

ECONOMIC DEVELOPMENT & PLANNING COMMITTEE

TUESDAY, 19 JANUARY 1999

NOTICE IS HEREBY GIVEN that a Meeting of **THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE** will be held within **the Supper Room, Town Hall, Elgin** on Tuesday 19 January 1999 at 10 a.m.

Alastair Keddie
Depute Chief Executive (Finance & IT)

12 January 1999

BUSINESS

1. Consider, and if so decide, adopt the following **resolution**:-

“That under Section 50A(4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting for Items 19-22 of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 4 and 9 of Part 1 of schedule 7A of the Act.”
2. Building (Scotland) Act: Applications for Building Warrants – Report by Control Services Manager
3. Draft National Planning Policy Guideline on Planning and the Historic Environment – Report by Director of Economic Development & Planning
4. Control Services Statutory Performance Indicators and Returns – Report by Director of Economic Development & Planning.

5. Planning Enforcement :Draft Circular and Draft Planning Advice Note – Report by Director of Economic Development & Planning.
6. List of Planning Appeals for Noting – Report by Legal and Administration Services Manager.
7. Current Planning Applications – Report by Director of Economic Development & Planning.
8. Urban Waste Water Directive: Trade Effluent Charges – Report by Director of Economic Development & Planning.
9. Comments/Objections to the Nairnshire Local Plan Deposit Draft – Report by Director of Economic Development & Planning.
10. Proposed Designation of River Spey as a SSSI and SAC – Report by Director of Economic Development & Planning.
11. North Sea Cycle Route – Report by Director of Economic Development & Planning.
12. RAF Kinloss & RAF Lossiemouth Waiting Restrictions – Report by Director of Economic Development & Planning.
13. Rural Transport Fund: Additional Proposals – Report by Director of Economic Development & Planning.
14. Capital Resurfacing & Capital Forestry Roads – Budget Revisions – Report by Director of Economic Development & Planning.
15. Weight Limit – Gallowhill Road, Grange - Report by Director of Economic Development & Planning.
16. Capital Street Lighting Programme – Scottish Hydro Electric Undergrounding - Report by Director of Economic Development & Planning.
17. Attendance at Conference – Scottish Parliament: What Can It Do For Rural Transport - Report by Director of Economic Development & Planning.
18. Street Naming and Numbering – Report by Director of Economic Development & Planning.

Items which the Committee may wish to consider with the Media and Public excluded

19. Contract for the Management of the Trunk Road – Report by Director of Economic Development & Planning (Para. 9)

ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE

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COUNCILLOR G MCDONALD (CHAIRMAN)
COUNCILLOR H MCDONALD (VICE-CHAIR)
COUNCILLOR E ALDRIDGE
COUNCILLOR M. ANDERSON
COUNCILLOR M C HOWE
COUNCILLOR T A HOWE
COUNCILLOR W JAPPY
COUNCILLOR A KEITH
COUNCILLOR P MANN
COUNCILLOR R L PATTERSON
COUNCILLOR A M SCOTT
COUNCILLOR J STEWART
COUNCILLOR H.M. CUMISKIE (EX-OFFICIO)

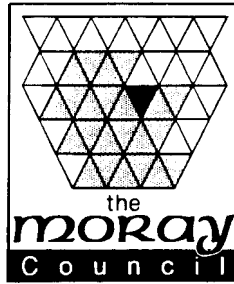
CLERK TO THE COMMITTEE - MR R RITCHIE
ROOM 207: TEL No 01343 563015

20. Revenue Roads Maintenance Programme – Virement – Report by Director of Economic Development & Planning (Para. 9).
21. Proposed Re-roofing of Industrial Unit at Pinefield Business Centre - Report by Director of Economic Development & Planning (Para. 9).
22. Moray Business Enterprise Scheme:
 - (a) Application 076
 - (b) Application 078

Reports by Director of Economic Development & Planning (Para. 4).

- NB Paragraph 4 Information relating to any applicant or recipient of any financial assistance provided by the Authority
- Paragraph 9 Information on terms proposed or to be proposed by or to the Authority

CONTACT PERSON:	kon Ritchie
Tel. No.	01343 563015
Room No.	207a



**REPORT TO: ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE
ON 19 JANUARY 1999**

**SUBJECT: BUILDING (SCOTLAND) ACT: APPLICATIONS FOR BUILDING
WARRANTS**

BY: CONTROL SERVICES MANAGER

1. Reason for Report

- 1.1 To invite the Committee to note the number of Building Warrants and Letters of Comfort to be determined under Delegated Powers since the last report to the Committee on 8 December 1998.
- 1.2 To invite the Committee to consider recommendations in regard to applications for Relaxation in terms of the Building Regulations (Relaxation by Local Authorities) (Scotland) Regulations 199 1.

2. Background

- 2.1 In terms of the Council's Scheme of Delegation the Control Services Manager has Delegated Authority to determine applications for Building Warrants and where appropriate to grant Letters of Comfort.

3. The Proposals

- 3.1 It is proposed that the Committee note the number of applications for Building Warrants and Letters of Comfort to be determined under Delegated Powers since the last report to the Committee on 8 December 1998 as detailed in **the** list attached as **APPENDIX I**.
- 3.2 It is also proposed **that** the Committee approve the recommendations as set out in the attached list (see **APPENDIX I**) in regard to applications for Relaxation in terms of the Building Regulations (Relaxation by Local Authorities) (Scotland) Regulations 1991.

4. Financial, Staffing and Environmental Implications

- 4.1 There are no financial, staffing or environmental implications.

5. **Consultations**

5.1 None.

6. **Recommendations**

6.1 **It is recommended that the Committee note the number of applications for Building Warrants and Letters of Comfort, as detailed in the attached list, determined under Delegated Powers.**

6.2 **It is also recommended that the Committee approve the recommendations as detailed in APPENDIX I in regard to applications for Relaxation in terms of the Building Regulations (Relaxation by Local Authorities) (Scotland) Regulations 1991.**

Author of Report: Adam Robertson, Chief Building Control Officer

Background Papers: None

Ref: AHR/DS

Signature: 

Designation: Control Services Manager Name: Malcolm D Leiper

1. **List of applications for Building Warrant to be determined under delegated powers**

TOTAL 89

2. **List of applications for Letters of Comfort to be determined under delegated powers**

TOTAL 12

3. **List of applications for Relaxation in terms of the Building Regulations (Relaxation by Local Authorities) (Scotland) Regulations 1991**

98/00053/REL Alteration of shop at 96-98 High Street, Elgin for Millars of Broughty Ferry Ltd per Raymond Simpson, Architectural Services, 7 Mid Stocket Road, Aberdeen, AB2 4JL

- (1) **Regulation 9(D2.2)**
Requirements with regard to the non-combustibility of floors within a stair enclosure.

Recommendation

Following consultation with Grampian Fire Brigade it is recommended that relaxation be granted in order to permit timber joists within the first floor where within the stair enclosure.

98/00058/REL Alter and extend dwellinghouse at 35 Cameron Crescent, Buckie for Mr and Mrs William Mair per George Douglas Architect, 8 St Marys Place, Aberdeen

- (1) **Regulation 9(S2.9)**
Requirements with regard to the number of rises within a flight of stairs.

Recommendation

That relaxation be granted to permit a flight comprising of 2 rises.

98/00059/REL Proposed alterations at The Round Square, Gordonstoun School, Duffus per Ian Holmes, 12 Councillors Walk, Forres

- (1) **Regulation 9(S2.9)**
Requirements with regard to the number of rises within a flight of stairs.

Recommendation

That relaxation be granted to permit a single step giving access to a raised platform.

98/00060/REL

Alter and extend shop at 34 St **Andrews** Road, Lhanbryde for Mr R George per Plans Plus, Main Street, Urquhart

(1) **Regulation 9(E3.1)**

Requirements with regard to escape routes.

Recommendation

Following consultation with Grampian Fire Brigade it is recommended that relaxation be refused in regard to the proposed escape arrangements from the rear shop.

98/00061/REL

Proposed alteration of dwellinghouse at 2 **Denhead** Terrace, **Marypark** for Mrs Gordon per P Romaine, Roseacre, Stratton, Inverness

(1) **Regulation 9(32.6)**

Requirements with regard to the width of stairs within a dwellinghouse.

Recommendation

That relaxation be granted to permit a reduced stair width in conjunction with the fitting of a stair lift.

98/00062/REL

Proposed alterations to **Netherha** Home, **Netherha** Road, **Buckie** for The Moray Council per Simpson and Wright, 96 Moss Street, Keith

(1) **Regulation 9(D2.2)**

Requirements with regard to non-combustibility of protected zones.

Recommendation

In consultation with Grampian Fire Brigade it is recommended that relaxation be granted to permit the existing timber floor to remain.

(2) **Regulation 9(E5.7)**

Requirements with regard to the provision of hold open devices on fire doors.

Recommendation

Having consulted with Grampian Fire Brigade it is recommended that relaxation be refused.

98/00063/REL Alter and extend shop at 160 High Street, Forres for Michael Laycock Textiles per Ian Holmes, 12 Councillors Walk, Forres

- (1) **Regulation 9(S2.14)**
Requirements with regard to gradient of ramps.

Recommendation

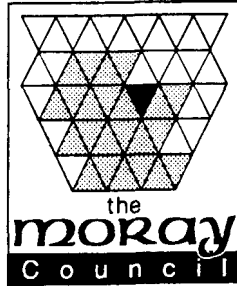
That relaxation be granted to permit a ramp of increased gradient.

98/00064/REL Change of use of former bank premises, 1 Pultney Street, Portknockie to form drop-in centre for The Moray Council per Simpson & Wright, 96 Moss Street, Keith

- (1) **Regulation 9(T3.1)**
Requirements with regard to provision of sanitary facilities for disabled people.

Recommendation

That relaxation be granted to dispense with a dedicated unisex disabled toilet.



**REPORT TO: ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE
19TH JANUARY 1999**

**SUBJECT: DRAFT NATIONAL PLANNING POLICY GUIDELINE ON
PLANNING AND THE HISTORIC ENVIRONMENT**

**BY: DIRECTOR OF ECONOMIC DEVELOPMENT & PLANNING
DEPARTMENT**

1. Reason for Report

- 1.1 To inform the Committee of the publication of the draft National Planning Policy Guideline (NPPG) on Planning and the Historic Environment and to agree its response to the consultation by the Scottish Office.

2. Background

- 2.1 The draft NPPG on Planning and the Historic Environment was published for consultation on 26th November 1998. Responses to the consultation are required by the Scottish Office by 22nd January 1999.
- 2.2 The draft NPPG draws together information and guidance on statutory designations (Listed Buildings, Conservation Areas) and non-statutory designations (World Heritage Sites, Historic Gardens and Designed Landscapes). The draft NPPG deals with the above in the context of an overall approach to sustainable economic development which is seen as being complementary to the conservation of the historic fabric.
- 2.3 The Government's stated aim is to protect and conserve the historic environment, to promote development compatible with it and to encourage the maintenance, conservation and continued use of historic property and environments.
- 2.4 The draft NPPG promotes the following actions:-
- consideration of the need for townscape audits
 - conservation area appraisals
 - structure plans to include - identification of the main elements of the historical environment
 - general policies for the protection, conservation and enhancement of the historic environment

- local plans to include
 - identification of priority locations for protection, conservation and management.
 - criteria for selection of conservation areas
 - policies for the protection, conservation and enhancement of historic environments.
 - definition of the historic environment in map form.
 - criteria for the consideration of development proposals related to conservation areas and listed buildings.
 - identification of priorities for enhancement programmes.
 - identification of sites and areas for development briefs, design guides and other supplementary guidance.
 - inclusion of reference to existing and proposed Article 4 directions.
- development control
 - authorities should have access to and provide detailed information on the historic environment (planning authorities are asked to ensure that they can call on sufficient conservation advice to inform their decision-making).

2.5 The Council currently undertakes the above actions, and the recently completed Moray Development Plan gives due prominence to the various issues.

3. The Proposals

3.1 It is proposed that the Committee note the contents of the draft NPPG on Planning and the Historic Environment, and welcome the overall approach which seeks to combine the principle of economic development with the conservation of the historic environment.

4. Financial Implications

4.1 None.

5. Staffing Implications

5.1 None.

6. Environmental Implications

6.1 The draft NPPG generally endorses the Council's approach to sustainable development.

7. Consultations

7.1 R Robertson, (Chief Officer, (Environment) ED&P) has been consulted and is in agreement with the contents of this report.

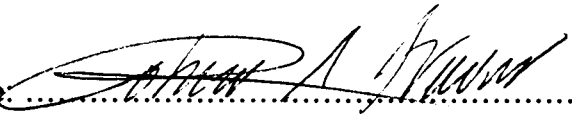
8. Recommendations

8.1 It is recommended that the Committee agree to note the contents of the Draft NPPG on Planning and the **Historic Environment** and to welcome the overall approach which seeks to combine the principle of sustainable economic development with the conservation of the historic environment.

Author of Report: Martin **Wanless**, Principal Planning Officer

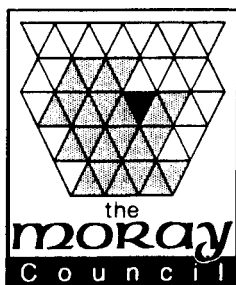
Background Papers:

Ref: MW/TF


Signature:

Designation: Director of Economic Development & Planning

Name: Robert A. Stewart



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**REPORT TO: ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE ON
19 JANUARY 1999**

**SUBJECT: CONTROL SERVICES STATUTORY PERFORMANCE
INDICATORS AND RETURNS**

BY: DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

1. **Reason for Report**

1.1 To comply with the commitment in the current Control Service Service Plan to keep the Committee advised of performance.

2. **Background**

2.1 For a number of years now all Planning Authorities have been required by the Accounts Commission to submit performance indicators showing amongst other things performance in dealing with planning applications. These figures are published annually in the local press and are checked by Internal Audit.

2.2 The Scottish Office also requires Planning Authorities to submit separate schedules of statistics for their own purposes. These are published each six months in the Scottish Office Bulletin.

2.3 Building Control Authorities have only just been required to publish performance indicators and the figures for the first year and ensuing 6 month period are available and contained in this report.

2.4 Targets are also set out in the Control Service Service Plan which was agreed by this Committee on 17th November (Item 2 1).

3. **The Performance Indicators**

3.1 A schedule of the performance indicators is appended (**Appendix 1**) as are the guidance notes provided by the Accounts Commission in respect of their indicators (**Appendix 2**).

Figures for planning applications are shown for periods of six months. Those for Building Warrants are for one year and the following 6 months. Appeals are for one year All relate to appropriate financial years. As stated by the Accounts Commission there may be discrepancies between their figures and Scottish Office returns for planning application statistics

3.2 The Accounts Commission Performance Indicators (see Appendix 1, page 1) for planning applications are broken into two main categories i.e. householder planning applications which refer to relatively minor proposals and non-householder applications.

3.3 The most recent figures ie for 1.4.98 to 30.9.98 in respect of Householder Applications show a general improvement overall culminating in 64.6% of all householder Applications being processed within 4 weeks. This represents a 2% improvement over the previous period.

For Non-Householder Applications the number processed in 8 weeks has risen by 18.9% to 60.5% , a substantial improvement.

3.4 There is no update on appeals for this 6 month period, numbers tend to be small and analysis is probably more meaningful for annual figures. These will be reported in the next monitoring report.

3.4 The Scottish Office Return (see Appendix 1, page 2) which is published in a summarised form by the Scottish Office focuses on the overall number of planning applications.

Performance here for processing all applications in less than 2 months has risen by 13.6% to 72.2% which is 2.2% over the target set in the current Service Plan. This also represents a substantial step towards achieving the Scottish Office National Target of 80%.

89.5% of all Householder Planning applications were processed in less than 2 months. This all but matches the Scottish office target of 90% for this category

3.5 The Accounts Commission's approach to building warrant performance is quite different to that taken on planning applications. Building Warrant performance is expressed in working days and does not take account of time awaiting a response from applicants or agents e.g. when the Authority is awaiting the applicant's proposals to comply with the regulations.

3.6 Generally however, the figures suggest that building warrant matters are being processed promptly. The slippage of one day for the average time to issue Building Warrants and Completion Certificates shown in the latest figures is not considered to be particularly significant at this stage. When customer surveys are carried out for the

Best Value Activity Review and figures for other Authorities become available further analysis will be possible.

- 3.7 Progress to current standards of performance was achieved against a background of reduced staff numbers and resources.

4. **National and Key Service Plan Targets**

The Government has set national targets for the processing of planning applications .These are as follows :-

80% of all planning applications to be decided within 2 months

90% of all householder planning applications to be decided within 2 months.

Obviously it will take most authorities some time to attain and sustain these target levels, however the latest figures for Moray show that we are within 7,8% of the former and 0.5% of the latter.

The recently approved Service Plan also sets internal targets which are as follows :-

70% of all planning applications to be decided within 8 weeks

70% of all householder planning applications to be decided within 4 weeks.

90% of all householder planning applications to be decided within 8 weeks.

These latest figures show the Service Plan target for all applications within 8 weeks is exceeded by 2.2%, the target for householder applications within 4 weeks is now within 5.4% of performance and the target for householder applications within 8 weeks is within 0.5% of performance.

The Service Plan also sets targets for Building Control. These are as follows :-

Average time to respond to a Building Warrant – 16 days

Average time to respond to a Completion Certificate – 7 days

The figures show that performance is within one day of achieving these targets

5. **Financial, Staffing and Environmental Implications**

- 5.1 These figures are for information at the moment. However, they will have a bearing on the next review of the Service Plan and could ultimately give rise to considerations relating to staffing and resources depending upon the levels of performance the Council wishes to achieve. Given that the process seeks to ensure adequate controls over building and development in the environment, a proper balance of staff and resources to performance will determine the environmental controls desired by the Council.

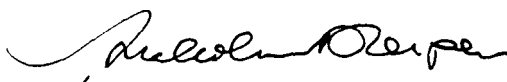

5. **Consultations**

- 5.1 None

6. **Recommendations**

6.1 It is recommended that the Committee notes that there have been substantial improvements in Control Service performance and that targets set in the Service Plan are already being met or are within reach.

Author of Report: Malcolm D. Leiper, Control Services Manager
Background Papers: **The Accounts Commission Publication of Information (Standards of Performance) Guide 1997/98**
Ref: MDL/ESL

Signature: 
Name:  Robert A. Stewart
Designation: Director of Economic Development and Planning

APPENDIX 1

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ACCOUNTS COMMISSION REPORT INDICATOR 1

HOUSEHOLDER PLANNING APPLICATIONS

Householder Applications dealt within :-	1.4.96 - 3.9.96	1.10.96 - 31.3.97	1.4.97 - 30.9.97	1.10.97 - 31.3.98	1.4.98 - 31.9.98
Up to 4 Weeks	41%	21.6%	35.7%	62.6%	64.6%
5-8 Weeks	32.9%	44.7%	40.5%	19.8%	22.9%
9-12 Weeks	16.2%	19.7%	13.5%	7.5%	5.2%
More than 12 Weeks	10%	13.9%	10.3%	10.2%	7.3%

ACCOUNTS COMMISSION REPORT INDICATOR 2

NON-HOUSEHOLDER PLANNING APPLICATIONS

Non-Householder Applications dealt within :-	1.4.96 - 3.9.96	1.10.96 - 31.3.97	1.4.97 - 30.9.97	1.10.97 - 31.3.98	1.4.98 - 30.9.98
Up to 8 Weeks	37.5%	32.7%	41.4%	41.6%	60.5%
More Than 8 Weeks	62.5%	67.3%	58.4%	58.6%	39.5%

ACCOUNTS COMMISSION REPORT INDICATOR 3

PLANNING APPEALS

	1996 /97	1997/98	1998/99
(a) Number of Decisions which went to Appeal	23	21	Not Yet Available
(b) (a) as a percentage of all Decisions	2.1%	2%	Not Yet Available
(c) Percentage of (a) which were successful	8.7%	20%	Not Yet Available

SCOTTISH OFFICE RETURN

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Period	Total Appls dealt with	Dealt within less than 2 months	Dealt with in 2-3 months	Dealt with in more than 3 months	% in less than 2 months	% in 2-3 months	% over 3 months
1/4/96 - 30/9/96	520	287	125	108	55.2	24	20.8
1/10/97 - 31/3/97	517	257	105	155	49.7	20.3	30.00
1/4/97 - 30/9/97	562	339	100	123	60.3	17.7	21.8
1/10/97 - 31/3/98	513	301	77	135	58.6	15	26.3
1/4/98 - 30/9/98	523	378	58	87	72.2	11	16.6

ACCOUNTS COMMISSION PERFORMANCE INDICATOR

BUILDING WARRANT AND COMPLETION CERTIFICATE APPLICATIONS

The average time taken to respond to a request for :-

	1.4.97 - 31.3.98	1.4.98 - 30.9.98
A Building Warrant	16	17
A Completion Certificate	7	7

The average time taken to issue :-

	1.4.97 - 31.3.98	1.4.98 - 30.9.98
A Building Warrant	11	12
A Completion Certificate	2	2

PLANNING**PROCESSING TIME**

(1) The percentage of householder applications dealt with within the following times:

	% of applications
up to 4 weeks	
5 to 8 weeks	
more than 8 weeks	

Definitions:

'Householder application' refers to an application for development within the curtilage of a dwelling house or flat. It does not include a new development involving the formation of a new residential or other unit within the curtilage of an existing dwelling house or flat.

"Dealt with" means that a decision has been issued to the applicant.

Time starts when a valid application (i.e. a fully completed application together with the appropriate fee and all necessary plans) is received by the council, and finishes on the date when the decision notice is issued to the applicant. Periods of time during which the council is awaiting responses to correspondence etc. between these two dates should be included. Count all applications where decision notices are issued during the reporting year. One week is 7 calendar days.

Source: Development control monitoring system.

Interpretation:

The time taken to deal with an application will be affected by:-

- . the extent to which councillors have delegated responsibility for approving planning applications to **officers** (greater delegation will generally allow applications to be processed more quickly);
- the council's policy with regard to negotiations with applicants;
- the number of applications received;
- whether there are any objections to the application; and
- the number of situations where an applicant needs to submit amended plans in order to enable the planning officer to make a recommendation for approval.

In its National Planning Policy Guideline 1, issued in January 1994, The Scottish Office identified a target for each council to deal with at least 80% of all its planning applications within two months. However, the Commission uses periods of weeks for its planning indicators since a period of two-months may be up to 6 days longer than eight weeks. The additional time allowed by the two-month period will enable councils to deal with more applications than they can within eight weeks. Therefore, the Commission's figures cannot be compared directly with those produced for the Scottish Office.

Applications relating to listed buildings take longer to deal with because of the need to consult national bodies such as Historic Scotland. The Government target

time for these applications is extended by four weeks to allow for this consultation.

Applications for properties in conservation areas may take longer to deal with because of the need for additional advertising and consultation. The proportion of such applications varies considerably between councils. It is not related to the geographical area of a council, as a **small** council may have a large number of conservation areas.

In view of the possible impact of conservation areas and listed buildings on the average time councils take to deal with applications, particular care should be exercised before the performance of councils is compared with one another.

More information on the implications of such factors for a council should be available from its Planning Department.

(2) The percentage of non-householder applications dealt with within the following times

	% of applications
up to 8 weeks	
more than 8 weeks	

Definitions:

“Dealt with” means that a decision has been issued to the applicant.

Time starts when a valid application (i.e. a fully completed application together with the appropriate fee and all necessary plans) is received by **the** council, and finishes on the date when the decision notice is issued to the applicant. Periods of time during which the council is awaiting responses to correspondence etc. between these two dates, should be included. Count all applications where decision notices are issued during the reporting year. One week is 7 calendar days.

Source: Development control monitoring system.

Interpretation:

In addition to all the issues discussed in (1) above, the time taken to deal with non-householder applications will be extended where:-

- * there is a need to undertake an analysis of **the** anticipated impact on the environment or economy of the area arising from any application;
- an application requires an agreement to be drawn up with the applicant, regulating the future use of the property or land; or
- the application is contrary to the approved local or structure plan, in which case additional procedures have to be **completed**.

Applications relating to listed buildings take longer to deal with because of the need to consult national bodies such as Historic Scotland. The Government target time for these applications is extended by four weeks to allow for this consultation.

Applications for properties in conservation areas may take longer to deal with because of the need for additional advertising and consultation. The proportion of

such applications varies considerably between councils. It is not related to the geographical area of a council, as a small council may have a large number of conservation areas.

In view of the possible impact of conservation areas and listed buildings on the average time councils take to deal with applications, particular care should be exercised before the performance of councils is compared with each other.

The Government's target period of two months is extended to four months for those applications involving an environmental statement (i.e. applications for which a statement assessing the potential implications for various aspects of the local environment is required as part of the planning process).

More information on the implications of such factors for a council should be available from its Planning Department.

APPEALS

(3) Appeals
a) the number of decisions which went to appeal
b) a) as a percentage of all decisions
c) the percentage of a) which were successful

Definitions:

An 'appeal' is defined in section 33 of the Town and Country Planning (Scotland) Act 1972.

Part (a) identifies the number of appeals which were determined by the Secretary of State during the year. This figure is being used to overcome difficulties arising over the year in which figures should be reported given the variable time lags factors in raising an appeal and in the inquiry process.

Part (b) is the number of appeals which were determined during the year expressed as a percentage of the total number of planning applications decided during the year. The annual total of applications decided should be taken as the sum of the table 1 total from the six monthly Scottish Office Environment Department Planning Applications Returns for the relevant reporting year.

Part (c) shows the number of appeals which were determined in the applicant's favour expressed as a percentage of (a).

Source: Council's planning appeal records and the six monthly Scottish Office Environment Department Planning Applications Returns for that financial year.

Interpretation:

Among other reasons, a council may have an appeal upheld against it as a result Of:-

- basing its decision on an outdated local plan policy;
- taking a decision contrary to up-to-date local plan policy;
- taking a decision inconsistent with previous decisions; and
- a taking a decision which did not take into account any special circumstances of the case.

The percentage of appeals which are sustained may be regarded as giving an indication as to the quality of decisions taken by a council in those cases which have gone to appeal. That is, the lower the percentage of appeals sustained, the better the quality of decisions taken by the council in relation to the other cases going to appeal.

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BUILDING WARRANT AND COMPLETION CERTIFICATE APPLICATIONS**④ The average times for dealing with requests for building warrants and completion certificates**

- a) the **average** time taken to respond to a request for:-
 - i) a building warrant
 - ii) a completion certificate
- b) the average time taken to **issue**:-
 - i) a building warrant
 - ii) a completion certificate

Definitions:

The time to respond to a request for a warrant is the period from receipt of an application to the date of response to the applicant, which involves either 1) issuing the warrant; or 2) informing the applicant of statutory requirements not met in the initial application (e.g. fee not enclosed).

The **time** for issuing a warrant is the period from receipt by the council of all necessary information together with an application which meets the requirements of the Building (Scotland) Act 1959, to the date of issue of the warrant.

The time to respond to a request for a completion certificate is the period from receipt of a formal application (form BA8) together with a duly completed Compliance Certificate for Electrical Installation (form BA9), if appropriate, to the date of **either**:-

- a request for access being sent to the applicant; or
- an inspection being carried out to determine whether or not a completion certificate can be issued.

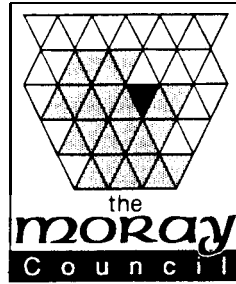
The time for issuing a completion certificate is the period from the date when the council is satisfied that the building work has been completed in accordance with the warrant as far as can be reasonably ascertained (in practice, the date of the final inspection) to the date the completion certificate is issued to the applicant.

All periods should be measured in working days.

Interpretation

The extent to which councils prepare guidance to applicants on any deficiencies with any application for a building warrant following its submission, may influence the time taken to respond to an application.

In accordance with Building (Procedures) (Scotland) Regulations 198 1, councils are required to either issue the completion certificate or notify the applicant of the reasons for not doing so, within 14 days of receipt of an application for a certificate.



**REPORT TO: ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE
MEETING ON 19TH JANUARY, 1999**

**SUBJECT: PLANNING ENFORCEMENT - DRAFT CIRCULAR AND DRAFT
PLANNING ADVICE NOTE**

BY: DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

1. Reason for Report

1.1 To seek the Committee's agreement for comments on a draft circular and draft planning advice note about enforcement which have been received from the Scottish Office Development Department.

2. Background

2.1 Previous advice and guidance regarding enforcement procedures was set out in Scottish Office circulars issued in 1992 following the introduction of new enforcement powers contained in the Planning and Compensation Act 1991.

2.2 The draft circular sets out Government Policy on the use of enforcement powers contained in the consolidated Town and Country Planning (Scotland) Act 1997 and the draft planning advice note aims to provide guidance on best practice in relation to the range of powers available.

3. Contents of Draft Circular and Draft Planning Advice Note

3.1 Between them the circular and the planning advice note come to approximately 114 pages. For the most part they restate existing policy and guidance and there is a fair degree of overlap between them.

3.2 The bulk of the draft circular is a summary of the main legislative provisions for enforcement e.g. the different types of enforcement notices, provisions for rights of entry, interdict etc. This is useful but not new or changed advice.

3.3 Approximately half of the planning advice note is devoted to recommended formats for various types of notices which, once again, is not new or changed advice.

- 3.4 Both the draft circular and the draft Planning Advice Note emphasise the importance of enforcement in upholding planning decisions and safeguarding the public interest in relation to unauthorised development. The draft Planning Advice Note identifies enforcement as “a key part of the trinity of development plans, development control and enforcement which make up the statutory planning process”.
- 3.5 The draft circular sets out policy on the general approach to enforcement which can be summarised as follows;

Planning Authorities have a general discretion to take enforcement action against any breach of planning control.

When considering enforcement action regard should be had first of all to the Development Plan and the Planning Authority should consider whether the breach would unacceptably affect public amenity

Action should always be commensurate with the breach and it is usually inappropriate to take formal action against a technical breach

If it is clear that unconditional planning permission would be granted for development which has already taken place the correct approach is to suggest that a retrospective planning application be submitted. If an application is not submitted then enforcement action should not be taken solely to regularise development which is acceptable on its planning merits.

It is reasonable to enforce where unauthorised development requires conditions and a planning application is not forthcoming. Enforcement action can effectively impose conditions in the same way as a planning consent.

If relocation of an authorised use to an acceptable site is possible it is reasonable to withhold enforcement action although a timetable for relocation should be agreed. If this is not adhered to enforcement action may be justified.

If an unacceptable development can be modified to an acceptable condition by negotiation, then it may be reasonable not to take enforcement action. However, these negotiations should not be allowed to take an unreasonably lengthy period of time.

Where unauthorised development is clearly unacceptable then it is reasonable to take immediate enforcement action.

Action should be sensitive to the needs of small business and negotiation should take place where possible. Enforcement should not come as a “bolt from the blue” to small business.

Where householders are concerned enforcement action should not be taken simply to remedy slight variations above what would be permitted development **outwith** the scope of planning control.

- 3.6 The Planning Advice Note suggests that local authorities should have policies on enforcement in development plans. There should also be clearly set out procedures for taking enforcement action and well defined delegated powers where these are to be used. The Planning Advice Note also emphasises the need for precision with enforcement action and **recognises** that enforcement procedures can be the most technically complex component of development control.

4. **The Proposals**

- 4.1 Given the combined length of the draft Planning Advice Note and circular and the amount of overlap between them there does not appear to be a need for a separate circular and Planning Advice Note. A single document would be easier to use as a working tool and reduce the need for potentially time consuming cross-referencing between the two.
- 4.2 The draft circular and Planning Advice Note do provide a useful compendium of powers available for enforcement although, as mentioned above, they would be more useful if contained in a single document.
- 4.3 Neither the draft circular nor the Planning Advice Note address the concerns previously expressed by this authority regarding retrospective applications. Concern on this issue appears to be widening and the present President of the Royal Town Planning Institute has also suggested that there should be some form of penalty available to local authorities, for instance, the doubling of fees for retrospective proposals.
- 4.4 The recommendations in the Planning Advice Note regarding the preparation of Enforcement Policy and definition of procedures is already being pursued through the Department's Service Plan. There is a project group working on draft policies and procedures with a view to reporting these for consideration by the Committee.

5. **Financial Implications**

- 5.1 There are no financial implications arising directly from the draft circular or Planning Advice Note.

6. **Staffing Implications**

- 6.1 None

7. Environmental Implications

- 7.1 There are no new powers or procedures identified in the draft circular or Planning Advice Note which change the level of environmental control available through enforcement procedures.



8. Consultations

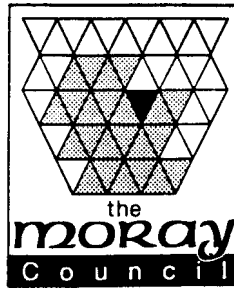
- 8.1 Councillor G. McDonald (Chairman, Economic Development and Planning Committee) - Terms of report acceptable.
Councillor H. McDonald (Vice-Chairman, Economic Development and Planning Committee - In agreement with terms of report. Proposals do not seem to increase powers to deal with retrospective development.
Mrs. A. Scott (Principal Solicitor, (Commercial and Conveyancing) - In agreement with terms of report.

9. Recommendations

- 9.1 **It is recommended that the following comments be made to the Scottish Office:-**
- (a) **Whilst the draft circular and Planning Advice Note provide a useful compendium of powers available, they should be combined into a single document for ease of reference and use.**
 - (b) **Provision should be made in the legislation for penalties to deal with retrospective proposals for example, giving discretion to local authorities to pursue prosecutions and/or raising planning fees for retrospective proposals to a level which would discourage them.**
 - (c) **It is disappointing to note that the draft PAN and draft circular do nothing to address many of the underlying complexities of the present enforcement regime which make it difficult for the public to understand and very time consuming to implement.**

Author of Report: J. T. P. Geoghegan, Chief Development Control Officer
Background Papers : Draft Circular - Planning Enforcement.
Draft Planning Advice Note - Planning Enforcement
Ref: JTPG/ESL

Signature: 
Name: Robert A. Stewart
Designation:  Director of Economic Development and Planning



**REPORT TO: ECONOMIC DEVELOPMENT & PLANNING COMMITTEE
ON 19 JANUARY 1999**

SUBJECT: LIST OF PLANNING APPEALS FOR NOTING

BY: LEGAL & ADMINISTRATION SERVICES MANAGER

1. Reason for Report

1.1 The Committee is asked to note the current position relating to Planning Appeals for the period 19 September, 1998 - 8 January, 1999 as set out in **APPENDIX 1**.

1.2 The Committee is also asked to note that details of individual decisions are available on request by contacting R Ritchie, Senior Administration Officer, Council Headquarters (Room 207), High Street, Elgin (Tel. 01343 563015)

2.0 Background

2.1 In terms of the Town & Country Planning (Appeals) (Scotland) Act 1997 an Appeal may be submitted, by or on behalf of an Applicant, to the Secretary of State against the decision of the Planning Authority within six months of the decision.

2.2 Appeals are dealt with either by way of written submissions or Public Local Inquiry and it is for the Appellant to decide which method of determination is to be applied.

3.0 Financial, Staffing and Environmental Implications

3.1 There are no financial, staffing or environmental implications.

4.0 Recommendation

4.1 **The Committee is recommended to note the current position relating to Planning Appeals for the period 19 September, 1998 - 8 January, 1999 as set out in APPENDIX 1.**

Author of Report: Ron Ritchie, Senior Administration Officer
Background Papers: There are no background papers to this Report
Ref: RR/JG

Signature: _____

Designation: Legal and Administration Services Manager

Name: Roderick D. Burns

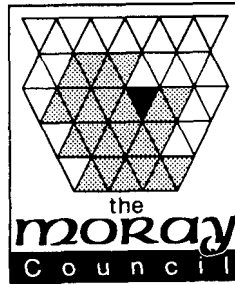
INTIMATION OF PLANNING APPEALS
FOR THE PERIOD 19 SETEMBER, 1998 - 8 JANUARY. 1999

ITEM 6
PAGE 2

1. **Plots 1&2 Greenside Cottage, Ardivot, Lossiemouth** – Outline applications to erect two new dwellinghouses.
2. **Land at Rear of 133 High Street, Forres** – Application to erect detached dwelling
3. **Old Railway Line Site , Meft Road Urqubart** – Outline application to erect new dwelling
4. **Letterfourie Estate, Drybridge** - Application to demolish part of a steading and build a new cottage with siting for a residential caravan on the basis of temporary necessity.

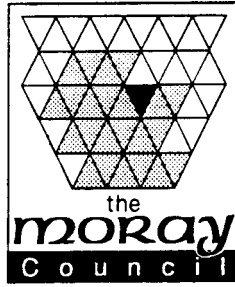
DETERMINATION OF PLANNING APPEALS
FOR THE PERIOD 19 SETEMBER, 1998 - 8 JANUARY. 1999

<u>Appeal</u>	<u>Decision</u>
1. Regency Car Sales, Linkwood Industrial Estate, Elgin - Appeal against conditions of consent relating to the erection of signs	Dismissed
2. Easter-ton Cottages, Birnie - Application to erect dwellinghouse	Dismissed
2. Milnecroft, Fochabers - Appeal against refusal relating to the erection of dwellinghouses with detached garages (ammended layout).	Upheld - Planning permission granted subject to conditions



CURRENT PLANNING APPLICATIONS

See Attached Report



**REPORT TO: ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE ON
19 JANUARY 1999**

**SUBJECT: URBAN WASTE WATER DIRECTIVE: TRADE EFFLUENT
CHARGES**

BY: DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

1. Reason for Report

1.1 **This report seeks Committee approval to incur expenditure on measures** to assist local industries respond to their increased trade effluent charges.

2. Background

2.1 Members will be aware of the impending Urban Waste Water Directive which requires the provision of sophisticated sewage treatment facilities to be provided in coastal locations where the existing method of disposal is predominantly basic screening and long sea outfalls.

2.2 The true cost of handling and treating trade effluent waste water has traditionally been “absorbed” under a general charge, on a volume basis, applying equally between domestic and non-domestic ratepayers.

2.3 The Government has now determined that these previous “cross subsidy” water treatment rates should now be phased out to introduce a market-based system of the ‘polluter pays principle’. With the very tight restrictions on direct public sector borrowing in readiness for European Monetary Union (EMU), this then enables local water agencies to procure new treatment plants which are commercially attractive to the private sector under the Private Finance Initiative (**PFI**).

2.4 An assessment of the economic impact on companies in Moray is currently underway in conjunction with the local enterprise company, Moray Badenoch & Strathspey Enterprise. It is anticipated that a large number of business will face severe difficulties in meeting these substantially increased charges with an obvious implication on the viability of their operation. The results of this economic impact survey work will be reported to the Committee at the earliest opportunity.

- 2.5 The general economic impact of these proposals arises from the following factors:
- a) Removal of the existing 'hidden' cross subsidy within existing trade effluent charges, paving the way for PFI solutions - giving rise to an immediate increase in charges from 1 April 1999.
 - b) The decision of the Scottish Office to abandon applications for improved long sea **outfalls** in areas of high natural disposal (HND) which could benefit many exposed coastal locations - due to uncertainties in providing assurances to the EC regarding guaranteed treatment standards and an overriding preference for Central Government to move these investments 'off balance sheet', to be procured instead via the PFI process.

The Scottish Office are in the process of negotiating a 3 or 4 year extended designation period to enable these PFI projects to be implemented - due to the lack of directly funded capital and an inability to meet the EC's compliance date for the Waste Water Directive by January 2001.
 - c) Many areas in Scotland have benefited from the historic low cost of waste disposal from coastal towns and cities. However, the smaller and dispersed population centres means that the provision of the new expensive secondary treatment PFI plans will impact disproportionately on Scottish industry compared to other countries, including England, which already have secondary treatment facilities - historically financed by the public sector.
- 2.6 The North of Scotland Water Authority (NOSWA) proposes now to **standardise** charges throughout its area. This means that local industries who produce trade effluent, are being faced with significant increases in their annual charges. All companies were advised of their charges during December, and on average, face a tenfold increase in effluent disposal costs. In the case of fish processing companies this is projected to be a thirty or forty fold increase in charges.
- 2.7 The Department has been aware of this serious situation for some time and has been negotiating with NOSWA and local industries to see what can be done to minimise the impact to the local economy.
- 2.8 It will be recalled that a grant award of up to f 15,000 was approved by this Committee at its meeting on 11 August 1998 (**para** 21 refers) towards the cost of a Marine Survey off **Buckie** which would have assisted local companies with their proposals to provide their own effluent disposal arrangements.
- 2.9 For various reasons, this survey has not been able to proceed and the expenditure is not likely now until the **1999/2000** financial year.
- 2.10 However, there is still a requirement to assist local companies identify ways in which they can reduce their trade effluent costs. The pressure for this is likely to have increased as a result of companies now having received estimates of their new charges.

3. The Proposals

- 3.1 Fish and food processing companies are those most seriously affected by the increase in trade effluent charges. Concern for the future viability of these sectors is shared with Aberdeenshire and Aberdeen City Council's and the Enterprise Companies. In association with **organisations** such as the Sea Fish Industry Authority; Scottish Fish Merchant's Federation; Aberdeen Fish Curers and Merchants Association; it is proposed to commission a consultancy study into the sustainable future for the fish processing industry and strategic issues to be taken into account in integrated waste management.
- 3.2 This study would look at the situation within the whole of the former Grampian Region, and the Moray Council's contribution towards the costs would not exceed £2,000. The study would identify a long term strategy for how the industry can meet the environmental requirements and provide a factual basis for discussion with the Scottish Office regarding the impact of the proposals.
- 3.3 This study would be at a strategic level. Also required would be some counselling/consultancy with individual companies, to examine their use of water; amount of effluent generated; opportunities for identifying waste minimisation; and generally reducing their effluent costs.
- 3.4 Assistance towards the cost of this work is already available through the Moray Business Enterprise Scheme, and discussions are taking place with Moray Badenoch and Strathspey Enterprise regarding a fuller package of financial support that could be offered for consultancy services.

4. Financial Implications

- 4.1 The costs will be met from the Assistance to Industry budget.

5. Staffing and Environmental Implications

- 5.1 None. Any staff involvement can be accommodated within existing workloads.

6. Consultations

- 6.1 No consultations with other Departments have taken place.

7. Recommendations/


7. **Recommendations**

7.1 It is recommended that the Committee agrees:

- i) to approve expenditure of up to **£2,000** as a contribution to the Strategic Waste Management Study.

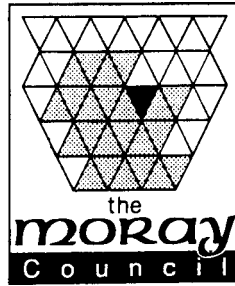
- iii) that individual company appraisals and **specialist** consultancy advice be considered within the context of the Moray Business Enterprise Scheme.

Author of Report: Mark Cross, Principal Planning Officer – Ext: 3285
Background Papers: Report to and minute of ED&P Meeting on 11 August 1998.
Ref: MMC/hml

Signature: 

Designation: Director of Economic Development & Planning

Name: Robert A. Stewart



**REPORT TO: ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE
19TH JANUARY 1999**

**SUBJECT: COMMENTS/OBJECTIONS TO THE NAIRNSHIRE LOCAL PLAN
DEPOSIT DRAFT**

**BY: DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING
DEPARTMENT**

1. Reason for Report

1.1 To provide comment to Highland Council as required on the Naimshire Local Plan Deposit Draft

2. Background

2.1 Highland Council now formally invite comments/objections from The Moray Council, as a neighbouring authority on the Naimshire Local Plan Deposit Draft, which will be a replacement for the current Naim Local Plan (1993). Comments are required by 5 February 1999.

2.2 Members will recall that The Moray Council has already responded in relation to the Consultative Draft Naimshire Local Plan as per ED&P Committee decision of 11 August 1998 (para. 5 refers). The comments on the consultative draft related to; support of the Naim By-pass proposal as part of the strategy upgrading the A96(T); appropriate to the Forres Enterprise Park in terms of implications for Naim; and that The Moray Council would wish to be consulted as a neighbouring authority on any applications for superstores at the east end of **Nairn**

3. The Proposals

3.1 **The** original comments made by The Moray Council relating to the Consultative Draft are for the most part still valid in relation to the current Naimshire Local Plan Deposit Draft. Cross boundary issues such as relating to A96 upgrading, Protection of Findhorn Valley, Aberdeen to Inverness National Cycle Route, Naim By-pass, and coastal protection and enhancement are largely acknowledged in the plan. In this context the Naimshire Deposit Draft Plan complements policies contained in the emerging Moray Development Plan.

- 3.2 The original concern regarding a possible allocation of a superstore to the east of Naim and its potential effect on Moray now appear to be unfounded as the Deposit Plan does not accommodate such development.
- 3.3 The original comment regarding the need to have regard to the Forres Enterprise Park would not appear to have resulted in a change to the Plan, as there remains no reference to it.
- 3.4 The Plan should have due regard to the impact of such a strategically important designation for attracting inward investment to the whole of the Moray Firth area. It should project the partnership approach to the Business Park by The Moray Council, Highland Council, Moray Badenoch and Strathspey Enterprise and Highlands & Islands Enterprise. Whilst the Plan may not conflict with the Forres Enterprise Park objectives, the need for a direct reference is still valid.
- 3.5 The Plan refers to the possibility of developing a major tourist/visitor use on a 2ha site at **Sandown**. No further detail is given therefore as it is difficult to give a definitive response at this stage other than to suggest that The Moray Council would wish to be consulted as a neighbouring authority when more detailed information is available and/or when a planning application is submitted, given the likely impact on tourism in Moray.

4. **Financial Implications**

- 4.1 None.

5. **Staffing Implications**

- 5.1 **None**

6. **Environmental Implications**

- 6.1 The Naimshire Deposit Draft Plan takes account of LA21 and the principles of 'sustainable development'.

7. **Consultations**

- 7.1 **Highlands** and Islands Enterprise has advised this Council that the industrial/business parks in Naimshire and Forres are complementary in nature and will both contribute to the economic development of the area.

8. **Recommendations**

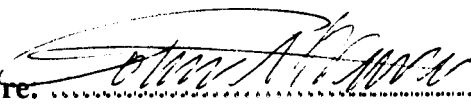
- 8.1 **It is recommended that the Moray Council do not formally object to the Nairnshire Local Plan Deposit Draft but have the following comments to make:-**

- i) reference should be made in the Plan to the Forres Enterprise Park in the context of attracting inward business investment for the whole of the Moray Firth area**

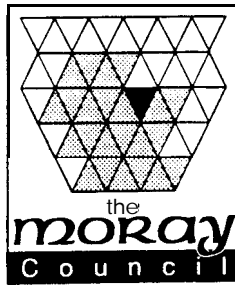
- ii) **servicing of additional designations of industrial land at Nairn should be tailored to local, and not strategic needs;**
- iii) **The Moray Council be consulted as neighbouring authority when more information is available and/or a planning application is submitted for the proposed major tourism/visitor development at Sandown to the west of Nairn.**

8.2 **that Highlands and Islands Enterprise be requested to confirm that Enterprise investment in Nairn will be complementary to development of the Forres Enterprise Park and will not prejudice the attraction of strategic inward investment to Forres.**

Author of Report: Ian M Douglas, Planning Officer, Ext 3286
Background Papers: Report to ED&P Committee of 11 August 1998
- Comments on Consultative Draft Naimshire Local Plan
Ref: IMD/TF

Signature. 

Designation: Director of Economic Development & Planning **Name:** Robert A. Stewart



**REPORT TO: ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE ON
19 JANUARY 1999**

SUBJECT: PROPOSED DESIGNATION OF RIVER SPEY AS A SSSI AND SAC

BY: DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

1. Reason for Report

- 1.1 Scottish Natural Heritage (SNH) have formally consulted the Council on the proposal to classify the River Spey as a Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC). Representations or Objections have been requested before 5 February 1999.

2. Background

- 2.1 Following an announcement in September 1998, the Government has asked SNH to carry out a public consultation exercise on the proposal to designate the River Spey as a SAC.
- 2.2 A SAC is a SSSI which hosts wildlife considered to be of European importance and are designated under the European Habitats Directive 1992. The Habitats Directive complements the EC Wild Birds Directive 1979 under which Special Protection Areas (SPA's) are designated. Together SAC's and SPA's form a network of internationally important sites within the European Union known as the Natura 2000 network.

3. The Proposals

3.1 River Spey SSSI

- 3.1.1 Under Section 28 (i) of the Wildlife and Countryside Act 1981 SNH have served notification of their intention to designate the whole of the River Spey as a SSSI. The River runs for 145.7 km from the Monadhliath mountains down to Spey Bay. The Spey is of particular importance for four species;

- Atlantic Salmon
- Sea Lamprey
- Otter
- Fresh Water Pearl Mussel

These species are listed on Annex IIA of the EC Habitats and Species Directive. Otter and Freshwater Pearl Mussel are also listed on Schedule 5 of the Wildlife and Countryside Act 1981.

- 3.1.2 A key element of the SSSI notification is the schedule setting out the Operations likely to damage the features of special interests (See **Appendix 1**). **Landowners or occupiers are required to consult with SNH before undertaking any of these operations.**
- 3.1.3 **The proposed boundary (see Appendix 2) has generally been drawn tightly along the river banks.**
- 3.1.4 This SSSI will overlap all of the existing Lower River Spey SSSI and overlaps parts of other SSSI's including the Spey Bay SSSI.

3.2 River Spey SAC

- 3.2.1 **Under the EU Habitats Directive the key measure to protect the diversity of Europe's wildlife is through the designation of a series of SAC's.**
- 3.2.2 The area is being considered as a possible SAC because it contains habitats/species which are rare or threatened within a European context. These are the same as for the proposed SSSI set out in paragraph 3.1.1.
- 3.2.3 **There are legal differences between the protection measures which will apply to SAC's and those which currently apply to SSSI's. If the land is currently managed in a manner which is compatible with the nature conservation interests then there will be little or no change. A SAC requires all developments to be assessed by the relevant competent authority, e.g. SEPA, local authorities.**
- 3.2.4 Under paragraph 15 of Scottish Office circular 6/1995, planning authorities are asked to review all extant planning permissions which may affect the proposed SAC area and to consider whether they would have a significant effect on the ecological value of the site.

3.3 Effects of Designation

- 3.3.1 **Meetings have taken place between Council officers and SNH representatives to discuss several matters of concern. SNH have confirmed that the new designation will not replace the existing SSSI designations on the River Spey as they have been designated for different reasons and features of interest which are not found throughout the course of the river. The list of Permitted Development Operations also varies between the existing SSSI's covering the River Spey.**
- 3.3.2 **Designation of the River Spey as a SAC requires planning authorities to review all extant planning permissions and to consider the provisions of Circular 6/95 which covers Nature Conservation and the effects of the EC Habitats and Birds Directives in Scotland. Paragraph 20 of the Circular states that "the General Permitted Development Order no longer has effect to grant permission for developments damaging to the integrity of European sites. If a development permitted under that Order is likely to have a significant effect on the site and is not directly connected with or necessary to its management, specific approval for the development must be**

sought from the planning authority". This will have an impact upon some river engineering works on the River Spey associated with fishing. If existing consents are considered to have a damaging impact upon the ecological value of a site then the Council will be required to revoke the consent and pay any compensation arising. The Town and Country Planning (Scotland) Act provides for developers to be compensated where a planning permission is modified or revoked. Circular 6/95 states that the Secretary of State "will consider sympathetically any requests from local authorities for the reimbursement of the costs of compensation necessarily incurred by them in modifying or revoking planning permissions under the Habitats Regulations".

- 3.3.3 The Council will be required to assess the implications of development proposals within the SAC area if the Council is deemed to be the competent authority. This is a grey area in terms of responsibilities and it is vital that responsibilities are clarified to ensure the objectives of the designations are achieved. The Scottish Office are arranging a workshop in February to clarify areas of responsibility between all the competent authorities. SNH staff and Council officers have discussed the desirability of working together to clarify what constitutes permitted development within the proposed SSSI/SAC boundary, and to assess the impact of this on Council resources.
- 3.3.4 In terms of salmon fishing interests, the Spey District Fisheries Board have been closely involved during the designation process and a set of management policies will be agreed with SNH. The Board are in general support of the designation which will assist them in accessing European funding for research work.
- 3.3.5 The existing water quality in the River Spey is very high with no current problems from distillery discharges. The proposed designations place an obligation on SEPA to review existing discharge consents and to consider the proposed designation when issuing new consents. Similarly, pollutants from agriculture are not a major concern due to the high volume of water in the river and the relatively small amount of intensive agricultural land adjacent to the River.
- 3.3.6 The proposed designation will not stop the repair or maintenance of existing floodbanks. In terms of creating new floodbanks or altering the mouth of the River, there would be an obligation on the Council to assess the likely impact and seek SNH's advice. Members will be aware that current proposals for works at Garmouth are at an advanced stage and have been subject to consultation with SNH.
- 3.3.7 In terms of the Speyside Way there are no significant issues arising. Sections of the Way (at Knockando and Tunnel Brae, Craigellachie) will be covered by the designation, but it is considered that this will not lead to any management problems. SNH have produced an interpretation leaflet for the River Spey which will be of interest to walkers.
- 3.3.8 The Council have responsibility for maintaining the Garrnouth viaduct, Ballindalloch viaduct, the Alice Littler Park, Aberlour and at Boat o' Fiddoch, Craigellachie. The proposed designations will not create any problems with the Council's ongoing maintenance of these areas.

3.4 Conclusions

- 3.4.1 It is considered that there are no significant adverse issues for the Council arising from the proposed designation of the River Spey as a SSSI and SAC. Current and future activities such as flood management will not be prevented through these designations, it merely imposes an obligation on the Council and other bodies such as SEPA and landowners to ensure that the ecological value of the River is maintained.
- 3.4.2 The proposed designation can be seen as a positive step in managing the nature conservation value of the River Spey which will be **recognised** on a European scale. Other positive benefits can arise such as potential European funding for further research. Benefits for the public include interpretation leaflets and possibly a Schools Education Pack.
- 3.4.3 However, it is considered that SNH should give further thought to amalgamating the existing SSSI designations on the River Spey into one SSSI and reviewing the Potential Damaging Operations to ensure they are consistent.
- 3.4.4 In terms of requiring local authorities to review extant planning consents to ensure their compatibility with the designation of the site as a SAC, it is considered that these should be restricted to specified types of significant works to reduce the workload involved. This will also ensure that action is **focussed** at the most potentially damaging developments.
- 3.4.5 It is considered that there is an urgent need for the Scottish Office to publish clear guidance as to what constitutes permitted development in terms of river engineering/fishery works and to identify the relevant competent authorities for matters arising with the SAC area.

4. Financial and Staffing Implications

- 4.1 The issue of compensation discussed in paragraph 3.3.2 would need to be addressed in reviewing extant planning consents. Development Control and Development Services Staff would have an increased workload through the SAC designation by undertaking assessments of development proposals and the removal of permitted development rights.

5. Environmental Implications

- 5.1 The proposal to designate the River Spey as a SSSI and SAC will protect and enhance a habitat which is home to 4 very important species. It will also **recognise** the nature conservation importance of the River Spey on a European scale and encourage good management practices to safeguard its resources.

6. Consultations

- 6.1 Councillors Gordon McDonald, Hamish McDonald, Tom Howe, Jennifer Shaw, Rhona Patterson, Anna Scott and Eddie Aldridge have been consulted.
- 6.2 Jim Strachan, Speyside Way Ranger has been consulted. Doug Hawkes, Moray Coast Ranger has been consulted and supports the proposed designation. Joe Geoghegan, Chief Development Control Officer has been consulted and agrees that the existing

designations need to be reviewed. He also commented that primary legislation should not seek to restrict permitted development rights. Sandy Ritchie, Chief Roads Officer and Ken Kennedy, Client Services Officer have been consulted, any additional comments will be reported at Committee.

7. Recommendations

7.1 It is recommended that the Committee;

- i) note the proposed designation of **the River Spey as a SSSI and SAC**, subject to the following comments;
- **The existing designations on the River Spey should be reviewed with a view to amalgamating them into one SSSI and SAC.**
 - **Local authorities should only be requested to review specific types of significant extant planning consents.**
 - **The Council would welcome the opportunity to work jointly with SNH to clarify and quantify the implications of SAC designations.**
 - **The Scottish Office should produce detailed guidance on what constitutes permitted development in terms of river engineering/fisheries work.**
- ii) **updates SNH and the Scottish Office on the advanced nature of current proposals at Garmouth, and requests that the sustainable outcome of these essential works should not be prejudiced by the proposed additional SSSI designation.**

Author of Report: Gary Templeton, Planning Officer – Ext: 3470

Background Papers:

Ref: GST/hml

Signature:

Designation: Director of Economic Development & Planning

Name: Robert A. Stew&

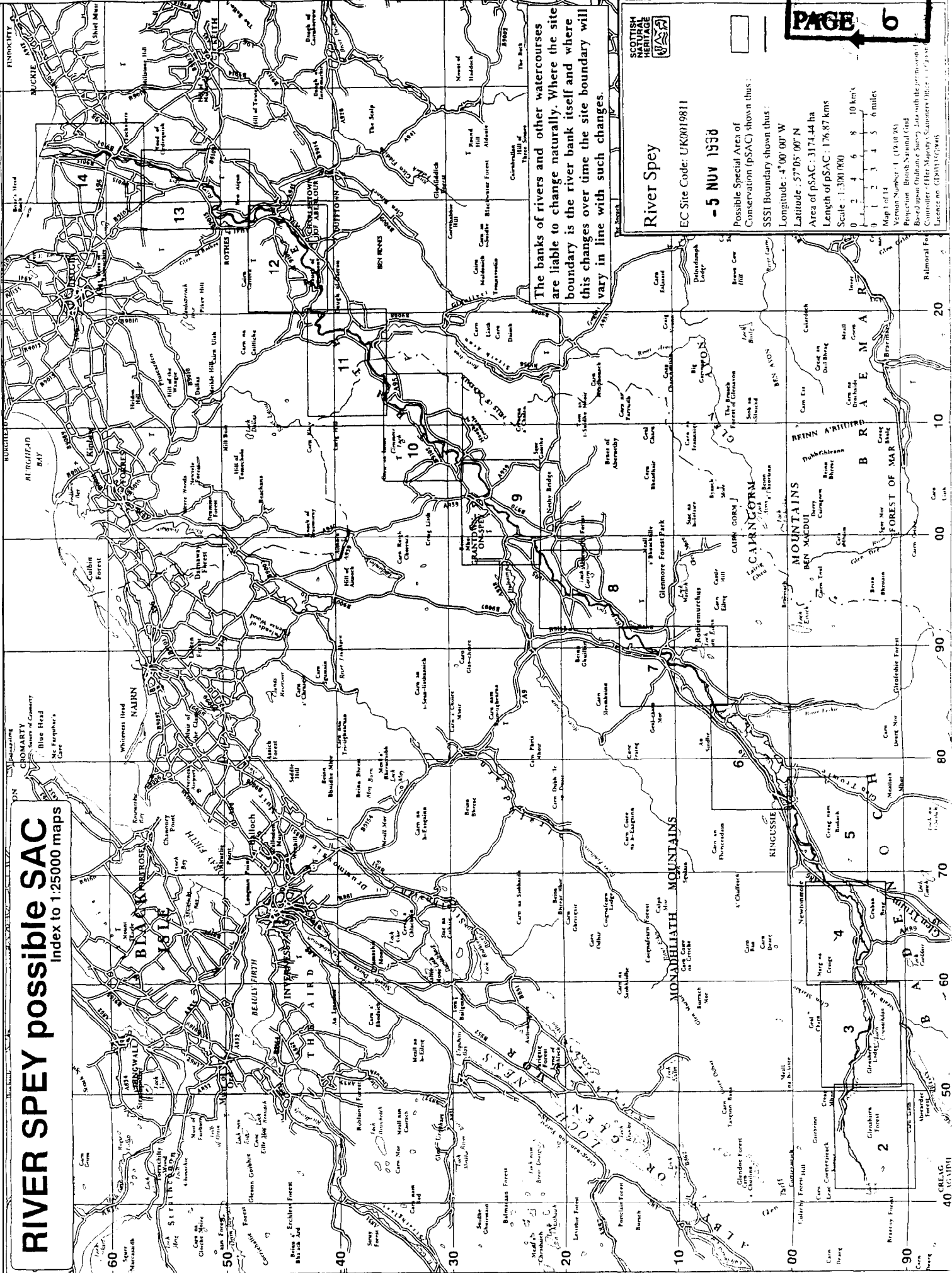
RIVER SPEY SITE OF SPECIAL SCIENTIFIC INTEREST

OPERATIONS LIKELY TO DAMAGE THE FEATURES OF SPECWL INTEREST, i.e. UPON WHICH THE OWNER OR OCCUPIER IS REQUIRED TO CONSULT SCOTTISH NATURAL HERITAGE.

**Standard Type of Operation
Ref. No.**

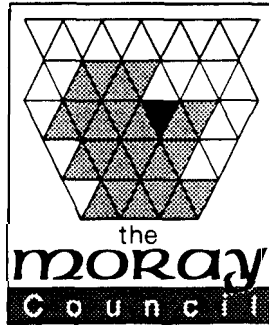
- | | |
|-----|--|
| 7. | Dumping, spreading or discharge of any materials. |
| 9. | The release into the site of any wild, feral or domestic animal', plant or seed except for duck and gamebirds. |
| 10 | The killing or removal of any wild animal* except for: <ul style="list-style-type: none"> i Fishing and the removal and killing of any fish species by lawful means. ii Mink, rabbit, brown rat, fox, deer (all species), mice, stoats & weasels by lawful means. iii Game birds and bird species covered by the General Licence (SOAEFD; Wildlife & Countryside Act 198 1 as amended). iv Bird species under a specific SOAEFD licence. |
| 11. | The destruction, displacement, removal or cutting of any plant or plant remains, including tree, shrub,& herbs. |
| 13b | Modification of the structure of water courses (e.g. rivers, streams, springs drains), including their banks and beds, as by re-alignment, re-grading and dredging. |
| 14. | The changing of water levels and tables and water utilisation including irrigation, storage and abstraction from existing water bodies and through bore-holes. |
| 30. | Extraction of minerals, including shingle, sand and gravel. |
| 23. | Erection of temporary structures. |
| 24. | Modification of natural features including clearance of boulders, large stones, loose rock or scree. |

* "animal" includes any mammal, reptile, amphibian, bird, fish or invertebrate.



RIVER SPEY possible SAC
Index to 1:25000 maps

40 30 20 10 00 90 80 70 60 50



ITEM: 11
PAGE: 1

REPORT TO: ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE
ON 19 JANUARY 1999

SUBJECT: NORTH SEA CYCLE ROUTE

BY: DIRECTOR OF ECONOMIC DEVELOPMENT AND
PLANNING

1. Reason for Report

1.1 This report asks the Committee to approve the funding for the North Sea Cycle Route over the next three years.

2. Background

2.1 The aim of the project is.

- (i) to develop a continuous high grade signposted cycle route circuiting around the North Sea. The countries involved are Scotland, Sweden, Norway, Denmark, Germany, Holland and England
- (ii) To develop and co-ordinate a promotion strategy for this route, aimed at adults from the participating countries who are attracted to an active, healthy way of exploring the region at their leisure. Promotional strategy includes for the production of a map and guide in the six languages of the participating countries. This will be freely distributed for promotion and route-planning purposes only, referring to more detailed information available at the national, regional or local level in appropriate languages (minimum English, German and a Scandinavian language).
- (iii) To stimulate international and regional carriers to provide good services for cyclists within the region, enabling them to cycle the route in manageable sections (a distance of some 350-500 km per week is normal).
- (iv) To stimulate local businesses to provide for the needs of cycle tourists. To stimulate the provision of the detailed information envisaged in point (ii) above.
- (v) To encourage visiting cyclists to diversify on to the regional cycle networks branching off the main route.

(vi) To raise the profile of both cycle tourism and cycling in general within the entire North Sea region.

2.2 An application was to be made for European Funding under the INTERREG II C programme, which was duly approved. This funding involved the associated partners in obtaining match funding from local authorities affected by the proposed route.

2.3 Within the Moray area the route will follow the Sustrans Aberdeen to Inverness cycle route. The only cost involved therefore is that for advertising which will be carried out locally, European and worldwide by the management group. There may also be a requirement to provide local signing indicating the North Sea Cycle Route.

3. The Proposals

3.1 It is proposed to meet the cost of the advertising promotion of the North Sea Cycle Route from the Roads **Revenue budget**.

4. Financial Implications

4.1 It is proposed to fund the Moray Council contribution to the promotion of the cycle route from the Roads **Revenue** budget. This will amount to £658 this financial year. The next 2 years are estimated to be similar.

5. Staffing and Environmental Implications

5.1 There are no staffing or environmental implications arising from this report.

6. Consultations

6.1 None

7. European Funding

7.1 50% of the total cost of the promotional advertising will be funded from European Interreg II C programme. The remaining Scottish contribution of 55,361 ECU's (£39,300) over 3 years has to be met by the Local Authorities. The Moray Council total contribution is 2806 ECU's (£2,000).

8. Recommendations

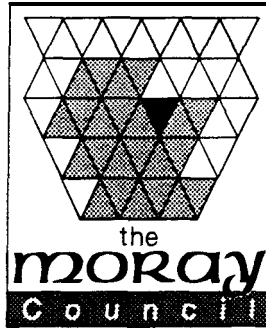
8.1 **The Committee is asked to approve the expenditure from this year's Roads revenue budget of £658 to fund the Moray Council's contribution to the promotional advertising of the North Sea Cycle Route, and to investigate the possibility of alternative sources of funding for future years.**

Author of Report: Chief Roads Officer
Background Papers: None
Ref: GEB/CN/PA/R/66/20

Signature:  _____

Designation: Director of Economic Development and Planning

Name: Robert A Stewart



REPORT TO: ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE
ON 19 JANUARY 1999

SUBJECT: RAF KINLOSS AND RAF LOSSIEMOUTH WAITING
RESTRICTIONS

BY: DIRECTOR OF ECONOMIC DEVELOPMENT AND
PLANNING

1. **Reason for Report**

- 1.1 The Economic Development and Planning Committee is asked to approve the proposal to introduce waiting restrictions along sections of the public road where they cross the approach paths to the relevant runways at RAP Lossiemouth and RAP Kinloss.

2. **Background**

- 2.1 Following a safety audit by RAF Lossiemouth on the flight paths, take-offs and landings at their two runways, they have identified that the public roads which cross the flight paths for these runways fall within their safety zones for safe clearances of aircraft.
- 2.2 RAF Lossiemouth have asked the Council to consider restricting sightseers from parking within these safety areas.
- 2.3 Following a survey by Grampian Police, Officers from RAP Kinloss and Officers from this Council, it was agreed to propose an extension of existing double yellow lines on the B9011 Kinloss-Findhorn Road to prevent sightseers from parking on the road verge near the end of the runway.
- 2.4 To provide a facility for sightseers who wish to watch aircraft landing at RAF Kinloss discussions are currently under way to provide a parking area and viewpoint adjacent to the existing Findhorn Bay Nature Reserve bird hide car park.

3. **The Proposals**

- 3.1 It is proposed to introduce No Waiting At Any Time regulations to both sides of the carriageway on the C24E Duffus-Westerfolds Road at its junction with the U38E Covesea Road at RAF Lossiemouth and on the U38E Covesea Road to both sides of the carriageway at the northern side of the airfield all as shown in **Appendix A**.

3.2 It is proposed to also introduce No Waiting At Any Time regulations to both sides of the B9040 Lossiemouth-Hopeman Road on the east side of RAF Lossiemouth as shown in **Appendix A**.

3.3 At RAF Kinloss it is proposed to extend the No Waiting At Any Time regulations to both sides of the B9011 Kinloss-Findhorn Road northwards from their existing location to the entrance to the Findhorn Bay Nature Reserve bird hide as shown in **Appendix B**.

4. **Financial Implications**

4.1 The cost of providing the road markings and signing with regard to the traffic order will be submitted as a proposal with the **1999/2000** Capital allocation.

5. **Staffing and Environmental Implications**

5.1 There are no staffing implications arising from this report.

5.2 The restrictions would lead to a safer viewing environment, and in the longer term provide enhanced viewing facilities at Kinloss.

6. **Consultations**

6.1 Grampian Police are being consulted and are in agreement with these proposals.

6.2 The Kinloss proposals are supported by Findhorn and Kinloss Community Council and RAP Kinloss.

6.3 The local Members, Councillors Dennis Scaife and Joyce Stewart have been consulted and are in agreement with these proposals.

6.4 No European funding is available for the proposed works.

7. **Recommendations**

7.1 **It is recommended that the committee instruct the Director of Economic Development and Planning and the Legal and Administration Services Manager to proceed with the statutory process involved in promoting a traffic order for the introduction of No Waiting At Any Time restrictions on the B9011 Findhorn-Kinloss Road, B9040 Lossiemouth-Hopeman Road, C24E Duffus-Westerfolds Road and U38E Covesea Road where they cross the relevant flight paths to the runways at Lossiemouth and Kinloss as detailed in Appendices A and B.**

Author of Report: Chief Roads Officer
Background Papers: None
Ref: GEB/CN/PA/R/61/2/1

Signature:  _____

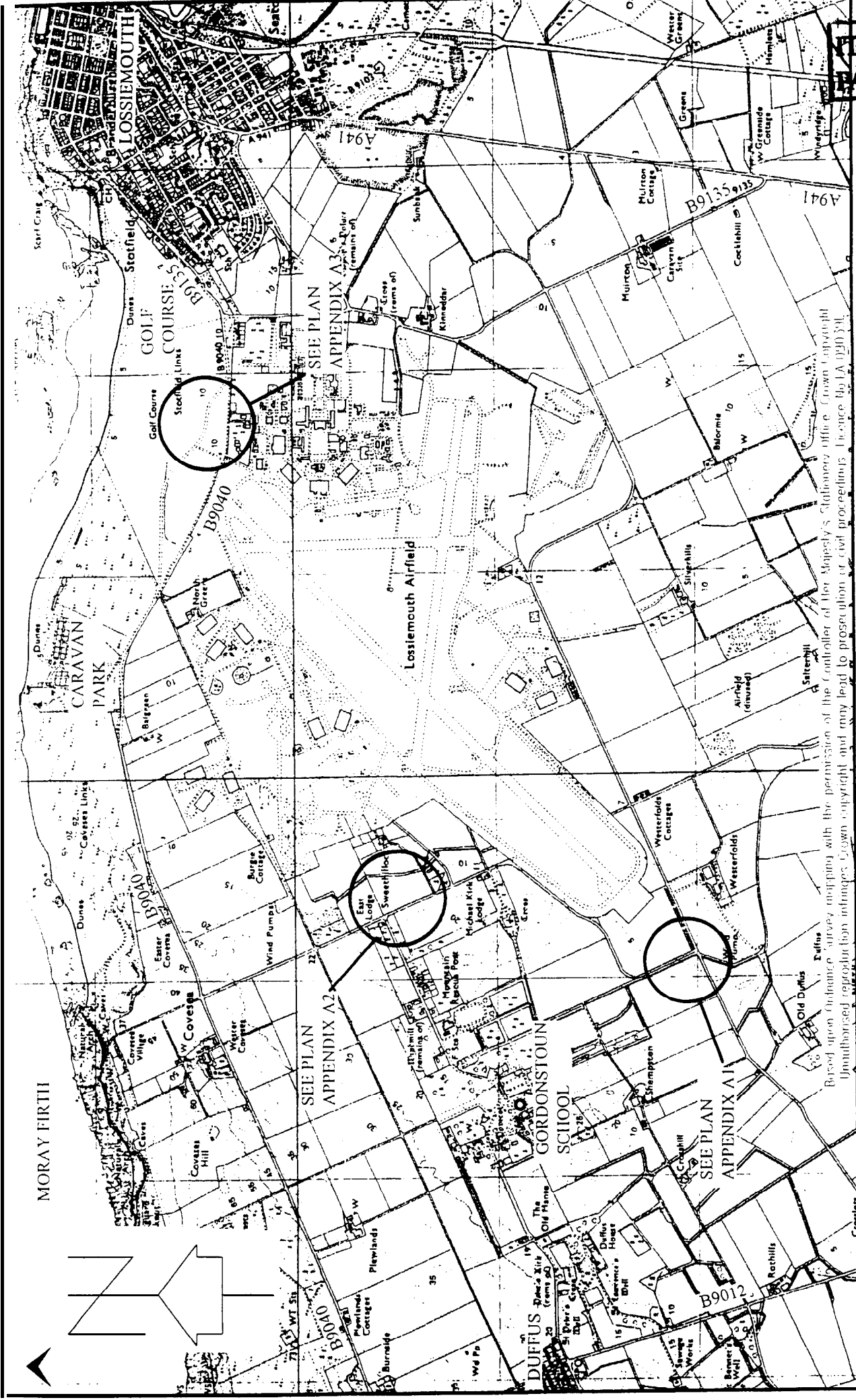
Designation: Director of Economic Development and Planning Name: Robert A Stewart

APPENDIX A

SCHEDULE

<u>Road</u>	<u>Location</u>	<u>Restriction</u>
B9040 Lossiemouth-Hopeman	Both Sides From 558m west of B9135 junction to 828m west of B9135 junction	A/T
U3 8E Covesea Road	Both Sides From Gordonstoun School access southward to 268m	A/T
U3 8E Covesea Road	Both Sides From C24E northward for 170m	A/T
C24E Westerfolds-Duffus	Both Sides From 1 00m east of U38E to 260m east of U38E	A/T
B90 11 Kinloss-Findhorn	Both Sides From 198m north of centreline of runway northwards for 469m	A/T

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Economic Development

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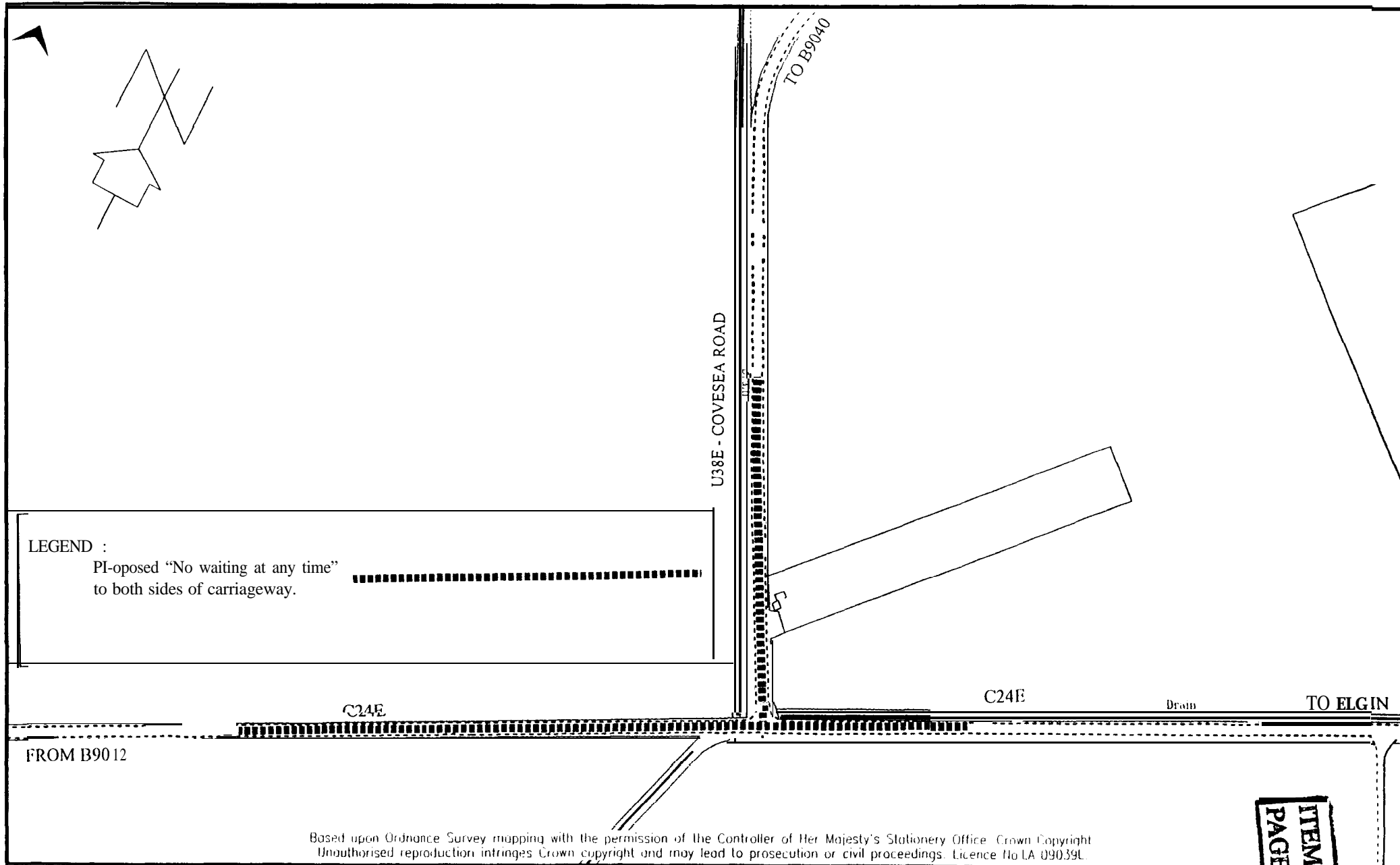
R.A.F. Lossiemouth Waiving Restrictions

General Layout

1800 metres

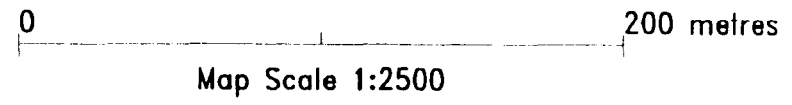
Map Scale 1:25000

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Produced using GreenWorld Ltd



C24E / U38E Junction
West end of runway R.A.F. Lossiemouth

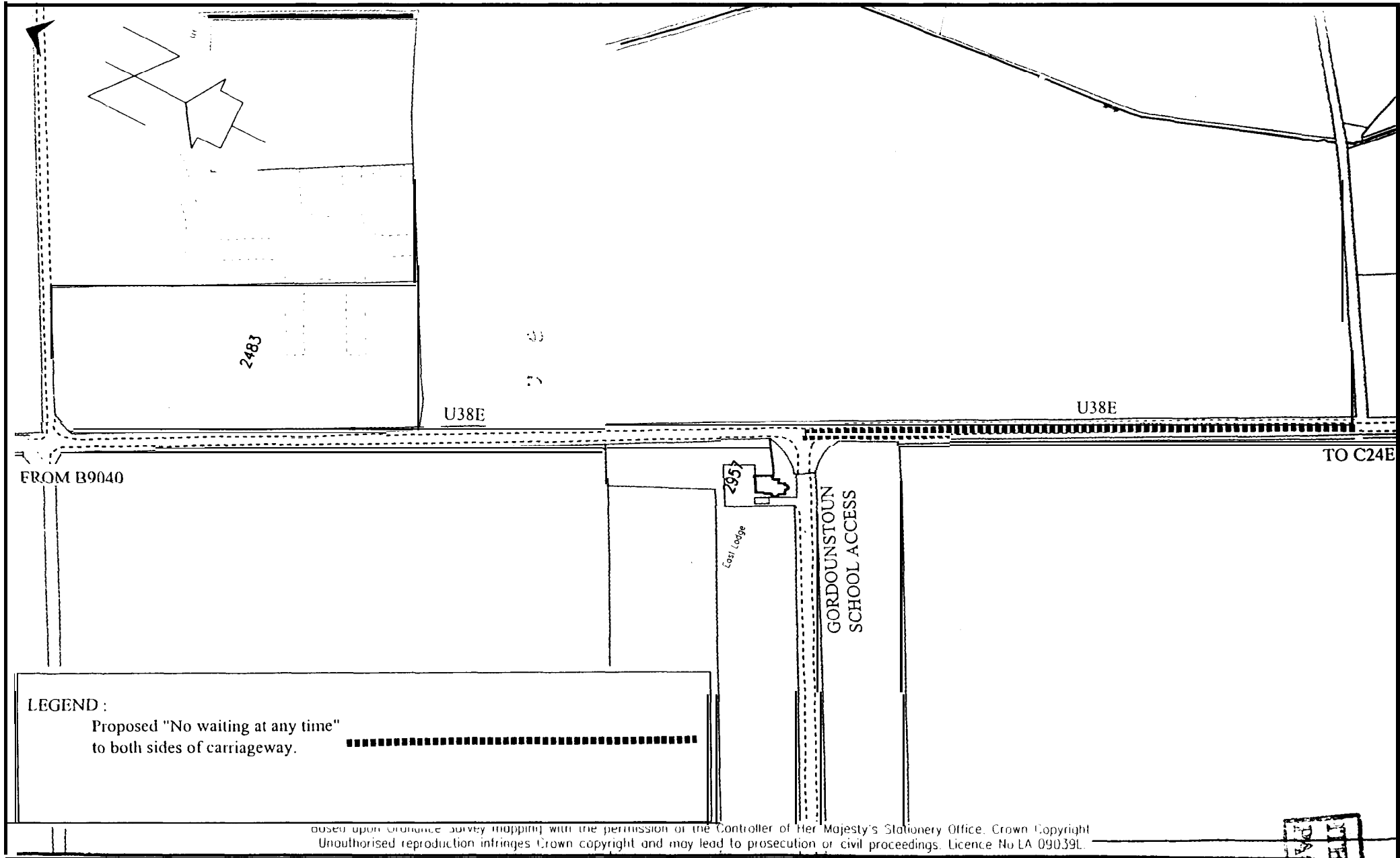
Printed on 05.01.09
 Produced using smallworld G.L.



Economic Development and Planning
 Roads Service
 The Market Council
 Highfield House
 South Street
 Elgin IV30 1NE

ITEM
 PAGE

APPENDIX A1
 ITEM:
 PAGE



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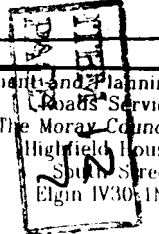
**Gordonstoun School Access
 ossiemouth**

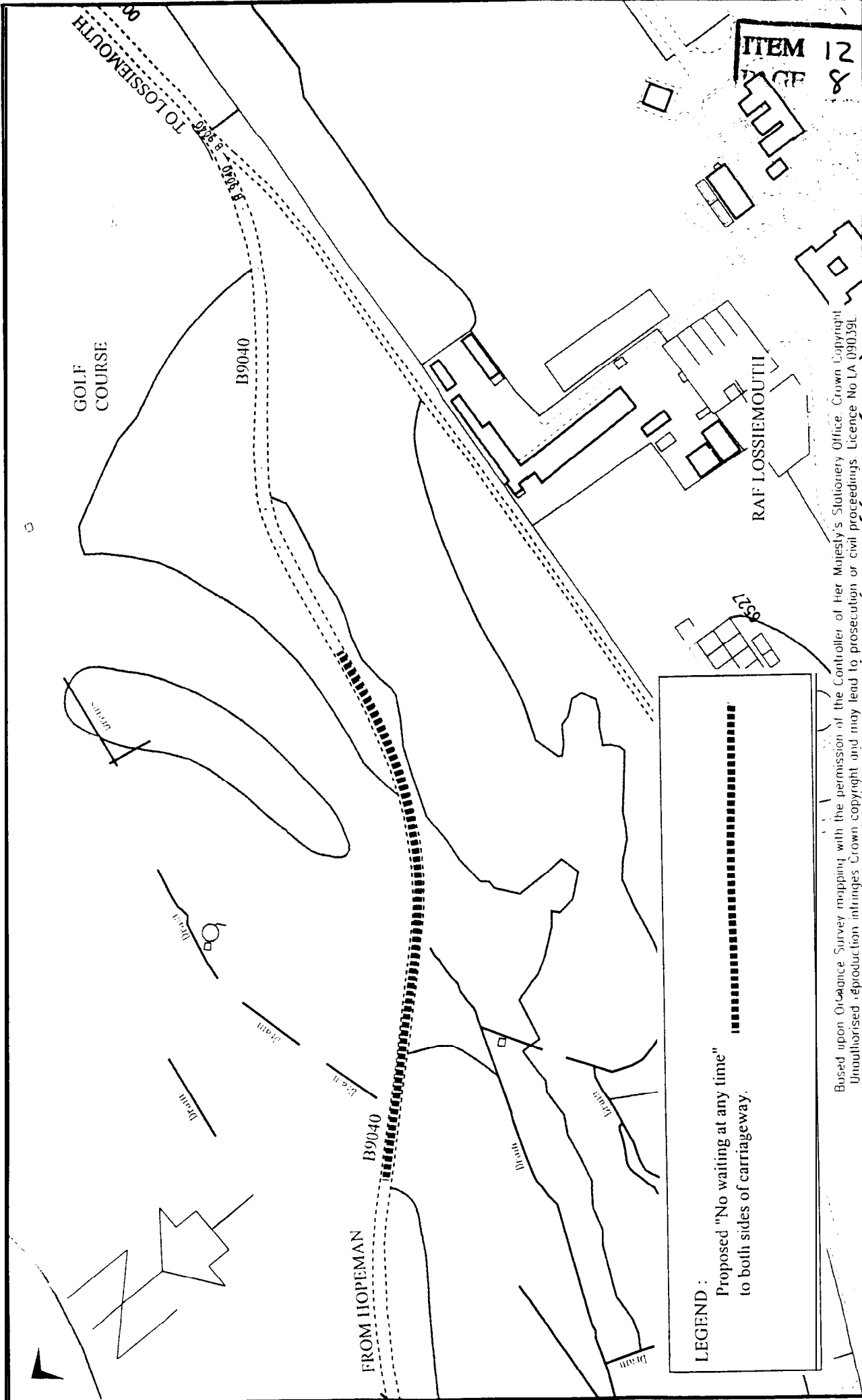
7/11/98
 by Smallworld GIS

0 200 metres

Map Scale 1:2500

Economic Development and Planning
 Roads Service
 The Moray Council
 Highfield House
 Spynie Street
 Elgin IV30 1NF





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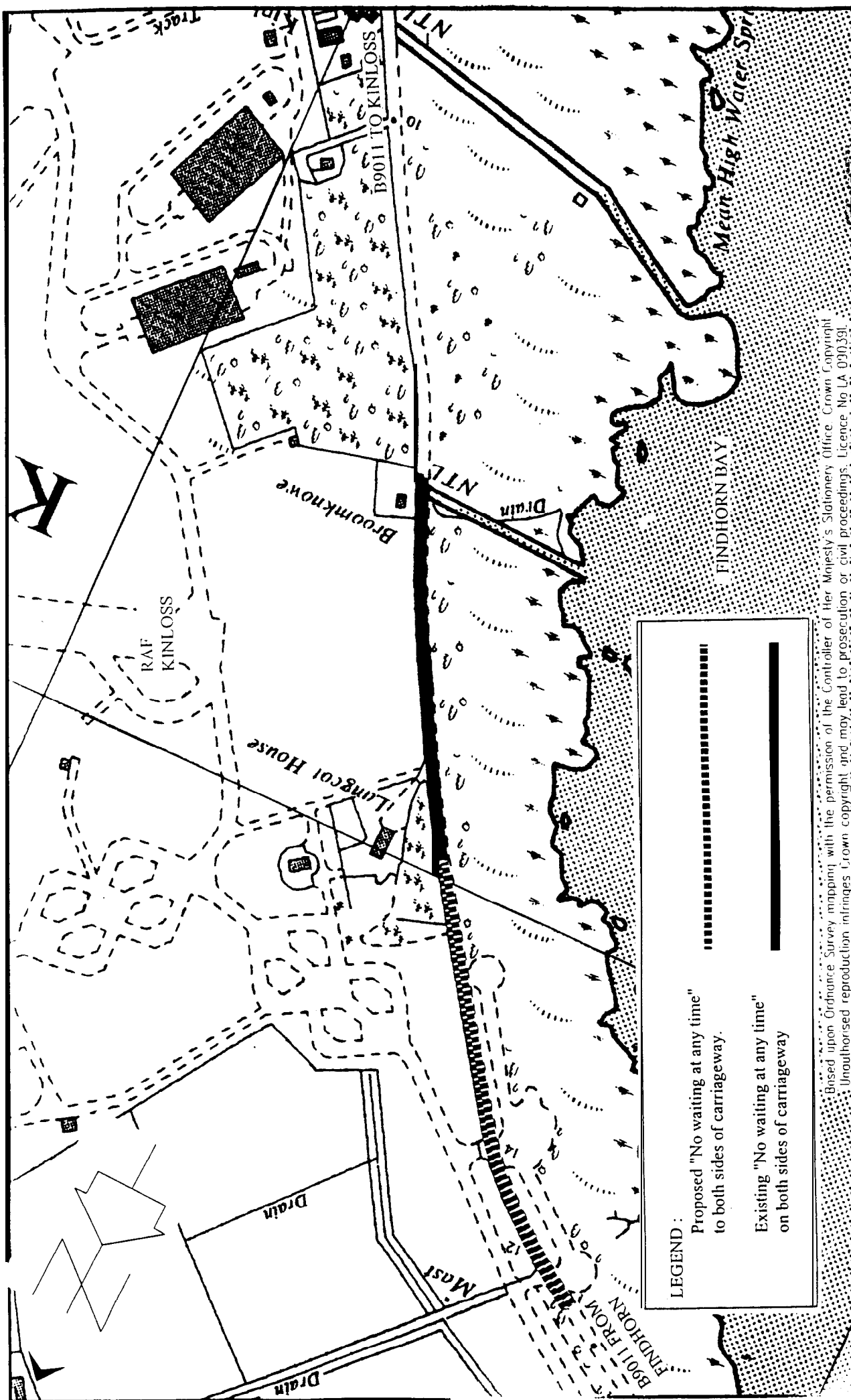
Economic Development and Planning
 Roads Service
 The Moray Council
 Highfield House
 South Street
 Elgin IV30 1NF



Map Scale 1:2500

B9040 Lossiemouth - Hopeman
East end of runway R.A.F. Lossiemouth

Printed in Great Britain
 Produced using Earthworld GIS



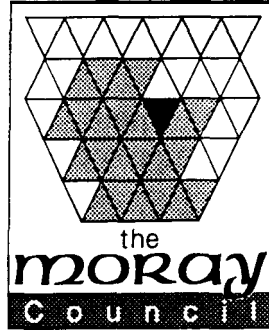
Economic Development and Planning
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350 metres

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Map Scale 1:5000

B9011 Forres - Kinloss Waiting Restrictions Existing and Proposed



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REPORT TO: ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE
ON 19 JANUARY 1999

SUBJECT: RURAL TRANSPORT FUND -ADDITIONAL PROPOSALS

BY: DIRECTOR OF ECONOMIC DEVELOPMENT AND
PLANNING

1. Reason for Report

- 1.1 This report asks the Committee to approve the additional proposals to be funded from the Rural Transport Fund.

2. Background

- 2.1 Reference is made to the meeting of the Economic Development and Planning Committee on 29 September 1998 (item 30 of the minute refers) at which approval was given to the expenditure of £56,140 in the current financial year from the £97,000 allocation to Moray from the Rural Transport Fund. The Scottish Office have subsequently advised that they wish to see maximum use of the current allocation of money and therefore further spend on 'one off infrastructure improvements from CFCR funding is the only possible method of spending the funds in the time remaining this financial year.

- 2.2 As a result, a survey of bus shelter requirements has been carried out from which a list of shelter replacements and further new provision has been prepared.

3. The Proposals

- 3.1 It is proposed that the balance of funding is allocated to the purchase and provision of replacement shelters which are beyond economic repair, and to providing further new shelters at locations previously identified.

4. **Financial Implications**

4.1 The allocation of the budget is proposed as follows:

New bus service contracts awarded (98/99 requirement)	f 34,840
CFCR Enhanced facilities (20% of Fund)	f 19,400
Internet Contribution to H&I Transport Forum	£1,900
	<hr/>
	£56,140
 CFCR Proposed Purchase of Additional Shelters to enhance facilities (see Appendix)	 £40,860
	<hr/>
TOTAL	£97,000

5. **Staffing Implications**

5.1 There are no staffing implications arising from this report.

6. **Environmental Implications**

6.1 The provision of these shelters will provide an improved facility for bus users helping to attract the use of public transport.

7. **Consultations**

7.1 M Palmer, Assistant Chief Financial Officer has been consulted and is in agreement with the proposals.

7.2 P Findlay, Public Transport Co-ordinator has been consulted and is in agreement with the proposals.

7.3 No European funding is available for the proposed works.

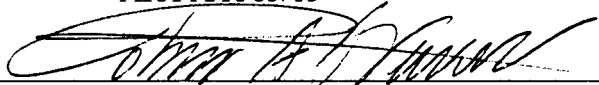
8. **Recommendations**

8.1 The Committee is asked to approve the further expenditure from the Rural Transport Fund for **1998/99** on replacement and new bus shelters as listed in the Appendix to this **report**.

Author of Report: Chief Roads Officer

Background Papers: None

Ref: AR/PA/R/65/15

Signature:  _____

Designation: Director of Economic Development and Planning

Name: Robert A Stewart

APPENDIX

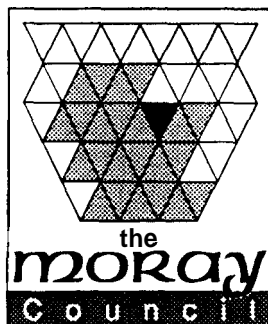
RURAL TRANSPORT FUND : ADDITIONAL PROPOSALS

1) REPLACE EXISTING SHELTERS

- A96 Newton Toll replace shelter (westbound)
- A96 Mosstodloch replace shelter opposite Baxters
- A98 Cullen replace shelter in Square
- A98 Enzie crossroads replace shelter
- A990 Portgordon replace shelter West High Street
- B9014 Drummuir replace shelter at Tocher Terrace
- B9 102 Cardhu replace shelter

2) PROVISION OF NEW SHELTERS

- A95 Aberlour Square
- A96 Brodie
- B9010 Dallas
- B9011 Forres High Street
- B9040 Lossiemouth Stotfield Road
- B9 102 Bogmoor



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PAGE: 1

REPORT TO: ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE
ON 19 JANUARY 1999

SUBJECT: CAPITAL RESURFACING AND CAPITAL FORESTRY ROADS
– BUDGET REVISIONS

BY: DIRECTOR OF ECONOMIC DEVELOPMENT AND
PLANNING

1. Reason for Report

- 1.1 This report asks the Committee to note the proposed under-expenditure on two schemes in the Non Principal Roads carriageway resurfacing programme funded from the Capital budget and to approve the transfer of this funding to accommodate additional works on the three schemes in the Capital Forestry Roads Strengthening programme.

2. Background

- 2.1 Reference is made to the Special Meeting of The Moray Council on 24 February 1998 (Item 2 refers) regarding approval of funds for Non Principal Roads Carriageway Resurfacing from the Capital budget in 1998/99.
- 2.2 Reference is made to the meeting of the Economic Development and Planning Services Committee on 26 May 1998 (item 8 of the minute refers) which approved the programme of schemes for Capital budget 1998/99 – Resurfacing, and (item 9 of the minute) which approved the programme of schemes for Roads Capital Budget – Strengthening of Forestry Roads.
- 2.3 Negotiations for land are under way with the owner for the two Capital resurfacing schemes on the B9089 Forres – Burghead road, (Widening West and Widening East of rail bridge) however it is anticipated that it will not be possible to gain entry before March 1999. As a result of this the works element of these schemes will not commence this financial year.
- 2.4 The condition of the three roads approved for resurfacing to allow access for forestry harvesting has deteriorated to a greater extent due to extraction operations. As a result, the estimated cost of the required works has increased following detailed survey.

3. The Proposals

- 3.1 It is proposed to recommend the works element of the schemes on the B9089 Forres-Burghead Road as an item for Non-Principal Roads Resurfacing to be submitted to Council for approval from the Capital programme for 1999/2000 in due course, but the negotiation for the land acquisition would continue.
- 3.2 It is proposed to allocate the resulting underspend this financial year from the two resurfacing schemes on the B9089 to strengthening of three forestry routes already in the current Capital programme.

4. Financial Implications

- 4.1 The proposed revisions to the Capital programme are as follows:

		Approved Budget	Amended Budget
B9089	East of railway bridge resurface/edge strengthen and widen	f 9,900	\$1,500
B9089	West of railway bridge resurface/edge strengthen and widen	£56,500	£8,500
C4L	Bogmuchals (Berryhillock)	f 84,500	£102,500
U10H	Inchcorsie (Rothiemay)	f 6,000	£24,000
U33H	Braehead (Keith)	£58,500	£74,500
	TOTAL	£215,400	£211,000

5. Staffing Implications

- 5.1 There are no staffing implications arising from this report.

6. Environmental Implications

- 6.1 Future damage to the forestry haulage routes will be minimised.

7. Consultations

- 7.1 Mark Palmer, Assistant Chief Financial Officer has been consulted and is in agreement with the report.
- 7.2 European Regional Development fund Objective 5b Gram has been approved at a rate of 25% for the C4L Bogmuchals, U10H Inchcorsie and at a rate of 20% for the U33H Braehead and should therefore generate a Gram income of £40,500.

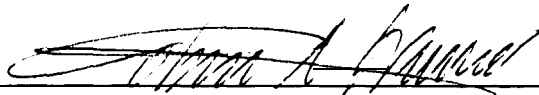
8. **Recommendations**

8.1 The *Committee* is asked to

- a) **approve the revised expenditure on the B9089 Forres-Burghead Road widening west and east of the rail bridge schemes for 1998/99**
- b) **recommend the revised Capital allocation of funds to the Policy and Resources Committee for approval to enable the three forestry strengthening schemes to be carried out during 1998/99.**

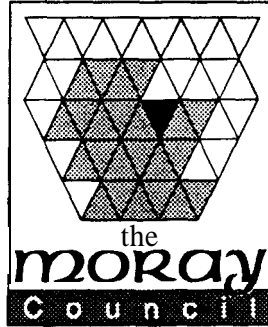
Author of Report: Chief Roads Officer
Background Papers: None
Ref: GEB/KRS/PA/R/20

Signature: _____



Designation: Director of Economic Development and Planning

Name: Robert A Stewart



ITEM: 15
PAGE: 1

REPORT TO: ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE
ON 19 JANUARY 1999

SUBJECT: WEIGHT LIMIT – GALLOWHILL ROAD, GRANGE

BY: DIRECTOR OF ECONOMIC DEVELOPMENT AND
PLANNING

1. **Reason for Report**

1.1 This report asks the Committee to agree to the provision of a weight limit on U15H Gallowhill Road, Grange.

2. **Background**

2.1 A planning application was lodged by Mr Walter B Leith regarding continued operation of a hard rock quarry at Gallowhill Quarry, Grange, Keith.

2.2 During discussions about access the Roads Department of Grampian Regional Council considered that the U15E Gallowhill Road may be used as a short cut by lorries to the quarry .

2.3 As a consequence of this concern a condition was applied to the Application, which the Council is now required to implement, which required a weight limit Order on Gallowhill Road.

2.4 As the proposal has an exemption for agricultural use, special authorisation from the Scottish Office will be required.

3. **The Proposals**

3.1 It is proposed that a '7.5 tonne maximum gross weight limit except agricultural use' be introduced as shown on the schedule (Appendix A) and plan (Appendix B).

4. **Financial Implications**

4.1 The cost of providing the necessary signs, if approved, can be considered from the New Road Signs and Lines budget for 1999/00. The estimated cost of the work is f 1,000.

5. Staffing and Environmental Implications

5.1 There are no staffing or environmental implications arising from this report.

6. Consultations

6.1 The local Member, Councillor Rhona Patterson has been consulted on this report and is in agreement.

6.2 Grampian Police have been consulted and are in agreement with the proposals.

6.3 No European funding is available for the proposed works.

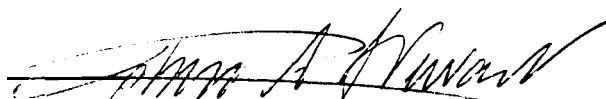
7. Recommendations

7.1 The Committee is asked to approve the introduction of a '7.5 tonne maximum gross weight limit except agricultural use' to U15E Gallowbill Road shown on Appendices A and B attached to this report.

7.2 The Committee is asked to instruct officials to implement the necessary statutory procedures to promote this traffic order.

Author of Report: Chief Roads Officer
Background Papers: None
Ref: GEB/CN/PA/R/61/2/3

Signature: _____



Designation: Director of Economic Development and Planning

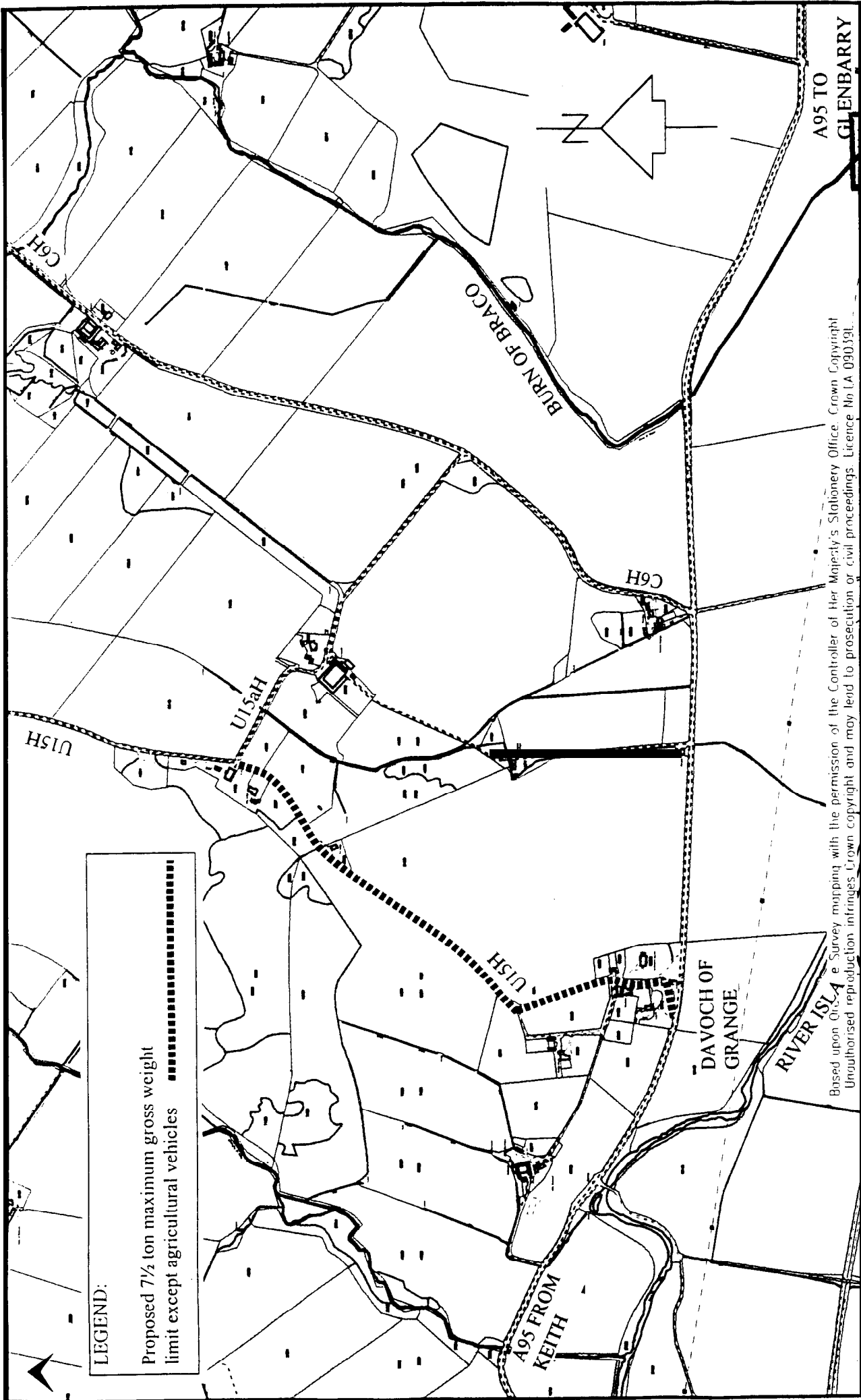
Name: Robert A Stewart

APPENDIX A

SCHEDULE

WEIGHT LIMIT – GALLOWHILL ROAD, GRANGE

Road	Location	Restriction
U15H Gallowhill Road	From its junction with A95 Keith-Glenbarry Road northward to its junction with U15aH Muiryfold Road	7.5 tonnes maximum gross weight except agricultural use



LEGEND:

Proposed 7½ ton maximum gross weight limit except agricultural vehicles



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PAGE 4

Economic
Transport and Planning
Roads Service
Moray Council
Highfield House
South Street
Elgin IV30 1NF

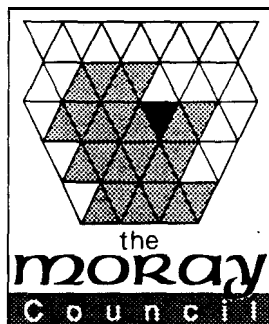
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U15H Gallowhill Road
Proposed 7.5 ton Weight Limit



Map Scale 1:10000

Printed on 05/01/09
Produced using Smallworld GIS



ITEM: 16
PAGE: 1

REPORT TO: ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE
ON 19 JANUARY 1999

SUBJECT: CAPITAL STREET LIGHTING PROGRAMME – SCOTTISH
HYDRO ELECTRIC UNDERGROUNDING

BY: DIRECTOR OF ECONOMIC DEVELOPMENT AND
PLANNING

1. **Reason for Report**

1.1 To seek the Committee's approval of a revised programme of street lighting schemes funded from the Capital budget 1998/99.

2. **Background**

2.1 At the Economic Development and Planning Committee Meeting on 17 November 1998 there was submitted a report by the Director of Economic Development and Planning on the response from Scottish Hydro Electric (SHE) and it was noted that the complete hydro cable undergrounding programme has been placed in suspension for the current and next financial year. The meeting also noted that in addition to the suspension of works SHE have advised that further improvement works will not consist of existing overhead wires being replaced by underground cables but will, if necessary, be replaced with Aerial Bundled cables (ABC) as is currently being carried out in parts of Aberdeenshire. The Committee agreed that these cables would visually obtrusive and therefore undesirable.

2.2 Following consideration the Committee agreed:

to recommend to Police and Resources Committee that the earlier request to relocate funds towards lighting improvement works in association with the CCTV scheme in Elgin be approved

that in order that the environmental intrusion of ABC services is minimised, if not eliminated, appropriate Officers discuss alternative arrangements with SHE, thereby encouraging SHE to bury services in footpaths alongside Council street lighting services, and

that, given the Committee's concerns regarding SHE's current position relating to underground cabling, a meeting be arranged with SHE to discuss these concerns.

- 2.3 Reference is made to the meeting of the Policy and Resources Committee on 3 December 1998 (Item 8 of the Minute refers) where approval was given to the relocation of funds to accommodate the works associated with the **CCTV scheme in Elgin.**
- 2.4 **SHE have now advised the Council that they do propose to carry out the undergrounding schemes in Craigellachie and in New Street/Bridge Street, Portknockie.** The latter scheme will have beneficial affects on the proposed environmental project in Victoria Square although is not essential to that scheme.
- 2.5 The Portknockie Phase I undergrounding was allowed in the Capital budget at f 12,000, however the out-turn cost is f 7,009 resulting in an under-expenditure off 4,991.

3. **The Proposals**

- 3.1 It is proposed to carry out the undergrounding works at Craigellachie and at Portknockie (New Street/Bridge Street) in conjunction with Scottish Hydro Electric to provide upgraded cabling and replacement street lighting to current design standard.
- 3.2 It is proposed to meet the costs of these reintroduced schemes from the under-expenditures on other Capital projects - Portknockie Phase I and the Silver Bridge replacement contract.

4. **Financial Implications**

- 4.1 The proposed revised Capital programme is as follows:

	Original Approval	Current Approval	Proposed Budget
Unsafe lighting column replacement	f 75,000	f 75,000	\$75,000
Hydro undergrounding in Craigellachie	£20,000	f 12,000	£20,000
Minor improvements to accommodate CCTV scheme		f 7,462	£7,462
Hydro undergrounding in Portknockie New Street/Bridge Street			£10,000
Works in conjunction with Hydro undergrounding in Portknockie Phase I	<u>£12,000</u>	<u>£12,000</u>	<u>£7,009</u>
	f 107,000	£106,462	E1 19,471

- 4.2 This over-expenditure of f 13,009 can be accommodated in the under-expenditure of £25,000 on the Silver Bridge replacement scheme.

5. Staffing and Environmental Implications

5.1 There are no staffing or environmental implications arising from this report.

6. Consultations

6.1 Mark Palmer, Assistant Chief Financial Officer has been consulted on the contents of this report and is in agreement.

6.2 The Convener, Councillors of affected areas, and the Chief Roads Officer will meet with representatives of Scottish Hydro Electric on 13 January 1999 and a verbal report will be given to the Committee.

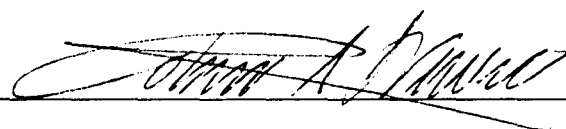
6.3 No European funding is available for the proposed works.

7. Recommendations

7.1 **The Committee is asked to recommend the revised Capital re-allocation of funds to the Policy and Resources Committee for approval to enable the proposed street lighting works to be carried out in conjunction with the Scottish Hydro Electric undergrounding schemes in Craigellachie and Portknockie (New Street/Bridge Street).**

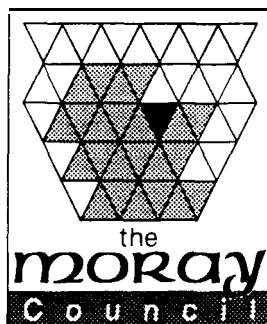
Author of Report: Chief Roads Officer
Background Papers: None
Ref: GEB/PA/R/19/42

Signature: _____



Designation: Director of Economic Development and Planning

Name: Robert A Stewart



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REPORT TO: ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE
ON 19 JANUARY 1999

SUBJECT: ATTENDANCE AT CONFERENCE – SCOTTISH PARLIAMENT
: WHAT CAN IT DO FOR RURAL TRANSPORT?

BY: DIRECTOR OF ECONOMIC DEVELOPMENT AND
PLANNING

1. **Reason for Report**

1.1 To allow Members to consider their attendance at this conference.

2. **Background**

2.1 The Robert Gordon University is holding a one day conference at The Highland Council, Inverness on Friday 12 February 1999, on this topic (see attached Appendix).

2.2 The conference will be addressed by Calum MacDonald MP (Scottish Transport Minister) and will give each of the political parties the opportunity to outline their policies on rural transport.

2.3 Other key issues are given as

- Scottish Parliament : What policies can be anticipated from the main political parties?
- How much power should be devolved to the new Regional Transport Partnership?
- Will any of the revenue from urban road pricing and workplace parking charges be made available to improve rural transport?
- How will the fuel tax escalator impact on rural communities?
- What impact will the Scottish Parliament have on rural rail, bus, air and ferry services?
- How can resources be increased for road maintenance and what are the consequences if they are not?
- How should be f 1.2M Scottish Office fund for rural petrol stations be distributed?

3. **The Proposals**

3.1 The Committee is asked to consider Member attendance at this conference.

4. **Financial Staffing and Environmental Implications**

4.1 Attendance at this conference, excluding travelling expenses, cost f 80 per delegate.

5. **Consultations**

5.1 None


6. **Recommendations**

6.1 **It is recommended that the Committee consider the attendance of Members at the conference on Scottish Parliament : What Can It Do For Rural Transport? to be held at The Highland Council, Inverness on Friday 12 February 1999.**

Author of Report: Chief Roads Officer

Background Papers: None

Ref: AR/PA/R/37

Signature:  _____

Designation: Director of Economic Development and Planning

Name: Robert A Stewart

"Scottish Parliament: what can it do for RURAL TRANSPORT?"
one day conference
Friday 12th February 1999, Council Chamber
the Highland Council **Inverness**



**THE
CENTRE FOR TRANSPORT
POLICY**

APPENDIX

**THE
ROBERT GORDON
UNIVERSITY
ABERDEEN**



**ITEM: 7
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Supported by :

THE HIGHLAND COUNCIL
HIGHLANDS & ISLANDS ENTERPRISE

Key Issues For RURAL TRANSPORT

Scottish Parliament: What policies can we anticipate from the main political parties?

How much power should be devolved to the new Regional Transport Partnerships?

Will any of the revenue from urban road pricing and workplace parking charges be made available to improve rural transport?

How will the fuel tax escalator impact on rural communities?

What impact will the Scottish Parliament have on rural rail, bus, air and ferry services?

- How can resources be increased for road maintenance and what are the consequences if they are not?
- How should the **£1.2M** Scottish Office fund for rural petrol stations be distributed?

These are just a few of the key issues which will be addressed at this important one day conference.

Who Should ATTEND?

- Local Government elected members and officials
- Prospective M.S.P's
- Local enterprise companies
- Transport operators
- Transport and planning consultants
- Academics
- Community and pressure groups

“SCOTTISH PARLIAMENT: WHAT CAN IT DO FOR RURAL TRANSPORT?”

Council Chamber, The Highland Council, **Inverness**

Friday 12th February 1999

Chair: Cllr Peter Peacock, Convener, The Highland Council

- 9.00-9.40am** Registration
- 9.40 **9.45am** Hector Douglas, Head of Business School, The Robert Gordon University
“Welcome”
- 9.45-1 0.00am** **Cllr Peter Peacock**, Convener, The Highland Council
“Chairman’s Opening Remarks”
- 10.00-1 0.30am** **Calum MacDonald, MP**, The Scottish Office
“Keynote Address”
- 10.30-1 0.45am** **Professor David Begg**, Centre for Transport Policy, The Robert Gordon University
“Financing Rural Transport and Regional Partnerships”
- 10.45-11.15am** Questions
- 11.15-11.30am** **Morning Coffee**
- VARIOUS MODES OF TRANSPORT**
- 11.30-11.45am** **Alastair McPherson**, Managing Director, Scotrail
“Rail Services”
- 11.45-12.00pm** Mike **Kinski**, Chief Executive, Stagecoach
“Rural Bus Services”
- 12.00-12.15pm** Roy Pedersen, Head of Transport, Highlands & Islands Enterprise
“Ferry Futures”
- 12.15-12.30pm** Dr **John Farrington**, University of Aberdeen
“Rural Car Dependency and Rural Policy Issues”
- 12.30-1 2.45pm** Philip Shimmin, Director of Roads & Transport Services, The Highland Council
“Rural Roads”
- 12.45-1 .00pm** **Questions**
- 1.00-2.00pm** **Lunch**
- THE VIEW FROM POLITICAL PARTIES**
- 2.00-2.15pm** **Alastair Morgan, MP**, Scottish National Party
- 2.15-2.30pm** David Petrie, Scottish Conservative Party
- 2.30-2.45pm** **Cllr J.R Scott**, Scottish Liberal Democrats
- 2.45-3.00pm** David Stewart, MP, Scottish Labour Party
- 3.00-3.30pm** *Questions*
- 3.30-3.40pm** Professor David Begg, Centre for Transport Policy, The Robert Gordon University
“Concluding Remarks”
- 3.40pm** **Close**
-

REGISTRATION FORM

“Scottish *Parliament*: WHAT CAN IT DO FOR RURAL TRANSPORT?”

Council Chamber, The Highland Council, I N V E R N E S S

Friday 12th February 1999

Delegate Details: (Please photocopy this form for multiple bookings)

Name in full:

Position:

Company:

Address:

Phone: Fax:

Payment: (All fees are payable in advance of the course. Delegates may be refused admission if payment is not received prior to the event.)

I enclose full payment of f80.00 per delegate by: Cheque Purchase Order

Cheque No: (made payable to The Robert Gordon University)

PO. No:

Reduced Rate: Non Profit Making Organisations: f 50.00 per delegate

Please tick box if vegetarian meal is required

Signature: Date:

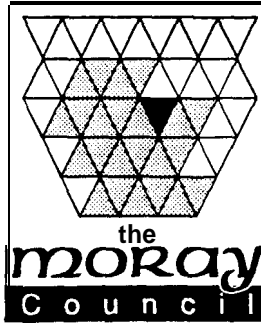
All enquiries, bookings and remittance to:
Karen Lynch
Centre for Transport Policy
The Robert Gordon University
Kepplestone Mansion
View-field Road
Aberdeen AB15 7AW

Tel: 01224 263134 Fax: 01224 263100

Cancellations : If you cannot attend the conference after booking a place, you can either *Send a substitute or *Confirm your cancellation in writing (letter or fax) before 29th January 1999 and receive a refund (less 10% administration charge). No refunds can be made for cancellation after that date.

Finance Use Only **Voucher** **Tax Point** VAT Reg No. 384 836020 Delegate No:

VAT Receipt for the Scottish Parliament: What can it do for Rural Transport Conference on 12 February 1999
Delegate Fee (BS709) £
TOTAL (91500) £ (Valid only with official stamp)



**REPORT TO: ECONOMIC DEVELOPMENT & PLANNING COMMITTEE ON
19 JANUARY 1999**

SUBJECT: STREET NAMING AND NUMBERING

BY: DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

1. Reason for Report

- 1.1 The Economic Development and Planning Committee is asked to consider the following street location where a name has been put forward for approval.

2. Background

- 2.1 The Committee is requested to consider the Report under the terms of Section 97 of the Civic Government (Scotland) Act 1982 – Street Naming and Numbering.

3. Proposals

- 3.1 The following street name has been recommended for the development listed below.

- 3.2 New housing development at Findlater Drive, Cullen

- 3.3 Councillor Margaret Howe has put forward the name FINDLATER CIRCLE for the new roadway.

- 3.4 The existing roadway, FINDLATER DRIVE, is also to be extended to serve part of the new development.

4. Financial, Staffing and Environmental Implications

- 4.1 There are no financial, staffing or environmental implications.

5. Consultations

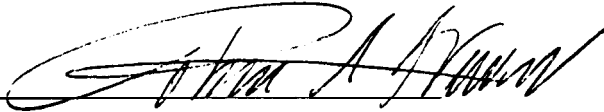
- 5.1 Consultations have taken place with the local member who has involved the local Primary School in selecting the name.

6. Recommendations/

6. Recommendations

6.1 **The Economic Development and Planning Committee is asked. to approve that the name FINDLATER CIRCLE is given to the new roadway at Cullen.**

Author of Report: Derek Davidson, Architectural Technician
Background Papers: Various correspondence with Local Members
Ref: DD/KAS
DD

Signature: _____ 

Designation: Director of Economic Development & Planning Name: Robert A. Stewart