

# ANGUS COUNCIL

MINUTE of MEETING of the **INFRASTRUCTURE SERVICES COMMITTEE** held in the Town and County Hall, Forfar on Tuesday 22 January 2008 at 4.00 pm.

**Present:** Councillors DAVID MAY, JOHN RYMER, FRANK ELLIS, IAIN GAUL, ALEX KING, IAN MACKINTOSH, JIM MILLAR, PETER MURPHY, ROBERT MYLES, ROB MURRAY, RALPH PALMER, MARK SALMOND, ROBERT SPINK, PAUL VALENTINE and JOHN WHYTE.

Councillor MAY, Convener, in the Chair.

## 1. APOLOGIES/SUBSTITUTES

Apologies for absence were intimated on behalf of Councillors David Fairweather, Helen Oswald and Sandy West with Councillors John Rymer, Rob Murray and Paul Valentine substituting respectively.

## 2. DECLARATIONS OF INTEREST

Councillor Whyte declared an interest in item 15 as the Vice-Chairman of Monifieth and Landward Area Partnership and signatory of the Conchie's Corner Petition.

Councillor Palmer declared an interest in item 15 as a signatory of the Conchie's Corner Petition.

*In accordance with Standing Order 36(2), the Committee agreed that, as the Head of Economic Development intended to give members a presentation on The Open 2007, the order of business be varied from that published and it was considered in the order recorded below.*

David Valentine, Head of Economic Development, gave an informative presentation on The Open 2007 and indicated that it was both a Council and county wide approach. He summarised the overall benefits to Angus and outlined the post open marketing activities currently being undertaken.

Having heard a number of members express their delight at the success of The Open, the Convener, on behalf of the Committee, congratulated all staff involved in the arrangements.

## 3. THE OPEN 2007: ECONOMIC IMPACT ASSESSMENT

With reference to Article 5 of the minute of meeting of Angus Council of 15 February 2007, there was submitted [Report No 96/08](#) by the Director of Infrastructure Services advising the Committee of the key findings of the Economic Impact Assessment carried out by Comperio Research on The Open 2007 at Carnoustie. The Report also provided an update on the marketing activity post Open.

The Report indicated that the event had generated an economic value of £14.8 million in the local economy and 171 hours of global television and media coverage of Angus which was equivalent to £34 million in gross media value. The Economic Impact Assessment reaffirmed the importance of the Open event itself to the local economy and the continued marketing activity via the Carnoustie Country Campaign in order to exploit the profile the Open brought to the Angus area.

The Committee agreed:-

- (i) to note the key findings of the Economic Impact Assessment of The Open 2007 at Carnoustie as detailed in the Report;
- (ii) to note that it was intended to publish these findings for wider dissemination with the agreement of the R & A; and
- (iii) to note the progress to date with marketing activity post Open which was capitalising on the success of the event as detailed in the Report.

#### 4. MINUTES

##### (a) Previous Meeting

The [minute of meeting of this Committee of 27 November 2007](#) was approved as a correct record and signed by the Convener.

##### (b) Executive Sub-Committee

The [minute of meeting of the Executive Sub-Committee of this Committee of 20 December 2007](#), a copy of which is appended hereto, was submitted and noted (APPENDIX I).

#### 5. NOTICE OF MOTION IN TERMS OF STANDING ORDER 24(1)

Having given notice in terms of Standing Order 24(1), Councillor May, seconded by Councillor Salmond, moved that, as a result of the levels of criticism which had been expressed by people in Montrose regarding the bespoke parking area for weddings and funerals, which had been provided at the Old and St Andrews Church in the High Street, this Committee instructs the Director of Infrastructure Services to bring a Report to an early meeting of this Committee detailing options for widening that parking area and including the costs of such options.

The Committee agreed the terms of the motion unanimously.

#### 6. CONSERVATION GRANT APPLICATION - 21 LITTLE CAUSEWAY, FORFAR

There was submitted [Report No 82/08](#) by the Director of Infrastructure Services advising the Committee that the owner of 21 Little Causeway, Forfar had applied for a grant towards the cost of reinstating traditional timber sliding sash and case windows in a listed building in the Forfar Conservation Area.

The Report indicated that the property was a category "B" listed building and reinstatement of traditional windows would strengthen the character of the area of Little Causeway.

The Committee agreed:-

- (i) to note the contents of the Report; and
- (ii) to authorise payment of a grant of £2,500 to the owner of 21 Little Causeway, Forfar towards the cost of installing nine traditional timber sliding sash and case windows on the front elevation of the property.

#### 7. VERIFICATION OF WORK ON BUILDINGS IN WHICH THE COUNCIL HAS AN "INTEREST"

There was submitted [Report No 83/08](#) by the Director of Infrastructure Services advising members that the Building (Scotland) Act 2003 prevented a verifier, currently all local authorities, verifying work in which it had an "interest" and, to permit the smooth transition to the new Building standards system, Scottish Ministers had issued a Direction in 2005 removing this restriction.

The Report indicated that the initial proposals to end the Direction whereby a local authority could not verify any work on a building in which it had an "interest" had the potential to generate a great deal of additional bureaucracy and loss of income to the Council. The amended proposals to permit local authorities to enter into consortia constituted by agreement between themselves and the Scottish Building Standards Agency to permit third party review of the Building Warrant process seemed to be the best way forward. A third party peer review would ensure that all processes and procedures in relation to Building Warrants in which the local authority has an "interest" were transparent and that there was no conflict of interest.

The Committee agreed:-

- (i) to note that the proposals for peer review of work in which a verifier had an "interest" were not complete;
- (ii) to approve, in principle, participation in the proposals whereby consortia of local authorities would be legally constituted between the Scottish Building Standards Agency and the local authorities involved;
- (iii) to participate in a consortium consisting of a maximum of three local authorities, which authorities would most likely, although not solely, consist of Dundee City and Perth and Kinross Councils and other authorities who may wish to join the consortium once more detailed discussions had been held with the Scottish Building Standards Agency; and
- (iv) that officials monitor the workings of the consortium to ensure that the aims and objectives of the proposals were being met.

## **8. MODERNISING THE PLANNING SYSTEM, NEW ENFORCEMENT POWERS AND CONSULTATION ON ENFORCEMENT REGULATIONS 2007**

With reference to Article 7 of the minute of meeting of this Committee of 26 January 2006, there was submitted [Report No 84/08](#) by the Director of Infrastructure Services which summarised the new powers for enforcement of planning controls in Scotland under the Planning etc. (Scotland) Act 2006 and the Council's response to the Scottish Government Planning Directorate's consultation on drafts of these Regulations.

The Report indicated that enforcement had a fundamental role in the operation of an effective planning system and unauthorised development and breaches of planning control required to be discouraged, dealt with quickly, efficiently and rigorously to demonstrate to the public that the planning system operated fairly and in the public interest.

The Report concluded that the Scottish Government Planning Directorate had asked Councils to respond to certain questions in relation to the new powers in the 2006 Act and the proposed enforcement regulations. The measures in the 2006 Act would ensure improved planning enforcement delivery and would allow the Council to target those developments which required to be monitored at an early stage.

The Committee, for its interest, agreed:-

- (i) to note the contents of the Report; and
- (ii) to approve the draft response to the Scottish Government Planning Directorate's consultation on the draft Regulations, as detailed in the Appendix to the Report.

## **9. IMPLEMENTING THE PLANNING ETC. (SCOTLAND) ACT 2006 - DRAFT REGULATIONS ON DEVELOPMENT PLANNING - CONSULTATION PAPER**

With reference to Article 8 of the minute of meeting of this Committee of 16 October 2007, there was submitted [Report No 85/08](#) by the Director of Infrastructure Services advising members that the Scottish Government had issued a consultation paper in respect of draft regulations on development planning as part of implementing the Planning etc. (Scotland) Act 2006, which Regulations would guide the preparation, adoption, monitoring and implementation of the new style development plans in Scotland. The Report also outlined the draft proposals and a suggested response to the consultation paper.

The Report indicated that the Scottish Government had published new guidance which dealt with the preparation of the new style strategic development plans and local development plans. The consultation paper provided an important opportunity to express the views of the Council on a number of key points highlighting where further consideration of the draft guidance would be helpful.

The Committee, for its interest, agreed:-

- (i) to note the proposals put forward by the Scottish Government in respect of draft Regulations on Development Planning;
- (ii) to submit the response, as set out in the Appendix to the Report, to the Scottish Government's consultation paper; and
- (iii) to note that further reports on the implementation of the Planning etc. (Scotland) Act 2006 would be brought forward as appropriate.

#### **10. DEVELOPMENT FRAMEWORK FOR MONTROSE ROAD, ARBROATH**

With reference to Article 2 of the minute of meeting of Angus Council of 16 November 2006, there was submitted [Report No 86/08](#) by the Director of Infrastructure Services which detailed the Development Framework relating to site A1: Housing - Montrose Road, Arbroath of the Angus Local Plan Review which was intended to discharge the Local Plan requirement for a development brief for the site and would guide the assessment of any subsequent planning applications within the site boundary.

The Report indicated that the Development Framework superseded the previous requirement for a development brief, met the policy requirements of the Local Plan and established guidance to bring forward housing and related development on this important edge of town site in accordance with development plan policy.

The Committee, for its interest, agreed:-

- (i) to note the contents of the Report; and
- (ii) to approve the Development Framework as the basis for input into the preparation of a planning application(s) for this major housing site in Arbroath.

#### **11. SELECT LIST OF TENDERERS FOR RURAL GRASS CUTTING/VERGE MAINTENANCE 2008-2011**

There was submitted [Report No 87/08](#) by the Director of Infrastructure Services recommending a select list of tenderers for rural grass cutting/verge maintenance throughout Angus for the period 2008-2011.

The Committee agreed:-

- (i) to approve the proposed select list of tenderers as detailed in the Appendix to the Report;
- (ii) to note that invitations to tender would be issued to all eligible contractors on the select lists, including Tayside Contracts;
- (iii) to note that the cost of the works were estimated to be £120,000 per annum; and
- (iv) to note that the costs of the works would be funded annually from the Roads Division cyclic maintenance revenue budget.

#### **12. AWARD OF ROAD SURFACING MECHANICAL RETEXTURING WORK TO KLARUW RMS LIMITED**

With reference to Article 10 of the minute of meeting of this Committee of 16 October 2007, there was submitted [Report No 88/08](#) by the Director of Infrastructure Services recommending the award of road surface mechanical retexturing work to improve the skid resistance of several road surfaces in Angus to the specialist contractor Klaruw RMS Limited.

The Committee agreed:-

- (i) to grant exemption from normal tendering arrangements in terms of 16.3.4 of the Council's Financial Regulations as the work was of a specialist nature such that the requirements of 16.5(2) could not be met; and

- (ii) to award road surface mechanical retexturing work to improve the skid resistance of several road surfaces in Angus to the specialist contractor Klaruw RMS Limited in the amount of £41,922.

**13. PROPOSED PEDESTRIAN CROSSING AT PARKVIEW HEALTH CENTRE, BARRY ROAD, CARNOUSTIE**

There was submitted [Report No 89/08](#) by the Director of Infrastructure Services recommending the installation of a “puffin” style pedestrian crossing at Parkview Health Centre, Barry Road, Carnoustie.

The Report indicated that, following detailed investigations, the volumes of pedestrian/vehicular traffic was sufficient to justify a signal controlled “puffin” style pedestrian crossing.

Having heard Councillors Murphy and Palmer welcome the Report, the Committee agreed:-

- (i) to approve the installation of a pedestrian crossing on Barry Road, Carnoustie, located at Parkview Health Centre, subject to consultation with various parties; and
- (ii) to note that a further Report would be presented to this Committee in due course on the outcome of the consultation.

**14. 20 MPH SPEED LIMITS AT SCHOOLS - WHITEHILLS PRIMARY SCHOOL, FORFAR**

With reference to Article 34 of the minute of meeting of this Committee of 27 November 2007, there was submitted [Report No 90/08](#) by the Director of Infrastructure Services advising the Committee of the public notification and consultation exercise which had been carried out prior to the introduction of traffic calming measures around Whitehills Primary School, Forfar.

The Report indicated that the physical traffic calming measures as proposed near Whitehills Primary School would slow traffic, improve road safety and encourage walking and cycling, and would form part of the safety measures being introduced near schools throughout Scotland as advised by the Scottish Government.

The Committee agreed:-

- (i) to note the outcome of the public notification and consultation exercise which had been carried out in relation to the proposed traffic calming measures around Whitehills Primary School, Forfar; and
- (ii) to the implementation of the traffic calming measures in Service Road and Fyfe Street in the vicinity of the school.

**\*15. A930 “CONCHIE’S CORNER”**

With reference to Article 6 of the minute of meeting of Angus Council of 20 September 2007, there was submitted [Report No 91/08](#) by the Director of Infrastructure Services outlining the current accident statistics and options for improvements to the bend on the A930 at “Conchie’s Corner” and recommending, in light of the accidents statistics, that realignment was not pursued at this site.

COUNCILLOR MAY, SECONDED BY COUNCILLOR WHYTE, MOVED THAT THE COMMITTEE AGREE:-

- (I) TO NOTE THE CURRENT ACCIDENT STATISTICS;
- (II) TO NOTE THE CONCLUSION ON THE FINDINGS OF THE ACCIDENT ANALYSIS, CARRIED OUT ON THE CURRENT ACCIDENT STATISTICS;
- (III) TO NOTE THE OPTIONS SET OUT IN THE REPORT FOR THE POSSIBLE REALIGNMENT AT THIS LOCATION AND THE INDICATIVE COSTS ASSOCIATED WITH EACH OF THE OPTIONS; AND

- (IV) TO TAKE NO FURTHER ACTION AT THIS LOCATION BUT THAT IT BE CONSIDERED IN THE WIDER REPORT ON ACCIDENT PRIORITY AREAS.

Councillor Palmer, seconded by Councillor Gaul, moved as an amendment that recommendations (i) - (iii) as detailed in the Report be accepted, and that option (4) be adopted at an estimated cost of £334,000.

On a vote being taken, the members voted:-

For the motion:-

Councillors May, Mackintosh, Millar, Murphy, Myles, Rymer, Salmond, Spink and Whyte (9).

For the amendment:-

Councillors Ellis, Gaul, King, Murray, Palmer and Valentine (6).

The motion was therefore declared carried and became the finding of the meeting.

*In accordance with the provisions of Standing Order 39(3)(i), Councillors Palmer and Gaul indicated that they wished the matter referred to the Council for a decision.*

## 16. TRAFFIC ORDERS

### (a) Angus Council and Dundee City Council (B978 Kellas Road, Angus and Dundee) (Restricted Roads) Order 2008

With reference to Article 21 of the minute of meeting of this Committee of 14 June 2007, there was submitted [Report No 92/08](#) by the Director of Corporate Services relating to the introduction of an Order to extend the 30 mph speed limit on that length of Kellas Road (B978) adjacent to the recent housing development.

Having heard a number of members seek confirmation on the timescales for implementing the proposals, the Committee agreed:-

- (i) to approve the making of the Order; and
- (ii) to instruct the Head of Roads to advise all local members on these timescales, following consultation with the appropriate officers in Dundee City Council.

### (b) Temporary Traffic Orders

There was submitted and noted [Report No 93/08](#) by the Director of Corporate Services advising that, at the request of the Head of Roads, three Temporary Traffic Orders had been made, as detailed in the Report.

## 17. TRAFFIC REGULATION ORDERS - PROPOSED REVISIONS TO THE SCHEME OF DELEGATION

There was submitted [Joint Report No 94/08](#) by the Director of Corporate Services and the Director of Infrastructure Services seeking approval of an amendment to the Scheme of Delegation to the Head of Roads in relation to Traffic Regulation and Parking Places Orders.

The Report indicated that individual Traffic Regulation Orders were presently considered twice by this Committee and, in order to shorten the time taken to make such Orders, it was recommended that, if no objections were received or no significant amendments were proposed to the Order, authority be delegated to the Head of Roads to authorise the Head of Law and Administration to make the Order.

The Committee agreed:-

- (i) to note the contents of the Report;

- \* (ii) to recommend to the Council the amendment to the Scheme of Delegation, as detailed in the Appendix to the Report.

## 18. THE ASSESSMENT AND PROVISION OF PEDESTRIAN CROSSINGS

With reference to Article 3 of the minute of meeting of the Roads Committee of 29 August 1996, there was submitted [Report No 95/08](#) by the Director of Infrastructure Services detailing the procedure for the assessment and provision of controlled pedestrian crossings using the guidance as published by the Department for Transport, information from the Society of Chief Officers for Transportation in Scotland (SCOTS) and practice employed elsewhere.

The Report indicated that many requests were received for the provision of pedestrian crossings and historically these had been assessed using the relevant former criteria. Factors such as accidents, number of elderly or disabled, number of HGV's, etc. would be taken into account but generally the criteria were very restrictive. The proposed policy for adoption in Angus would allow this Committee to prioritise programmes and allocate available budgets as necessary.

Having heard Councillors Ellis and Murray highlight the need to give consideration to the special circumstances that existed in rural areas when applying the criteria, the Committee agreed:-

- (i) that all future requests for pedestrian crossings be assessed on the basis of the guidance detailed in the Report which was based on advice given by the Department for Transport, the Society of Chief Officers for Transportation in Scotland (SCOTS) and practice employed elsewhere in a local authority context; and
- (ii) that the Head of Roads assess all outstanding requests for pedestrian crossings in accordance with the procedure detailed in the Report.

## 19. MULTIMEDIA MARKETING SERVICE REQUIREMENT

There was submitted [Report No 97/08](#) by the Director of Infrastructure Services which detailed an ongoing and increasing requirement for multimedia marketing services as an integral part of the future development of [www.angusahead.com](http://www.angusahead.com) and other associated websites, and as a key component of general promotion of marketing of Angus for business development and tourism.

The Report indicated that there was an ongoing requirement for multimedia marketing services by the Economic Development Division and this followed a detailed assessment of cross Council service requirements whereby the Economic Development Division was the only service identified with a recurring and growing reliance on multimedia marketing services in terms of annual budget commitments. This reflected a growing reliance on multimedia for marketing a variety of web based products and a corresponding decline in paper based printed promotional products.

The Report concluded that alternative and affordable arrangements were urgently required for the supply of multimedia marketing requirements in the Economic Development Division and the direct recruitment of part-time staff, as detailed in the Report, gave a best value solution.

The Committee agreed:-

- (i) to note the ongoing and increasing need for multimedia marketing services;
- (ii) to approve the recruitment of three part-time staff, as detailed in the Report; and
- (iii) to note that the costs would be contained within the Economic Development revenue budget and that this solution represented "best value".

## 20. LOO OF THE YEAR AWARDS

The Committee was advised of Angus Council's success in the local authority category of the 2008 British Toilet Association Loo of the Year Awards for high standards of public toilet facilities in washroom provision and management.

Angus had received the following awards:-

Arbroath Harbour Visitor Centre	Five Star Rating
Arbroath Market Place	Five Star Rating
Montrose Baltic Street	Five Star Rating
Forfar Buttermarket	Four Star Rating
Kirriemuir Reform Street	Four Star Rating
Brechin Church Street	Four Star Rating

Additionally, Angus Council's newest superloo within the recently completed Arbroath Harbour Visitor Centre had achieved both a National category winner position for the premises and also the Scottish winner for the provision of baby changing facilities.

Staffing at all facilities had been awarded an Attendant of the Year award for providing a level of commitment to a vital public service.

The Committee noted Angus Council's success and agreed that the Convener relay to staff, in writing, the Committee's appreciation of all their efforts.

## 21. COMMUNITY SERVICES REVENUE BUDGET ISSUES 2007/2008

With reference to Article 9 of the minute of meeting of the Neighbourhood Services Committee of 17 January 2008, there was submitted [Joint Report No 58/08](#) by the Director of Corporate Services, Director of Neighbourhood Services and the Director of Infrastructure Services advising the Committee of the projected overspend on the 2007/2008 Community Services revenue budget (including the Waste Management Trading Account) and recommending that a number of steps be taken to correct this position.

The Report reminded members that the Waste Management Trading Account had been an area of financial difficulty for the Council in recent times as highlighted by the External Auditor (Report No 1217/07 refers) and was currently the subject of a major best value review.

Using the latest information from the Council's financial ledger as at 30 November 2007 and projecting ahead on likely income and expenditure up to 31 March 2008, a year end projected outturn for the Community Services division had been estimated. This showed a projected overspend on the mainstream Community Services revenue budget of £139,000 and a shortfall on the budgeted surplus for the Waste Management Trading Account of £100,000 for the year to 31 March 2008.

The main reasons for the project overspend position were detailed in the Report as were the measures recommended to correct the position.

The Committee, for its interest, agreed:-

- (i) to note the contents of the Report;
- (ii) to approve the measures set out in Section 4 of the Report to correct the projected overspend position; and
- (iii) to note that close monitoring of the Community Services revenue budget would continue until the financial year end.

## 22. REVIEW OF PUBLIC HEALTH LEGISLATION

There was submitted [Report No 99/08](#) by the Director of Infrastructure Services updating members on the changes which would be introduced to public health legislation and the impact this might have on the Council.

The Report indicated that the Public Health (Scotland) Act 1897 had been the foundation of health protection powers and responsibilities for public health professionals and organisations such as NHS Boards and Local Authorities for over 100 years and enforcement of this Act fell mainly to local authorities. Much of its provisions had been replaced by other pieces of legislation and it was considered that the remaining provisions of the 1897 Act were not wholly consistent with current practice or modern life. Consequently, the new Public Health etc (Scotland) Bill sought to address these issues and was mainly concerned with health

protection by ensuring the safety and quality of food, water, air and the general environment; managing outbreaks and other incidents which threaten the public health and promoting safety at home and in the community at work.

The Committee agreed:-

- (i) to note the main provisions of the Public Health etc. (Scotland) Bill and the International Health Regulations 2005;
- (ii) to note the potential resource implications associated with the implementation of the legislation and that a further report on this issue would be brought forward to a future meeting of this Committee; and
- (iii) to note that Angus Council might be required to enter into Memoranda of Understanding with NHS Tayside.

### **23. WASTE MANAGEMENT MONITORING AND CONSULTANCY SERVICES**

With reference to Article 4 of the minute of meeting of the Environmental and Leisure Services Committee of 23 January 2007, there was submitted [Report No 100/08](#) by the Director of Infrastructure Services detailing tenders received for the specialist consultancy and monitoring services required for Angus Council waste management facilities.

The Report indicated that, due to the complexities and specialist nature of the work involved in the environmental monitoring and on-going development of the Council operated landfill sites, it had been necessary for the Council to engage external consultancy services. The current contract expired on 31 March 2008 and it was therefore necessary to have a suitable contractor in place to continue monitoring the landfill site at Restenneth and the continuing obligation at Arrat's Mill.

The Committee agreed:-

- (i) to note the tenders received in respect of specialist monitoring and consultancy services at the Council's licensed landfill sites at Restenneth, Forfar and Arrat's Mill, Brechin; and
- (ii) to accept the tender received from Grontmij, Edinburgh, for a three year contract from 1 April 2008 to 31 March 2011, to provide specialist monitoring and consultancy services at Restenneth and Arrat's Mill landfill sites, at a total cost of £139,523.23.

### **24. EXCLUSION OF PUBLIC AND PRESS**

The Committee resolved in terms of Standing Order 27(2) that the public and press be excluded from the meeting during consideration of the undernoted items, so as to avoid the disclosure of information which was exempt in terms of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973, paragraphs 6, 8 and 9.

### **25. PEST CONTROL CONTRACT**

With reference to Article 48 of the minute of meeting of this Committee of 14 June 2007, there was submitted [Report No 101/08](#) by the Director of Infrastructure Services seeking approval to terminate the Pest Control contract awarded to Rentokil Initial UK Ltd on 1 July 2007 and to seek a replacement contractor to provide this service.

The Committee agreed:-

- (i) to note the problems experienced with Rentokil Initial UK Ltd regarding the operation of the Pest Control Contract;
- (ii) to instruct the Director of Infrastructure Services to write to Rentokil Initial UK Ltd formally terminating the Pest Control Contract for the reasons detailed in the Report; and

- (iii) to authorise the Director of Infrastructure Services to commence a new tendering process and to take interim measures with regard to Pest Control Services during the period between termination of the contract and appointment of an alternative contractor.

**26. SALE OF LAND AT BRECHIN BUSINESS PARK**

With reference to Article 29 of the minute of meeting of this Committee of 8 March 2007, there was submitted [Report No 102/08](#) by the Director of Infrastructure Services seeking approval to refer a proposed land sale at Brechin Business Park to the Lands Tribunal for Scotland.

Having heard the Head of Economic Development update members with regard to ongoing negotiations, the Committee agreed:-

- (i) to note the contents of the Report; and
- (ii) to authorise the Head of Law and Administration to petition the Lands Tribunal for Scotland to vary existing title restrictions in the Council's title deeds to enable a local business to expand to Plots 2-4 at Brechin Business Park.