

Innes Community Council

Secretary P Bush 01343 821 612. Pbush60@btinternet.com

Minutes of the meeting held on Tuesday October 7th 2014 at Garmouth Village Hall

The Meeting commenced at 7pm.

Community Councillors present were John Fettes, Chair Peter Bush, Secretary, and Liz Bodman vice Chair. Sandy Anderson, Lansana Bangura, Winn Linn and James Mackie.

Moray Councillors present were Margo Howe and Douglas Ross.

Apologies Anne Speake and the Police.

John welcomed everyone to the meeting.

John proposed that the Meeting Recorder Protocol be discussed first, this was to enable the meeting to be recorded. This was agreed by the meeting.

John asked James to open up the discussion.

James mentioned the need for a protocol and registration for Data Protection especially as we are using a digital means of recording, also the Data protection covers computers and other electronic devices. If we needed any further advice he would recommend tsiMoray, as they had the knowledge in these matters.

John asked around the table for other Community Councillors views.

Liz said that she had looked at the Data Protection and had seen that several Community councils had registered.

Protocol

1. The agenda will indicate that the meeting will be recorded.
- 2 The Chair will at the opening of the meeting announce that the meeting will be recorded the sole purpose of which is to assist the secretary in producing accurate minutes of the meeting.
3. The Chair has the discretion at any time to request the recording is paused if continuing to do so would [prejudice the proceedings of the meeting.
4. Recording will stop once a motion to continue the meeting in private is agreed.
5. ICC will not provide transcripts of the recordings or any extracts from them. The minutes of the meeting are the official record of proceedings.
6. Following approval of the minutes at the next meeting the recordings will be erased.

7. A notice notifying that the meeting is being recorded and details of where the Protocol can be seen will be posted on the door where the meeting is taking place.

Liz had spoken to the ICO and discussed the position re registration. The ICO suggested that a voluntary registration would be appropriate.

It is the usual Practice for the Secretary of Community Councils to be the Named person.

The tapes would be stored by the named person at their address.

Access would be by the named person themselves.

The Data will be used as described in the registration application.

The Data will be as per the protocol, to be erased following acceptance of the minutes at the next meeting.

It was suggested that the tape is erased at the meeting once the minutes are accepted and seconded.

Both the Protocol and the Data protection was agreed by all Community Councillors attending the meeting.

The Meeting was now being recorded

1. Public Submissions

None.

2. Reports

Police.

None.

Moray Councillors reports

Margo said the Substantial Schools report had been published and it does not look good for Milnes High School.

Treasurer's report.

Nothing has changed, she has emailed John Third asking him to sign the report off, and John has agreed to do this.

JCC Reports.

The secretary had received a Review of The Joint Community Councils of Moray. This is in a survey format has been circulated.

It was agreed that individual Community Councillors should fill in the survey Form.

Community reports.

Nothing to report.

3. Community Council Session.

Margo. Item 1 Public Submissions. Referring to the Scottish Governments consultation review of polling stations. Urquhart was the only one affected in our area, the change is from the local pub to the village hall.

Margo. Item 6 Items for discussion Teindland right of way. It should read the Forestry Commission, and not the Forest.

Liz pointed out that the 4th and final gate will have a lock and padlock.

Peter G.S Page 7 AOCB. Should read. The second one Winn wanted to bring up with Peter GS

The meeting approved the minutes with the alterations Proposed Peter GS. Seconded by Winn Linn.

4. Matters Arising.

a) Meeting Recorder and Protocol.

Dealt with above.

b) Dr Grays Hospital cuts.

Peter G.S said that the information about Patients having to travel to Glasgow for treatment is wrong. There has in fact been an Ophthalmologist appointed in Dr Grays Hospital.

c) Review of polling Stations.

The secretary stated he had received the Consultation Document from the Democratic Services, Moray Council Election Office on Wednesday September 3rd The information we had received under Public submissions was wrong, we were informed that October 6th was the closing date for Consultation.

The first Consultation Period was September 1st – October 6th. 2014

The second Consultation Period is 20th October – 24th November. 2014

Preparation of final report November 24th – December 3rd. 2014

Submission of report of recommendations. December 4th 2014

Full Council 17th December. 2014 mentioned above

Submission to Electoral Registration Officer. January 2015.

Publication of the new Electoral Register.

As was mentioned above Urquhart is the only change affecting Innes Community Council area.

d) Community Energy Consultation.

Nothing.

e) Obnoxious Weeds.

Margo said she had a reply from Ken Kennedy Giant Hogweed and Japanese Knotweed are not covered by the weeds act. Of 1959. However Under the wildlife and country Act of 1981 it is an offence for land owners to plant and allow them to grow, deliberately allowing the species to spread or transferring polluted ground or material from one area to the other. It is not an offence to have the plant growing on your land. The responsibility of treating the Species lies with the land owner and not the Moray Council, although in certain circumstances the Moray councils Environmental health section can enter into discussions with landowners to try and persuade landowners to take action. Donny Mackay should be contacted for clarification of their role, you may also like to contact Dave Gowans who is in the council's consultancy section for clarification of the council's responsibility for plant risk management. Ken Kennedy says he can concur that it is a problem to monitor water courses. Giant Hogweed and Japanese Knotweed are invasive and excludes other species it can also cause constructional damage. Ken Kennedy goes on to say he would like to see programmes for river catchment however that might not be realistic, because that depends on finance, but they are aware and there is also a bit about Ian Douglas the ranger, having sprayed the Hogweed along the Speyside Way, between Fochabers and Spey Bay.

The secretary said he had written to the Environmental Health section, Contaminated Land Officer Adrian Muscott, he said much the same as Ken Kennedy had said in response to Margo's enquiry, he does go onto say that Moray Council Lands and Parks department carries out treatment programmes on Council land, on either land that it manages itself or at the request of other departments, (Roads, Estates, Environmental Protection etc.) He does suggest contacting the Outdoor Access Manager or the Roads Maintenance section for urban or roadside paths.

He also says that it is an offence under the Wildlife and Countryside Act 1981 "to plant or otherwise cause to grow in the wild" giant hogweed and Japanese knotweed. In addition, the plant matter and the soil it was growing in are considered as a controlled waste. His understanding is that SNH is the primary regulator for this part of the act in Scotland, while SEPA is the management of controlled waste.

His understanding is that the legislation does not require landowners actually to remove or treat invasive species.

Adrian Muscott says this is a regional and national issue and ad hoc treatment is unlikely to be greatly effective in the longer term. There are some wider initiatives to control the problem, for example through the Rivers and Fisheries Trusts of Scotland RAFTS invasive species website, <http://www.rafts.org.uk/invasive-non-native-species-seminar-wednesday-23-october>, but local resources at this stage is limited.

Jim said that from the Fochabers Bridge down to the sea is the area affecting us, and parts of the area we cover is SSI, would SNH have any role in controlling these weeds. The secretary to write to SNH. And SWT

Peter GS suggested contacting SWT to see what they can do as they are responsible for the shingle banks below the Viaduct Bridge.

Margo said that this matter has been mentioned to Richard Lochhead, and Angus Robertson, so they are aware of the problem.

f) Teindland right of way.

Margo produced some maps that showed the area affected.

Margo read out a letter from Ian Douglas to confirm the inclusion of locked gates and a map of the route that is affected. The route is a private road which give access to the Barrington water works from the B1093. Access

Rights to non-vehicular, i.e. horse riders, cyclists and pedestrians under the Land reform Scotland Act. The route also meets the criteria of a claimed right of way I have visited the site and I have recorded four vehicle gates across the track, of these, three were locked. One of the gates had an unlocked access gate at the side, and the other three had gaps at the side in effect none vehicular users can get around each of the locked gates, so therefore public rights have not been obstructed. Therefore no further action is required in respect of non-vehicular access users.

Liz said she had someone from Scottish Water come back to her, and she is still waiting for further information as she was following it up on a personal situation because there were no keys left, but as she had said last time that the Forestry Commission and Scottish Water were proposing to lock the final gate, and they weren't going to give anyone a key, and they are talking about putting a lock on their third gate, which is the other side of the water works, Liz said she was given the name of someone, a Derek Olgavie who is at Scottish Water and she is waiting for him to come back to her. He did say he is going to get in contact with the Forestry Commission as they had agreed that Liz could have a key or anyone else who needs access, there are about eight people who would probably need to use it. Liz said this is going to be ongoing. John suggested we leave it with Liz to see what else she can find out.

Sandy asked why someone can buy 400 yards of road, because that's what the Water Board have done, and closed the road.

Liz replied and said in their legal title, they own that bit of the road, what they don't bear in mind, is that the road is still being used.

Jim asked who owned the road before. Sandy replied Blackhills Estate, John said they should have looked into that to see if there was a right of way before they bought it.

Jim suggested looking at the Title Deeds and see if there is any mention of access to get to the treatment works. If they have only right of access then the gates will have to come down.

But if they have bought it and there is no mention of right of access then you will be struggling.

g) Memorial Wreaths.

The secretary had ordered these and now has them, he will deliver them at the next ICC meeting as it was closer to Memorial Sunday. The cost of the wreaths was £154.00

5. Consultations.

Moray Proposed Development Plan.

Douglas Ross said the plan has been agreed, with the schedule 4 changes that were proposed, for example Garmouth R1, the Moray Council has agreed to remove that, although the final decision rests with the reporter.

Substantial Schools Review

Winn Stated that there is a rally by the Save Milnes High School action Group on the 26th October, they are meeting in two places one group at the Fochabers Cricket Pitch and the other group at the Scout hut in Mosstodloch, both at 1pm, both groups will march to the Fochabers Bridge and meet there.

The action Group are encouraging people to wear yellow and green the colours of the Milnes High School. They will also be tying ribbons onto the bridge. The secretary said he would be going, and would hope that more Community councillors would do so.

Also there is going to be a rally in Elgin on the 3rd of November at Grant Lodge time TBA, this has been organised to coincide with Moray Council meeting to discuss the report, this is also being organised by the Save Milnes High School Action Group, this rally is being organised for all the schools in Moray affected by this report.

Winn would like to thank Douglas Ross and Margo Howe, on behalf of the ICC for attempting to get Milnes High School taken out of the review.

James asked about the Milnes primary School, would that be closed, as it is part of a trust? Margo replied if the Milnes Primary School is closed there is a probability that it will be mothballed, Douglas said he has raised this matter with the consultants, it looks as if they are trying to fit the larger number of pupils into as smaller group of schools as possible. They haven't looked at what would happen to a listed building such as Milnes Primary School. They haven't looked at the social and economic affects this will have on the community.

The danger of Milnes Primary School being moved to the present High School is the present building could end up like Grant Lodge, the building is part of a trust and cannot be used for anything else.

6. Items for discussion.

Community Council website.

The Secretary referred to a recently published report, Community Councils on Line. This has been circulated around the Community Council Moray Community Councils had done well in the report.

The secretary asked if anyone had any suggestions on improving the ICC website. After a brief discussion it was agreed that the secretary continue to review and maintain the website. Secretary to review.

7. Information.

Planning issues

Application Number: 14/01773/APP

Address: Site South East Of Orchard House Spey Street Garmouth Moray

Proposal: Erect single storey dwelling formation of access driveway and associated landscaping works.

The Following comment was agreed by all:

The Community Council feel that this proposal should be refused on the following Grounds:

1. Moray Local Development Plan 2008 EP7 Control of Development in Flood Risk Area.

The site involved forms part of the flood plain and its development would we feel be contrary to Pan 69 Planning and Building Standards Advice on Flooding.

Additionally it is noted that the new Development Plan at present in the course of approval proposes under the Settlement Section relating to Garmouth that the site be zoned ENV6 "Green Corridors/ Natural/Semi Natural Greenspaces Woodland, Railway sidings east of Orchard, land east of Orchards House etc.

We have also been advised that the site was once again flooded as recently as August 2014.

Jim had sent in a comment referring to the recent floods and had taken photographs to prove that if the planning application was successful other areas would be affected by the diversion of the flood water.

Liz to write to planning department.

Correspondence.

Moray Community Awards, this has been circulated around the members.

Registration for Land Use Strategy Discussion Events Autumn 2014

John had received a letter from Neighbourhood watch about a new security device called Smartwater, it marks equipment and personal items, like the old pen invisible marker that used to be used. At the moment it is a pilot project. If anybody is interested you can get it through Neighbourhood Watch.

The above were referred to file

John had also received a letter from David Mackay outlining a meeting about Coastal Warning to be held in Lossiemouth on 8th October if anybody is interested in going. Peter G S said just as a matter of interest he got his first telephone warning this afternoon, so it looks as if the system is working.

John had received a request from the G&K Amenities for a donation towards a new notice board the Amenities had purchased, the new notice board had cost about a £1000, and the old one was going to be put up in Kingston.

As the ICC use the boards for posting Minutes, Agendas and other information about the ICC it was felt in this case a donation would be justified. James suggested a sum of £200 towards painting and renovating the old board. Liz asked was this in our remit to do this, the secretary replied as its advertising the ICC yes it is.

The sum of £200 was agreed by the meeting.

8. AOCB.

Future Meeting venues and dates

The Secretary asked the meeting would they prefer to carry on the cycle of meetings for the next year: - Lhanbryde, Urquhart and Garmouth on the first Tuesday of the month except January and July. This was agreed by the meeting.

Secretary to action.

The Shorey Road.

In reference to Sept 2nd meeting page 7 item 8 Margo had raised the matter with the Roads dept. at Moray Council. The Shorey road is a difficult one, they do intend resurfacing the road, but it is not a top priority. There are no plans to widen the road.

Winn replied that it wasn't the road that needed widening it was the footpath that needed widening, Margo replied even that is out of the question.

White road markings.

Margo referred to the request of road markings at Bankhouse corner can be considered but the list is full for this year, so it's on the top of the next list for work to be done.

The request for white lines from the old Church Hall and the others that were mentioned, the streets are so narrow that road markings would be a bit messy. Also Roads dept. said that the new 20mph should help through that area. John said the 20mph stops outside the hall, and the Amenities are going to ask if it can be extended,

Winn raised a point that had been brought up at the Amenities, about the 20 mph limit. It's great that Garmouth has got its 20mph speed limit, but you come out of Bankhouse corner and you are in a 30mph limit all the way through the whole of Kingston. Kingston has narrow roads and no pavements either. Why has Kingston been left out of the 20mph limit?

Douglas replied that the original proposal was just for Garmouth, but since your Amenities meeting David Mackay has been in touch with us all, and it has been proposed to see if we can get the same for Kingston. So that's gone to the Officers concerned. There is no Guarantee on that but it has been raised. The meeting thanked both Moray Councillors.

James mentioned the incident concerning a heavy goods vehicle in Garmouth recently, a number of folk were complaining the warning sign for HGVs is grammatically wrong. The apostrophe should not be there, it should read HGVS so it needs putting right.

John thanked everyone for attending and contributing to the meeting the meeting closed at 8 10pm.

The next meeting is at Lhanbryde Community Centre at 1900 4th November.

Chairman _____

Secretary _____

DRAFT