

FINDHORN AND KINLOSS COMMUNITY COUNCIL  
MINUTES OF MEETING HELD ON 28 January 2016

**Present:** L Morgan (Chair and Minutes), F Rietberg, T Brown, H Morton, S Finnegan, P Carroll, F Allan, M Hyde (Minutes Notes)

**Attendance:** Capt E Brown 39 Eng Regt, Cllr Alexander, Constable Leach (Police Scotland), T McLaren (Forres Gazette), approx 40 members of the public (almost all left after **Item 2.4**)

**Public Session**

**Item 1 Apologies:** J O'Hagan, Cllr Creswell, Cllr Skene, Cllr McLean, Sgt A McCarthy

**Item 2 Police report and public business:**

**Police Report**

**2.1** Since the previous Findhorn and Kinloss Community Council meeting, there have been 536 incidents reported to the Police Scotland, Forres Local Policing Team. 40 of these incidents related to Findhorn and Kinloss area. On 1 January 2016, the emergency services were called to attend a report of a two vehicle collision on the B9089 Kinloss to Roseisle road. Enquiries are currently being undertaken by Police Scotland collision investigators as to the cause of the road vehicle collision in which two males have been fatally injured. Of the incidents reported, 6 have resulted in Crime Reports being raised. These crimes related to Assault, Vandalism, Theft, Communications and Road Traffic offences. Following an incident at residential premises at Findhorn on 29 November 2015, a female has been reported to the Procurator Fiscal for Assault. On 7 December 2015, during a speed check on the B9089 Kinloss to Burghead Road by Road Policing Officers, a male driver was stopped for exceeding the speed limit. He has been reported to the Procurator Fiscal. Enquiries continue into the following crimes: between 4 January and 6 January 2016, damage occurred to a spa pool situated at residential premises at Kinloss; during the early hours of 4 January 2016, a large quantity of animal feed was stolen from a feed bin at farm premises in the Kinloss area.

Concerns were raised with regard to speeding at the Level Crossing, Kinloss. Local Policing units will continue to monitor this location along with other routes leaving and entering both Kinloss and Findhorn. Anyone with any information on the crimes mentioned above and any crimes in the Forres Community Policing Area should contact the Police Scotland on 101, Crimestoppers on 0800 555 111 or call in person at the Forres Police Office.

**2.2** S Finnegan reported that the problem with speeding in Findhorn is ongoing. A member of the public raised concern about cyclists not adhering to the Highway Code in Findhorn by cycling the wrong way and on the pavement: this has been raised many times before. Parking on the pavement was also raised and our view, confirmed by the Police, is that common sense should prevail and where the pavement is very wide, parking there should be permitted provided that at no point should pedestrians be forced onto the road. (Post-meeting Note: as it would be very costly for Moray Council to widen the roads where the pavements are very wide, it was suggested that Moray Council should be requested to paint white markings on the wide pavements indicating where it is permissible to park – this would be a low-cost, effective solution. **ACTION: Chairman** to raise at next meeting).

**2.3** There was a request to extend the cycle path towards Findhorn. H Morton stated that a previous attempt to do this was unsuccessful.

The Chairman thanked PC Leach who left the meeting.

**2.4** The Chairman stated that this is a Community Council Meeting with a very full agenda and it is not a public debate on wildfowling. The members of this council have already been made aware of the wildfowling issues, they have seen the petition presented to Moray Council, they have seen several related e-mails and there has been significant coverage and associated letters in the press. E-mails were received from Mr Hammond and Mr Wilson expressing the opinion that there should be an outright ban on shooting wildfowl around the Bay. Chairman then gave the floor to Louis Bezuidenhuit for a 10 minute presentation in support of the petition to ban shooting wildfowl in the Bay area. He was opposed to some details in the proposal to introduce a byelaw and would welcome negotiation on the terms of a byelaw. The Chairman thanked L Bezuidenhuit and then invited Councillors if they had questions to the presenter. There was one. The Chairman then reported that attendance at this meeting by members of the public who are opposed to the petition to ban wildfowling had not been encouraged but asked, in the interests of balance, if there was anyone wishing to speak against the views expressed in the presentation. There were none. The Chairman then asked if Councillors had any objections to proceeding with the Council's pre-prepared statement. There being no objections the following statement was read:

*Statement: We (Councillors) have discussed the Petition prior to this meeting and you would wish to know whether or not the Community Council is going to support your Petition to ban shooting. Like the rest of our constituents, the*

Community Council is divided on the issue and therefore we will not, as a Community Council, be supporting the Petition. Individual Councillors are of course free to sign the Petition if they so wish. Judging by the views of the Councillors around this table it is highly likely that if a petition was raised in favour of Moray Council introducing a byelaw, there would be more signatories for that course of action. Therefore we will be writing to the Moray Council urging them to introduce a byelaw to control the shooting.

**ACTION: Chairman** to produce, and circulate to Councillors for agreement, the input to Moray Council.

The Chairman reported that Mr Lochhead MSP had met with representatives of the FBLNR and the Friends of Findhorn Bay and is quoted as saying, "It's clear the status quo is untenable. I can speak to the Council to see where we can get with a byelaw. Also I will speak to the Government and SNH so we can understand the options there are to take this forward". We believe that the Moray Council will be holding a meeting of interested parties to discuss the way forward.

Questions from the floor suggested that the Council was not democratic in that the decision had been made prior to the meeting and also that a Councillor had a conflict of interest which had not been declared. The Chairman said that a decision had not been reached prior to the meeting; a pre-prepared statement had been produced. He repeated that after the presentation he asked if Councillors had any objections to proceeding with the Council's pre-prepared statement. There were no objections so the statement was read. On the conflict of interest, the Chairman stated that had the Councillor declared a conflict of interest and not voted, there would have been no change to the statement.

### Council Session

**2.5** With apologies for not covering this in the public session, the Chairman requested an update from the Findhorn Village Conservation Company. F Allan reported that the legal work for the land transfer is on schedule for completion in March. Members of the Board have visited other parts of Scotland for information-gathering from those who have done similar projects. The Planning for Real process is underway.

### Item 3 Ratification of minutes:

**3.1** The Minutes of the Meeting of 26 Nov 15 were ratified, proposed by P Carroll, seconded by S Finnegan.

### Item 4 Matters Arising:

- a. (2.3) Speeding in Station Rd Kinloss. **LM** contacted McPhersons and Moray Council
- b. (10.1) Presentation to CC on Healthcare Integration **Cllr Cresswell**, postponed until Feb
- c. (13.1) Letter re use of £115 underspend **PC** wrote letter, awaiting response
- d. (13.2) Advise applicant of allotments outcome **LM JoH TB** Done
- e. (13.2) Propose alternate projects with costs **JoH** In progress
- f. (13.3) Confirm date to E Martin for Rapid Departure production **LM** Done 3 Mar
- g. (13.4) Check co-option rules **LM** Rules allow us to co-opt to fill J Devlin vacancy
- h. (13.5) Check insurance for fireworks **JoH** Overtaken by events, no issue
- i. (13.7) Check on Findhorn street lighting upgrade **Cllr Alexander** Done, lights being upgraded

### Item 5 Kinloss Barracks Report: (This Item was presented immediately before **2.4** above)

**5.1** Capt Brown reported that Chinook helicopters are conducting routine training out of Kinloss. 39 Eng Regt expect to continue their community engagement work in line with previous years. CO is working on request to use Kinloss swimming pool for clubs while Forres pool is out of action. Decision is not within the gift of CO but in hands of MOD. Chairman pointed out that if the MOD decision is not timely, the opportunity may be missed. The new BSO, Ms Ruth Douglas, is now in post and will attend future meetings.

### Item 6 Chairman's Report:

**6.1** Plans to install a CCTV system to monitor traffic on Kinloss/Findhorn Rd as a crime prevention measure are work in progress. Now working with Tower Security to do site survey and prepare cost estimate prior to funding application.

**6.2** Arrangements for Right Lines Rapid Departure show progressing: date 3 Mar, 7.30 in JMI. Publicity material being distributed, 80 seats available. Tickets are at several locations, point of contact Mo Hyde 01309 692311

**6.3** The judicial review on the Beach Huts has ruled in favour of the Moray Council, not the objectors. As a statutory consultee who objected to the application for the Huts, this Council is disappointed at the outcome of the judicial review. As regards the developer's offer to provide two huts to the community, it was decided to await developments before following this up.

**6.4** Chairman had received an e-mail from Ms M Roberston, Chairperson Kinloss Primary School Parent Council requesting assistance regarding a speed survey and pressing for the installation of safety rails at the school exits to prevent schoolchildren, particularly cyclists, spilling onto the road. It was decided that the e-mail should be forwarded to Ms E Penny at Moray Council. **Action: L Morgan**

**6.5** Chairman had received a request to become a volunteer in support of the Resilience Plan. The volunteer also wished to be registered as a 'vulnerable' person who may need assistance in a local emergency – this is the first.

**Item 7 Secretary's Report:** The Secretary submitted the following Gmail Correspondence:

1. There's a study of Aberdeenshire CC by James Hutton Institute and it's an interesting read – called 'Achievement and Challenges'. It came in on 26<sup>th</sup> November.
  2. There was a launch in Nov of the 'new compact' which is the new agreement setting out how public agencies and the 3<sup>rd</sup> sector intend to work together. It's available at tsiMoray on the High Street in Elgin should you wish a hard copy, or on the link on the email. It came in end of Nov.
  3. Email highlighting the 'Big Lottery Funding' – 'Big Scotland' have opened their new funding programme. Big Scotland is pioneering a new approach, asking communities to tell them what they want to do. It is 'people led, strengths-based and connected'.
  4. The 'Forres Area A96 Action Group' has been established to share concerns or interest on the proposal for dualling the A96. The group asks us to keep up to date and ask our councillors burning questions. Meeting in Rafford on 23 Jan.
  5. 'Town Centre Planning Pilots programme for Elgin'. 17 page document to highlight what's been achieved so far.
  6. We were invited to Kinloss Barracks on 20 Jan for the AGM of Moray Chamber of Commerce.
  7. Digital newsletter from Kinloss Abbey Trust. It came in in Dec.
  8. 3 month consultation launched on 1 Dec on the draft Moray Health and Social Care Partnership Strategic Plan, closes 23 Feb.
  9. We were invited to a National Conversation on a Healthier Scotland, with The Alliance and Moray 3<sup>rd</sup> sector interface on 16<sup>th</sup> Dec.
  10. Report/newsletter on the Scottish Rural Parliament. It came in on 7 Dec.
  11. Report from 'Fairer Scotland' which was a CC event; Q&As have been put together and are on the Gmail dated 9 Dec from Jane Martin CCLO.
  12. Moray Council's Children and Young People's Service Committee approved the statutory consultation on establishing a new primary school for Elgin. Consultation ends 4 Feb.
  13. There are grants available from Foundation Scotland for a range of initiatives to tackle e.g. youth unemployment, the effects of alcohol, among others.
  14. An opportunity has arisen for someone to be involved in shaping the future of outdoor access in Moray. The position is on the Local Outdoor Access Forum which meets 4 times annually to advise Moray Council on a whole range of topics. Closing date for applications 12 Feb. (see Gmail from Jackie Greig on 15 Dec)
  15. Questionnaire issued by Rivers and Fisheries Trust of Scotland in light of the petition submitted to Scottish Parliament on Invasive Non Native Species . (see Gmail from Jane Martin on 15 Dec)
  16. The Gordon and Ena Baxter Foundation awards 2 x annually to groups working in education, health, social welfare, sports, arts, heritage, conservation and the environment. Possible funding stream.
  17. Update from Police (Scotland) re the implementation of the North East Division.
  18. Newsletter from Moray Art Centre 2016 detailing their new programme.
  19. Forres Area Forum want to engage with reps of Forres Community groups at a social afternoon on 30<sup>th</sup> Jan. The aim is to clarify the role of Area Forums and their relationship with other community groups and organisations. Saturday 30<sup>th</sup> Jan Tolbooth 2 – 4 pm. Anyone interested in attending?
  20. There are at least 30 emails from Craig Fraser (Highland Councillor) re Ship to Ship transfers and related documents. Some were sent on but Councillors should log on to Gmail to see them all.
  21. Email highlighting the offer to provide first aiders, but there is a cost involved.
  22. Community Resilience Planning workshop 20 Jan in Elgin. This was about building community resilience in Elgin.
  23. Nominations are being sought for Scottish Civic Trust My Place Awards 2016. They will recognise projects that have had a positive impact in a local neighbourhood and delivered positive benefits to the community and also Civic Champion Award to the person who has made outstanding contribution to their local heritage and/or Civic Society.
  24. There's a reintroduction of the chronic pain clinic at Dr Grays Hospital, going ahead in Feb.
  25. There's a Health Point Review workshop on 4 Feb 6-7.30pm at Cedarwood, Elgin.
  26. There's a meeting at Elgin Town Hall on 1 Feb 7pm, hosted by Richard Lochhead MSP and with CEO Scotrail Alliance, Phil Verster, to discuss the repeated cancellation of the 7.24am train from Elgin.
- Docs Received: Moray Local Development Plan, Rural Groupings, Supplementary Guidance, Scotways AGM Report

**Item 8 – Treasurer's Report:** F Rietberg reported that the £1258 had been received from Berry Burn for Beach Rd repairs. A £30 donation had also been received. CCllrs expenses for Oct – Dec had been paid. The Moray Council Admin Grant for 6 months, £352, had been received. The M C Grant balance is now £1245.78 and the balance in the Other Grants fund is £2121.71. Total funds £3367.49. Chairman pointed out that the M C Grant fund should be able to be used to cover any shortfall in putting on the forthcoming Rapid Departure Production as it promotes community resilience.

**Item 9 - JCCM Report:** Next meeting 11 Feb 16, attendees will be L Morgan and P Carroll.

**Item 10 – Moray Councillors’ Reports:**

**10.1** Cllr Alexander reported that following the judicial review decision on the beach huts, the M Council will be obliged to obtain the Council’s costs from the appellants. Cllr Alexander is Communities Committee Chairman whose remit includes council houses and the public protection partnership under which each child is allocated a person to act as a guardian to prevent abuse etc. In the P+R committee much time is spent considering appeals from parents regarding child placement in particular schools. According to a survey council tenants in Moray are generally satisfied. From an Asset Management Group meeting he assessed that Moray Council cannot afford to refurbish all the existing schools and that maintaining 53 schools is unsustainable. There has been much publicity about the need for a council tax rise but there is a new development which makes it unwise for the tax to be increased; the Scottish Government has decreed that it would withhold Moray’s share of a £250m national handout to cover maintenance of the teacher/pupil ratio and the cost of the Health and Social Care Integration – outcome is awaited.

**Item 11 – Findhorn Foundation Report:** Nothing to report.

**Item 12 – Planning:**

**Notices received since last meeting with note of action**

- 12.1 15/02055 14 North Shore, Findhorn, single storey extension and balcony Approved.
- 12.2 15/02086 Newton of Struthers Farm anaerobic digester plant Awaiting decision
- 12.3 15/02118 House adjacent to Broombank new house and shed Approved
- 12.4 15/02133 Manse Rd Kinloss Conservatory Approved
- 12.5 15/02188 Fenced enclosure Seaview Caravan Site Awaiting decision
- 12.6 16/00042 34 Findhorn additional window on ground floor Awaiting decision
- 12.7 16.00045 Site adjacent to Bunden, Findhorn new house Consultation

**Previous applications decided since last meeting**

- 12.8 15/01949 Kinloss Park 3 new houses Approved
- 12.9 15/02023 Garden ground Inyanga 1 house in the garden Refused
- 12.10 15/02099 Kinloss Abbey Masonry repair Withdrawn
- 12.11 15/02033 South of Blackstob Wood 1 house Withdrawn

**ACTION:** L Morgan to discuss with the owner of Seaview Caravan Park concerns about the current condition of the fenced off area opposite.

**Item 13 AOCB:**

**13.1** Ship to ship oil transfer licence app by Cromarty Firth Port Authority. Councillors had been given e-mail correspondence on this subject and the Chairman pointed out there was considerable opposition to the application to do the oil transfers at the level requested. A similar application in the Firth of Forth was refused after much opposition. There was discussion and the Chairman requested each Councillor’s view on whether or not we as a CC should oppose the application. Several were concerned about the safety margins but felt unqualified to debate the technical details, however the majority were in favour of opposing the application and the others were happy to fall in line with the majority. **ACTION:** L Morgan to submit our objection before 8 Feb.

**13.2** Chairman reported that action to procure defibrillators is still on hold pending receipt of information from SSE on the location of the installation of wiring for emergency generators.

**13.3** P Carroll reported that the Findhorn Village Centre Hostel area is a building site during the upgrade works which should be completed in May.

**13.4** H Morton reported that drainage/flooding issues in Fryrish Rd will be fixed in due course.

**13.5** Chris Forshaw (Maths Teacher, Forres Academy) wants to do a beach clean in Findhorn on either 26 or 27 May. He would like to build up community links and wondered about us. Joan Miller, FRA, kindly offered to take this on and contact Mr Forshaw.

**13.6** Email from Lynn Charles, on behalf on her mother who lives in Findhorn. Concern about the road condition (potholes etc) on Seaforth Lane (opposite the row of garages). There are elderly people in that area and she wonders who can provide sand or salt. She is looking for ideas on how to make it safe and also would like to know who owns that piece of land. P Carroll has done some repair work. The land is owned by Novar Estate.

**ACTION:** J O’Hagan to reply to Lynn Charles. P Carroll to speak to the lady affected.

**13.7** M Hyde has tickets available right now for Rapid Departure show.

**Item 14 Forthcoming Events:**

**14.1** Rapid Departure drama production, JMI 7.30pm, 3 March.

**14.2** Scottish Tea at FVC 5 March.

**Date of Next Meeting: 25 February 2016, Kinloss Church Culbin Room, 7pm**