

**FINDERNE COMMUNITY COUNCIL**

**NOTES OF THE MEETING HELD AT THE EDINKILLIE COMMUNITY HALL**

**MONDAY 5 SEPTEMBER 2016 AT 1900HRS**

Those present

FCC:

Brian Higgs, Chair (BH)

Chris Piper, Vice Chair (CP)

Mike Crutch, Secretary (MC)

Anna Gatward, Treasurer (AG)

Carlo Miele, Member (CM)

Nikki Howard, Co-opted Member (NH)

Bob Laughton, Associate Member (RL)

Tony Pinner, Associate Member (AP)

Also present:

Alex Fowlie, Muirden Energy

Alec Laing, Logie Estate

Plus Finderne constituents Mark Abbs, Roy Dennis, Vivienne Fraser, Anne Garrow, Dave McGrath, Jim McKay, Joe Mitchell, Hilary Rolton, Derrick Stansfield

Apologies were received from Jerry Akehurst (FCC) and PS Ross Allan (Police Scotland - Forres)

The Chair welcomed those present before commencing with the main agenda, as follows:

**1. Notes of previous meeting/actions and updates**

The notes were accepted without amendment.

*a. A940/Mundole road visibility issues*

MC reported that he had had informal discussion with Sir Alastair Gordon-Cumming of Altyre Estate and he was happy to help in any way he could with regard to allowing TMC to conduct the necessary ground works needed to improve the sight line towards Forres. This had been passed to TMC **Roads Dept (Kevin Price)** and a response is awaited. **Item carried forward**

*b. Appointment of youth representation*

NH is still approaching various potential youth members of FCC. **Item carried forward**

*c. Timber and quarry traffic through Rafford*

CM reported that the amount of such traffic had reduced in recent weeks. Also, following the last meeting, CM had also approached those responsible for the quarry traffic feeding the new railway station construction and they responded positively to the issues raised. **Item closed**

*d. Road icing hazard near Dallas Dhu distillery*

MC stated that the issue had been raised with TMC, their counter being that there were many places throughout Moray where overhanging trees creating microclimates and thus ice in winter were without such signage. Kevin Price at TMC Roads Dept has yet to respond formally, however. **Item carried forward**

*e. High speed broadband*

CP announced that a meeting will be held next week with Highlands & Islands Enterprise's Community Broadband Scotland representatives to formally scope the issue; Alec Laing – having already engaged with such – is happy to participate also so that initial findings by Logie Estate and Ace Adventures may be added to the discussion.

BH reported to the meeting his discussions with Nick Scroggie (Next Generation Broadband – Project Compliance Manager for HIE) whereby it has been indicated that Rafford is very likely to be picked up for stage 2 of the project when an open market review is carried out in late 2016. If included in the stage 2 project the improved broadband service would be available in rafford by the end of 2018. It has become clear that solutions for the northern area of Finnerne are likely to be completely different for the southern half and FCC will ensure this aspect is acknowledged. **Item carried forward**

*f. Blervie Estate access*

BH re-iterated the FCC position as discussed at length during the previous meeting, and the reticence by TMC to progress any action with regard to the access contraventions of the Land Reform (Scotland) Act (LRA) and the planning requirements for roadside fencing above 1m in height.

Jim McKay, supported by Anne Garrow, stated that the situation remains detrimental to those wishing to use the area as before and that the TMC position should be challenged. In terms of the access to the Rafford Woods part of the issue, Jim McKay questioned why TMC had not sought Counsel's opinion on whether the legislation had been breached. This inexpensive approach would have allowed the legal insight of an "expert" in LRA matters to be considered as part of the case handling by TMC. With not elected representatives, or officials, of TMC available this question could not be answered.

BH stated that the only option that remained would be a submission to the Scottish Public Services Ombudsman. This submission would be centred on the process by which TMC's decisions were taken, rather than necessarily the decisions arrived at.

*Secretary's note: following the meeting, FCC members have informally discussed the matter and feel that in the absence of a detailed explanation from TMC as to why the development is acceptable it is appropriate that the FCC represents the views of a large number of constituents as fully as it can and a complaint should be submitted to the SPSO. **Item carried forward***

*g. A96 dualling route assessment input*

BH reported that the process should become clear in the coming weeks as to what input FCC and other affected community councils may generate. There is still a concern that TMC is planning to rely too heavily on Transport Scotland's assessment of benefit/dis-benefit of the various A96 route options rather than carrying out its own work with local community groups, businesses and other interested parties. **Item carried forward**

*h. Half Davoch road works*

MC stated that these had been completed. Roy Dennis commented that the three week closure was excessive and assumed it was due to cost cutting of road safety staff (e.g. stop/go operators) and presumed insurance liabilities, having seen similar excessive closures in the Forres area recently. MC has already fed that back to TMC. **Item closed**

*i. FCC logo*

BH announced that the draft logo is currently with a graphic designer and will be ready shortly. **Item carried forward**

## **2. New matters arising**

*a. Hill of Glaschyle windfarm project update*

Alex Fowlie or Muirden Energy, the operator of the windfarm, gave an overview of the project and said that commissioning of the twelve turbines is expected within the next 6-8 weeks. Mr Fowlie acknowledged the traffic issues, including issues involving access by site workers although the inclusion of the access road through Ardoch was specifically designed to resolve this issue. Regrettably, actions by individual drivers despite site briefings (most notably the road traffic collision in late June), had still occurred and he encouraged that any issues continue to be reported to Muirden Energy direct. Hilary Rolton indicated that access for the properties at the western end of the Ardoch access road had reduced to a poor state; Alec Laing agreed having viewed it personally and said steps were being taken in this regard.

Mr Fowlie said that although thoughts are at an early stage, the project will deliver a community benefit fund of some £138,000 per annum. A general discussion was held by those present, highlighting some of the shortcomings of similar arrangements already in operation as well as the positives of some of the projects that failed to achieve planning permission. Mr Fowlie welcomed

input and it was therefore suggested that proper engagement with the community with regard to funding processes and priorities be had in the near future, with the high speed broadband issue and funding of such being just one element that could gain benefit. FCC will initially liaise with Mr Fowlie in this regard and assist in holding dedicated public discussion for such. **ACTION FCC and Muirden Energy**

**b. Forres Associated Schools Group re-zoning**

NH reported that she had attended the meeting for such recently, and a small element of Finderne at the northernmost edge is affected with the area changing from the Anderson's Primary School catchment zone to that of Alves Primary School. The main concern expressed was that the change would mean children who could realistically cycle to Anderson's would not have the option to cycle to Alves given the road safety aspects of the longer route.

NH will provide a FCC response to the project accordingly. **ACTION Consultation submission required by 30<sup>th</sup> Sept 2016.**

**c. Signage near Granary Park, Rafford**

BH reported that correspondence had been received from a resident stating that sightlines at the above were being hampered by two estate agent signs as well as one for private dwelling. The meeting agreed that the resident should contact the estate agents in the first instance to re-position the signs, whilst NH will informally approach the owner of the private dwelling. **ACTION FCC(NH)**

**3. Secretary and Treasurer updates**

No issues to report.

**4. Any other business**

**a. Finderne tourism**

CM reported that he had held an initial meeting with Laurie Piper of Moray Speyside Tourism to discuss various aspects and opportunities for tourism with the Finderne catchment. CM will provide appropriate updates at future meetings.

**b. Planning applications update**

CM stated that the only item to have appeared recently within Finderne was for the erection of a dwelling house at Easter Regaule (on the Half Davoch road), with any comments for such required to be lodged by 20/9/16.

**c. Fruit trees along the Dava Way**

RL had met with the Dava Way Association regarding the initiative, as suggested by Roy Dennis to

provide fruit for walkers at certain times of the year, and this will be progressed.

**5. Date of next meeting**

The next FCC meeting will be held at the Rafford Village Hall at 1900hrs on Monday 17 October 2016.

prepared by Mike Crutch, Secretary FCC