Committee.; and
- (iii) that arrangements be made for a copy of the promotional DVD showing an overview of Moray be placed in the Members' Library, when available.

On the determination of this item Councillor McIntyre rejoined the meeting.

## **16. CHAIR**

Councillor J Russell, Joint Chair (Transportation & Direct Services), took the Chair in respect of the Transportation and Direct Services section of business on the Agenda.

## **17. WRITTEN QUESTIONS**

In response to a written question from Councillor Leadbitter seeking clarification as to what instructions the Council's Administration has given to officers in regard to establishing the wider economic benefits along the A96 corridor and the potential future economic benefits that could accrue to Moray, and Elgin in particular, the meeting noted that the Council's Administration has not given any instruction to Officers to carry out further work as described in the question as this would be outwith the decision of the Environmental Services Committee on 30<sup>th</sup> August 2007.

It was noted that at that meeting, it was agreed that both an amended Option A and Option B, as described within the Elgin Traffic Management STAG, should be allocated to the short-term delivery programme and design work should proceed. All other Options described within the STAG (i.e. Options C, D, E, F, & G) were to be allocated to the medium-term delivery programme, and consequently no further work has been undertaken on these Options. An interim progress report on design has been made available to Members by way of an Information Report, and an update report will be presented in early course.

In response to a supplementary question from Councillor Leadbitter in regard to making Scottish Government Officials fully aware of the strong economic justification for a bypass as well as the transport case the meeting noted that recent submissions have shown that what is required in terms of producing an economic case goes beyond what is contained with the Elgin STAG remit and therefore will require to be the subject of a report to a future meeting of the Economic Development & Infrastructure Services Committee.

## **18. CAPITAL PLAN**

There was submitted a report by the Director of Environmental Services seeking Committee approval of a number projects in the Capital Plan for 2008/09, details of which were set out in Appendix 1 to the report. The meeting also noted the terms of a statement by the Joint Chair (Transportation & Direct Services) in regard to Moray Council's current recycling performance, which is well ahead of government targets for 2010. He also referred to the Scottish Government's Zero Waste Strategy announced earlier this year and that whilst Moray would wish to move to zero waste there was a need to consolidate on current performance and continue to improve through a robust Waste Strategy which will be informed through the Scottish Government's Zero Waste Think Tank and on available funding, CoSLA's Zero Waste Working Group and Highland Council's Waste Management consultant. A report in this regard will be submitted to a future meeting of the Economic Development & Infrastructure Services Committee.

Following consideration the Committee agreed to approve the proposed capital projects for 2008/09, as detailed in the Appendix to the report.

## **19. REVENUE BUDGET 2008/2009 – ROAD MAINTENANCE CAPITAL BUDGET 2008/2009 – RESURFACING, LIGHTING COLUMN REPLACEMENT, HYDRO UNDERGROUNDING AND LIGHTING IMPROVEMENTS**

Under reference to Paragraph 2 of the Minute of the Special Meeting of the Council dated 14 February 2008 there was submitted a report by the Director of Environmental Services seeking Committee approval of detailed plans for the expenditure of funds allocated from the Revenue Budget 2008/2009 to Roads Maintenance and from the Capital Budget 2008/2009 to resurfacing/reconstruction, lighting column replacement, hydro network alterations and lighting improvements. There was appended to the report as Appendices I, II, III & IV respectively summaries of the estimated outturn expenditure for 2007/08 and proposals for 2008/09, the value of reserve list and budget since 1999, more detailed results by road classification from the survey and the age profile of lighting columns.

During discussion Councillor Leadbitter expressed his concern in regard to the reduction in the level of funding available for roads maintenance taking into account inflation figures and back log of repairs. For these reasons he moved that an additional recommendation be included to the effect that the Council's Administration review the 2008/09 Revenue Budget for roads maintenance. The meeting noted that it was not competent for this Committee to consider the setting of budgets, this was a matter for the Full Council. What was before the Committee was a programme of proposed works, based of technical appraisals, which can be delivered within the budget approved by the Council on the 14 February 2008.

The meeting also noted the assurance given by Councillor Wright, in his capacity as Chair of the SDG, that a 3 year Financial Plan will be submitted to the Council for consideration within a month and that the Roads Maintenance budget will be considered in coming to the conclusions of these proposals.

Following consideration the Committee agreed:-

- (i) to approve the detailed allocation of funds, from the Revenue Budget 2008/2009 to Roads Maintenance activities, as detailed in Appendix I of the report;
- (ii) that the Capital Allocation for carriageway resurfacing/reconstruction may also be used for works on other roads assets provided such works are in accordance with the Prudential Code for Capital Finance in Local Authorities, and to approve the allocation of these funds, as detailed in Appendix I of this report;
- (iii) to grant authority to the Roads Maintenance Manager to proceed with works whilst noting that the Roads Maintenance Manager will, as soon as possible, publish a main list of schemes, which can be funded by the budget provision recommended in this report, and a reserve list of desirable schemes, which cannot presently be funded, along with a list of projects to be funded from the Capital allocation;
- (iv) to note that the list of schemes will be drawn up in accordance with the principles and objectives detailed in this report; and
- (v) to grant delegated authority to the Roads Maintenance Manager to approve, in the event of any project being unable to proceed, the substitution of high priority schemes as replacements.

## **20. REVENUE BUDGET 2008/2009 : CAR PARKS**

Under reference to Paragraph 2 of the special meeting of the Council there was submitted a report by the Director of Environmental Services seeking approval of a proposed Revenue Budget 2008/2009 programme for car park repairs and maintenance.

The meeting noted that £101,115 is available for car park maintenance and details of the proposed works to be carried out were set out in Appendix 1 to the report. There was also appended to the report as Appendix 2 details of schemes on the reserved list totalling £1,534,170.

During consideration reference was made to references in the reserve list to extensions to car parks and it was noted that these would be clarified and if these related to proposed new car park extensions they be removed from the reserve list and add to programme for capital reserve works.

Following consideration the Committee agreed to approve the proposed Revenue Budget 2008/2009 programme of works for car park repairs and maintenance, as detailed in Appendix 1 to the report.

## **21. THE FUTURE OF FLOOD RISK MANAGEMENT IN SCOTLAND**

There was submitted a report by the Director of Environmental Services regarding the publication of the consultation document on the future of flood risk management in Scotland and inviting the

Committee to consider draft comments set out in Sections 4 (a) – (c) of the report and in Appendix A to the report as the Council's response to the consultation

The meeting noted that the document has implications for the Council's functions as Flood Alleviation, Planning and Emergency Planning Authority and that the proposals set out in the consultation paper are designed to establish a framework within which sustainable flood risk management in Scotland will operate more effectively than at present and with a view to the transposition to domestic legislation of the European Directive on Flooding with the aim of ensuring that there is no duplication of effort, and that the flood risk management process is simplified and better co-ordinated.

Following consideration the Committee agreed to approve the comments set out in Sections 4 (a) – (c) of the report and those in Appendix A to the report as the Council's response to the consultation document on the future of flood risk in Scotland.

## **22. REVENUE BUDGET 2008/2009 : FLOOD PREVENTION**

Under reference to Paragraph 2 of the Minute of the Special Meeting of the Committee dated 14 February 2008 there was submitted a report by the Director of Environmental Services seeking Committee approval of the Flood Prevention Revenue Budget proposals for 2008/9, as detailed in the Appendix to the report. The report also advised of the current position relative to programmed works for 2007/08 and gave details of the reserve list.

The meeting also noted that it may be necessary to make changes to the proposed programme during the course of the financial year and that any proposed changes to the programme will be reported to the Committee in a Quarterly Progress Report, with an explanation for why the change is necessary and a recommendation for a change to the programme.

During discussion reference was made to the public meeting, attended by Richard Lochhead MSP, in August 2007 in regard to drainage and flooding problems in Aberlour and the meeting noted the Council has carried out two of the four actions to be taken by the Council stemming from that meeting.

Following consideration the Committee agreed to approve the Revenue Budget 2008/09 in respect of Flood Prevention, as detailed in the Appendix to the report and to note that the balance is allocated to Coastal Protection.

### **Adjournment of Meeting**

The meeting agreed to adjourn for lunch at 12.43 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) J Russell (Joint Chair : Transportation & Direct Services), G Leadbitter, M McConachie G McDonald, G McIntyre, A McKay, F Murdoch, I Ogilvie, P Paul, R Shepherd and I Young.

## **ALSO PRESENT**

Councillor S Cree in respect of item 21 'Revenue Budget 2008/2009 : Harbour Maintenance'

## **APOLOGIES**

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

## **IN ATTENDANCE**



- (ii) recommend to the Policy Committee that it consider suspending Standing Orders and limit the increase in charges for recreational boats in Moray Council harbours to the current rate of inflation for 2008/09.

## **25. HOPEMAN HARBOUR PONTOON PROJECT**

Under reference to Paragraph 15 (ii) of the Minute of this Committee dated 21 June 2006 there was submitted a report by the Director of Environmental Services seeking Committee approval to make a further contribution to meet a shortfall in funding for the 'Hopeman Harbour all abilities pontoon project', details of which were set out in the report.

Following consideration the Committee agreed to approve a further contribution of £33,795 to the Hopeman Harbour all abilities pontoon system, to be met from the Community Development Budget, subject to match funding from HIE Moray and the East of Scotland European Partnership (ESEP) being secured.

## **26. ROAD TRAFFIC ORDER : 20MPH SPEED LIMIT : VARIOUS SCHOOLS**

Under reference to Paragraph 28 of the Minute of this Committee dated 10 October 2007 there was submitted a report by the Chief Legal Officer seeking Committee approval to make a new Road Traffic Order in respect of proposed 20 mph speed limits around various schools in Moray referred to in Section 3.1 of the report.

The meeting noted that no objections had been received in response to the statutory consultations.

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

"The Moray Council (20mph Speed Limits – Various Schools) Order 2008"

## **27. ROAD TRAFFIC ORDER : PROHIBITION OF WAITING : ELGIN LIBRARY**

Under reference to Paragraph 16 of the Minute of this Committee dated 5 December 2007 there was submitted a report by the Chief Legal Officer seeking Committee approval to make a new Road Traffic Order in respect of proposed prohibition of waiting at Elgin Library.

The meeting noted that no objections had been received in response to the statutory consultations.

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

"The Moray Council (Elgin Library – Prohibition of Waiting) Order 2008"

## **28. ROAD TRAFFIC ORDER : VARIOUS ROADS AROUND Dr GRAYS, ELGIN : PROHIBITION OF WAITING**

Under reference to Paragraph 18 of the Minute of this Committee dated 5 December 2007 there was submitted a report by the Chief Legal Officer seeking Committee approval to make a new Road Traffic Order in respect of roads around Dr Grays Hospital, Elgin.

The meeting also noted that that the two objections to the proposed Order had been satisfactorily resolved and that representatives of NHS Grampian had previously agreed, during negotiations, that NHS Grampian would meet the Council's costs of the promotion and introduction of parking restrictions around Dr Grays Hospital which can be directly attributed to NHS Grampian's decision to introduce car parking charges at the Hospital.

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 "(Various Roads around Dr Grays, Elgin – Prohibition of Waiting) Order 2008"

### **29. STREET NAMING AND NUMBERING**

There was submitted a report by the Director of Environmental Services recommending approval of a street name, which had been submitted by the Ward Members concerned in respect of a number of new housing developments in Moray.

Following consideration the Committee agreed that the name Innes Lane is given to the lane in Garmouth as submitted by Councillors A McDonald, McIntyre and Ross.

### **30. QUESTION TIME**

The meeting noted that a question from Councillor A McKay relating to Council support for the Moray Motorcycle Test Centre Action Group against the closure of the local Driving Standards Agency centre in Elgin would be more appropriately dealt with at a meeting of the full Council.

### **31. FORRES (BURN OF MOSSET) FLOOD ALLEVIATION SCHEME : PAYMENT OF INTERIM COMPENSATION (PARA 9)**

There was submitted a report by the Head of Estates Services seeking Committee approval of an advanced payment of compensation, as detailed in the report, to the owner of a property which will be demolished as a consequence of the Forres (Burn of Mosset) Flood Alleviation Scheme.

Following consideration the Committee agreed to approve an advance payment of compensation to the affected parties.

### **32. NUISANCE FROM KELP FLIES AT PORTGORDON HARBOUR (PARA 12)**

There was submitted a report by the Director of Environmental Services advising the Committee of the situation existing at Portgordon in relation to nuisance from Kelp Flies from the harbour and of the proposed action to resolve the situation.

Following consideration the Committee agreed to note the current position and that further research would be undertaken in regard to the options available to the Council and that a report thereon will be submitted to a future meeting of the Economic Development & Infrastructure Committee.

### **33. GO-KART TRACK SITE : WOODSIDE ELGIN (PARA 9)**

There was submitted a report by the Head of Estates Services inviting the Committee to consider declaring surplus to requirements the site at Calcots Road, Woodside, Elgin, as indicated on the plan appended to the report as Appendix 1, and, if so disposed, to refer the provisionally agreed terms of a lease of the site to Elgin Kart Raceway Ltd to the Policy Committee for consideration.

Following consideration the Committee agreed to declare surplus to requirements the area of ground indicated on the plan appended to the report as Appendix 1 and to refer the provisionally agreed terms of lease to Elgin Kart Raceway Ltd, as detailed in Section 3.4 of the report, to the Policy Committee for consideration.

### **34. LAND AT CONVAL STREET DUFFTOWN (PARA 9)**

There was submitted a report by the Head of Estates Services inviting the Committee to consider declaring surplus to requirements and available for sale an unsurfaced lane at Conval Street, Dufftown, as indicated on the plan appended to the report as Appendix 1, extending to 576 square metres and, if so disposed, to refer the terms of sale, as detailed in Section 4.1 of the report, to the Policy Committee for consideration.

Following consideration the Committee agreed to declare surplus to requirements the area of land, indicated on the plan appended to the report as Appendix 1, and to refer the proposed terms of sale of

the land, as detailed in Section 4.1 of the report, to Oakbank Homes Ltd to the Policy Committee for consideration.