

## **THE MORAY COUNCIL**

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

**TUESDAY 15 JUNE 2010**

**COUNCIL OFFICE, ELGIN**

#### **PRESENT**

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

#### **APOLOGY**

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

#### **IN ATTENDANCE**

the Head of Direct Services, the Head of Development Services, the Transportation Manager, the Senior Engineer (Transport Development), the Senior Engineer (Design), L Paisey, Principal Accountant, Mrs A Scott, Principal Solicitor (Commercial & Conveyancing), Councillor I Young (in respect of agenda item 16), and Mrs S Kennedy, Committee Services Officer, Clerk to the Meeting.

### **1. DECLARATION OF GROUP DECISIONS**

In terms of Standing Order 20 and the Councillors' Code of Conduct the meeting noted that Councillor G Leadbitter declared a personal interest in item 5, Elgin Traffic Management – Capital Plan 2010/2011.

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 nor any declarations of Members Interest in respect of any Item on the Agenda.

### **2. EXEMPT INFORMATION**

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

#### **Para No of Minute**

24

#### **Para No of Schedule 7A**

Para 10

### **3. WRITTEN QUESTIONS**

There were no written questions.

### **4. ELGIN TRAFFIC MANAGEMENT - CAPITAL PLAN 2010/2011**

Councillor Paul joined the meeting during discussion of this item.

There was submitted a report by the Director of Environmental Services seeking Committee approval for a number of projects in the Capital Plan as detailed in the report.

The meeting noted that the Elgin Traffic Management Plan is critical not just to the implementation of the current Development Plan but also in its review. In addition it will help deliver the Council's obligation under the Elgin Traffic Review and Single Outcome Agreement and whilst a phased approach to the delivery of the Elgin Traffic Management Plan will be required and it was clear that a number of its individual elements are interrelated and delays in one element may have a consequential effect on others.

Following consideration the Committee agreed to:

- (i) note the proposed timetable for the Western Distributor Option Appraisal and approved progressing the four options outlined in the report.
- (ii) approve the 2010/11 expenditure for the Elgin Traffic Management projects as detailed in the report; and
- (iii) note the situation regarding the affordable housing site at Bilbohall and approved the commencement of relevant detailed design and utility consultation in order to meet the Council's obligations.

### **5. SERVICE IMPROVEMENT PLAN 2010/11**

There was submitted a report by the Director of Environmental Services inviting the Committee to approve the 2010/2011 Service Improvement Plan for Environmental Services.

During discussion Councillor Russell asked that the words "zero waste" be added at page 20 of the plan to reflect the Scottish Government targets.

The Head of Direct Services advised that the report had been prepared before the Scottish Government Waste Plan was issued and would be taken account of and reviewed throughout the Council budget process and the Service Improvement Plan.

In response to members concerns with regard to harbours the Transportation Manager advised that this would be included as part of the Transportation Public Service Improvement Framework.

Thereafter, the Committee noted the report and approved the Service Improvement Plan for 2010/2011 subject to amendment of page 20 to include the words 'zero waste' to reflect the Scottish Government targets.

## **6. PROPOSED POLICY ON ROADSIDE SIGNING**

Under reference to the meeting of the Full Council on 9 September 2009 (paragraph 6 of the Minute refers, there was submitted a report by the Director of Environmental Services seeking to clarify the Policy on Roadside Signing.

During discussions Members expressed a number of concerns with regard to the report and in particular requested that the policy go out to consultation with Community Councils/Community Associations. Concerns were also expressed with regard to the distances for siting advertising boards from junctions and the costs of removing and uplifting signs after an event.

Thereafter, the Committee agreed:

- (i) that Officers review the policy in terms of the Road (Scotland) Act 1984 and in terms of road safety issues.
- (ii) that the policy on proposed road signage goes out to consultation with communities and is circulated to the Community Planning Partners, Community Groups/Community Councils;
- (iii) that the policy for consultation include the results of the review highlighted at (i) above and suggestions by Elected Members and that these be circulated with the policy document for consultation as undernoted
  - (a) that all advertising boards have a contact name printed on them;
  - (b) consider charges for uplifting signs that are not removed timeously;
  - (c) that the proposed distances from junctions be looked at; and
- (iv) that a further report be submitted to this Committee for approval.

## **7. UPDATE ON "SEE ME" SCHOOL BUS STOP SIGNING TRIAL**

There was submitted a report by the Director of Environmental Services intending to update the Committee on the results of the trial of "See Me" school bus stop signing.

During discussion the meeting noted that there was no road safety concerns either collectively or at any individual school bus pickup/drop off point in Moray and although the feedback on the trial of the 'SeeMe' sign had been positive and it would appear that the sign has had as much, if not more, effect than the flashing lights. Coupled with the potential technical difficulties in obtaining the necessary approvals for this system it is not considered to be a cost effective use of limited Council funds.

Thereafter, the Committee agreed:

- (i) the contents of the report; and
- (ii) instructed the Transportation Manager to monitor the progress of the further trials being undertaken in Aberdeenshire.

The Chair on behalf of the Committee thanked all parents, pupils, teachers and drivers involved in the trial.

## **8. INVESTIGATION OF 20 MPH SPEED RESTRICTIONS FINDOCHTY AND PORTKNOCKIE**

Under reference to the Economic Development and Infrastructure Services meeting of 3 February 2009 (paragraph 1 of the minute refers) there was submitted a report by the Director of Environmental Services on the subject of introducing 20 mph limits in Findochty and Portknockie. Additional traffic surveys have been carried out and the report sought to inform Committee of the results and present future considerations.

In response to concerns expressed by Elected Members with regard to the A942 in particular, safety issues the Transportation Manager advised that he was not aware of the need for a further meeting but he would be happy to discuss this further and arrange a meeting as necessary.

Thereafter, the Committee agreed to:

- (i) to note the report, including the proposal not to carry out any further work on this subject in the meantime; and
- (ii) that Officers arrange a meeting with the relevant Ward Members to discuss safety issues with regard to the A942.

## **9. PROPOSED 20 MPH SPEED RESTRICTION, U48E GORDONSTOUN ROAD, DUFFUS**

There was submitted a report by the Director of Environmental Services asking the Committee to approve the promotion of a 20 mph speed limit on U48E Gordonstoun Road, Duffus as detailed in Appendix B and as shown on the plan in Appendix A to the report.

In response to concerns expressed by Elected Members with regard to the proposed 20 mph speed restriction the Transportation Manager advised the meeting that the original planning application had onerous conditions attached to it for a footpath but did not include a speed limit.

During discussion Elected Members expressed concern at the proposals and were of the view that before the Council spend £3000 on a 20 mph speed restriction along the U48E Gordonstoun Road Duffus that the Council and Gordonstoun carry out the work expected of them and then revisit the proposals as a result of the development which has taken place at the school.

In response to a request from Members seeking assurances on safety the Transportation Manager advised that he could not give that assurance however he advised that there were a series of traffic calming measures at the entrance to the road which would be a benefit.

Thereafter, the Committee agreed to refuse the proposal for the introduction of a 20 mph speed limit on U48E Gordonstoun Road, Duffus but noted that there is work to be carried out in the area to address road safety issues both by the developer and the Council.

### **10. URBAN FREEDOM (ELGIN) ACTIVE TRAVEL INFRASTRUCTURE IMPROVEMENTS**

There was submitted a report by the Director of Environmental Services asking the Committee to approve the action plan 2010/11 for delivering active travel infrastructure improvements in Elgin as part of the 'Urban Freedom' sustainable travel town project.

In response to concerns expressed by Members with regard to the proposed alignment of the proposed route through the Doocot Park and the rear of New Elgin Road which is currently used as a Floodlight Training Ground the Transportation Manager advised that the route was shown as indicative only and there would be full consultation before it was produced.

Thereafter, the Committee approved the plan for active travel infrastructure improvements in Elgin.

### **11. CAPITAL PLAN 2010/2011 - ROAD SAFETY AND CYCLING WALKING AND SAFER STREET SCHEMES**

There was submitted a report by the Director of Environmental Services asking the Committee to approve the list of Road Safety and Cycling Walking and Safer Streets schemes to be funded from the 2010/2011 capital plan as described below.

During discussions the meeting noted that Moray had one of the highest numbers of pupils cycling to school.

Following consideration the Committee agreed to approve for funding from the appropriate Capital allocation in financial year 2010/2011 in respect of:

- (i) the schemes identified in Appendix 1 of the report to improve Road Safety; and
- (ii) the schemes identified in Appendix 2 as Cycling, Walking and Safer Streets project.

### **12. MORAY ROAD SAFETY PLAN 2011-2015**

There was submitted a report by the Director of Environmental Services asking the Committee to consider and accept the invitation by Aberdeenshire Council to produce a joint road safety plan for 2011-2015.

Following consideration the Committee approved the production of a joint Road Safety Plan in conjunction with Aberdeenshire Council subject to future capital funding.

### **13. UPDATE ON DISABLED PERSONS PARKING PLACES**

There was submitted a report by the Director of Environmental Services advising the Committee of the financial impact of the Disabled Persons Parking Places (Scotland) Act 2009 for the Moray Council.

Following consideration the Committee agreed to:

- (i) authorise the up-grade of the existing 269 disabled person's parking places to meet the new legislation;
- (ii) instruct the Transportation Manager to meet the duties of a local authority to provide disabled person's parking places; and
- (iii) instruct the Transportation Manager to prepare, publish and submit annual reports on "on-street" and "off-street" disabled persons parking places, to the Scottish Ministers as required by the legislation.

### **14. LOSSIE GREEN & LOSSIE WYND CAR PARKS**

There was submitted a report by the Director of Environmental Services updating the Committee on the statutory consultation responses to the proposal to introduce pay and display waiting restrictions at Lossie Green car park and Lossie Wynd car park.

In response to concerns expressed by Councillor Divers with regard to the legality of the use of Common Good funds as detailed in paragraph 3.4 of the report, Mrs A Scott, Principal Solicitor, (Commercial and Conveyancing) advised that any issues with regard to Trusts come under the remit of the Policy and Resources Committee and should be raised with that Committee.

Following lengthy discussion Councillor Russell, seconded by Councillor Cree moved that a small number of places be reserved for short stay parking of up to 30 minutes for a nominal charge.

As an Amendment Councillor Wright, seconded by Councillor Shepherd moved the recommendations as printed.

On a Division there voted:

For the Motion (3) - Councillors Russell, Cree and Divers.

For the Amendment (8)	-	Councillors Wright, Shepherd, Bell, Coull,
	-	Leadbitter, G McDonald, McIntyre and Paul.
Abstentions (0)	-	-

Accordingly the Amendment became the finding of the meeting and it was agreed to: note the levels of objections/comments received from the statutory consultation on charging at Lossie Green Car Park and Lossie Wynd Car Park to the Grampian Regional Council (Off Street Car Parks) Order 1989, and approve:

- (i) the introduction of pay and display waiting restrictions at Lossie Green and Lossie Wynd Car Parks and proceed with the statutory process;
- (ii) the proposal to charge a fee of £1 per day per car (or part day);
- (iii) the proposal to fund set up costs from the Capital scheme "Elgin Traffic Management and Car Parking" during 2010/2011;
- (iv) the proposal to split subsequent income between the Council and Public Trust administered as part of Common Good Fund; and
- (v) that the terms of this report be submitted to the Council's P&R Committee for its interest in the Public Trust/Common Good Land.

#### **15. FINDHORN BAY LOCAL NATURE RESERVE MANAGEMENT COMMITTEE: PROPOSED NEW CONSTITUTION 2010**

There was submitted a report by the Director of Environmental Services seeking Committee approval of a new and updated Constitution as set out in Appendix 1 of the report, for the Findhorn Bay Local Nature Reserve Management Committee.

On the invitation of the Chairman the meeting also heard the views of Councillor Young who is not a member of the Committee and spoke in his capacity as Chair of the Local Nature Reserve, Management Committee. He also expressed the views of Councillor Hamilton who was not in attendance at the meeting.

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

Councillor Young thanked all staff for the work carried out for the Local Nature Reserve Management

#### **16. PROPOSED PUBLIC PATH DIVERSION ORDER - SEAFIELD ROAD/JUDY'S LANE, CULLEN**

There was submitted a report by the Chief Legal Officer asking Committee to make a Public Path Diversion Order under Section 35 of the Countryside (Scotland) Act 1967 in order to divert part of a pedestrian public right of way at Judy's Lane in Cullen, as indicated by the plan.

Following consideration the Committee agreed to instruct the Director of Environmental Services and the Chief Legal Officer to make and implement the Order to ensure the continued existence of a pedestrian public right of way.

### **17. PROPOSED 7.5T WEIGHT RESTRICTION - GARDEN LANE, BUCKIE**

There was submitted a report by the Director of Environmental Services asking the Committee to approve the promotion of permanent 7.5T weight restriction on Garden Lane, Buckie.

Following consideration the Committee agreed to:

- (i) approve the proposed Traffic Regulation Order to introduce a 7.5T weight restriction on Garden Lane, Buckie and instruct the Director of Environmental Services and the Chief Legal Officer to proceed with the statutory process; and
- (ii) instruct the Director of Environmental Services and the Chief Legal Officer to make and implement the order if, following the consultation period, there are no outstanding objections.

### **18. MANAGING FLOOD RISK AT KINGSTON AND GARMOUTH**

There was submitted a report by the Director of Environmental Services asking the Committee to approve a review of the position with regard to flood risk at Garmouth and Kingston.

The Meeting noted that the current position at Garmouth and Kingston gave cause for concern that flood risk had been exacerbated by severe erosion on the west bank near Ross House, Queenshaugh and exceptional adverse weather over the last 8 months and that this was an opportune time to review the resource implications with regard to flood risk at Garmouth and Kingston to enable budget estimates to be prepared in time for the Comprehensive Spending Review. It was anticipated that Part 4 of the Flood Risk Management (Scotland) Act 2009 would be implemented before the end of the current financial year and the necessary legislation would be put in place for local authorities to promote Flood Protection Schemes.

In response to members concerns with regard to the closure of the Garmouth to Kingston Road during flooding and seeking clarity on the ownership of Queenshaugh land the Transportation Manager advised that there were two issues to consider (i) was whether a Flood Scheme should be promoted for the area and (ii) the access to Kingston in an emergency and that these matters would come before Elected Members in due course for discussion.

Thereafter, the Committee agreed to:

- (i) a re-examination of the outline business case;

- (ii) consideration of further possible options for managing flood risk in Garmouth and Kingston;
- (iii) a further report to the Committee that will include details of resource implications including budget estimates for specialist assistance from consultants, and capital and revenue consequences; and
- (iv) that the Head of Direct Services would contact the Flood Team to ask them to provide a list of the number of residential properties affected by flooding.

## **19. PROGRESS REVIEW AGAINST PERFORMANCE INDICATORS AND SERVICE IMPROVEMENT PLAN FOR PERIOD APRIL 2009 TO MARCH 2010**

There was submitted a report by the Director of Environmental Services providing the Committee with an update of Service performance against some of the Performance Indicators relating to this department to the end of quarter 4, March 2010; the progress made against the targets laid down in the Environmental Services Service Improvement Plan to the end of quarter 4, March 2010; and an overview of complaints to the end of quarter 4, March 2010.

Following consideration the Committee noted the update of Service Performance regarding the Performance Indicators relevant to this Committee. The Committee also noted the progress against departmental budgets.

## **20. ADOPTION OF ROADS ON TO LIST OF ROADS**

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

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

## **21. STREET NAMING AND NUMBERING - NEW STREET NAMES**

There was submitted a report by the Director of Environmental Services seeking approval of new street names for new developments at various locations in Moray.

Following consideration the Committee approved the new street names as detailed in the report.

## **22. INTERIM DESIGNING STREETS POLICY INTERPRETATION FOR NEW DEVELOPMENTS**

There was submitted a report by the Director of Environmental Services bringing to the attention of the Committee the new Designing Streets Planning Policy and advising that an interim interpretation of the policy was required.

Following consideration the Committee:

- (i) noted the publication of Designing Streets Planning Policy;
- (ii) approved the Designing Streets Interim Interpretation Note set out in Appendix B of the report ; and
- (iii) noted that a report will be brought to a future Committee to present new 'Design Procedures and Standards for Streets'.

### **23. QUESTION TIME**

There were no questions asked.

### **24. ENVIRONMENTAL SERVICES REVENUE BUDGET: QUARTER 4 MONITORING REPORT FOR TRADING ACCOUNTS (PARA 10)**

There was submitted a report by the Director of Environmental Services informing the Committee of the progress of Trading Accounts against revenue budgetary targets for the financial year 2009/10 during the period 1 April 2009 to 31 March 2010.

Following consideration the Committee noted the position of the Trading Operations for the period 1 April 2009 to 31 March 2010 as detailed in the report.