

Minute

Development and Infrastructure Committee

Tuesday, 5 June 2018, 10:30.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Councillors Graham L Sinclair, Andrew Drever, Norman R Craigie, David Dawson, J Harvey Johnston, Rachael A King, W Leslie Manson, James W Stockan, Magnus O Thomson, Duncan A Tullock and Kevin F Woodbridge.

Clerk

- Angela Kingston, Committees Officer.

In Attendance

- Gavin Barr, Executive Director of Development and Infrastructure.
- Brian Archibald, Head of Marine Services, Engineering and Transportation (for Items 1 to 5 and 7 to 11).
- Darren Richardson, Head of Infrastructure and Strategic Projects (for Items 1 to 3).
- Roddy Mackay, Head of Planning, Development and Regulatory Services.
- Colin Kemp, Corporate Finance Senior Manager.
- Karen Bevilacqua, Solicitor.
- Jackie Thomson, Development and Regeneration Manager (for Items 8 to 13).
- Stuart Allison, Economic Development Manager (for Items 1 to 7).
- Laura Cromarty, Transport Manager (for Items 7 and 8).
- Stuart West, Planning Manager (Development and Marine Planning) (for Items 1 to 5).
- Hazel Flett, Senior Committees Officer.
- Kenneth Roy, Team Leader Roads Support (for Items 1 to 3).
- Michael Harvey, Policy Planner (Development and Marine Planning) (for Items 4 and 5).

Observing

- Rebecca McAuliffe, Press Officer (for Items 9 to 13).
- Morag Robertson, Economic Development Officer (for Items 1 to 7).
- Eileen Summers, Policy Officer (Environment) (Development and Marine Planning) (for Items 1 to 4).

Apology

- Councillor Gwenda M Shearer.

Declarations of Interest

- Councillor Norman R Craigie – Item 12.
- Councillor Kevin F Woodbridge – Item 12.

Chair

- Councillor Graham L Sinclair.

1. Disclosure of Exempt Information

The Committee noted the proposal that the public be excluded from the meeting for consideration of Items 11 and 12, as the business to be discussed involved the potential disclosure of exempt information of the classes described in the relevant paragraphs of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 as amended.

2. Performance Monitoring

After consideration of a report by the Executive Director of Development and Infrastructure, copies of which had been circulated, the Committee:

Noted:

2.1. The performance of Development and Infrastructure for the reporting period 1 October 2017 to 31 March 2018, as set out in sections 3 to 5 and Annexes 1, 2 and 3 of the report by the Executive Director of Development and Infrastructure.

The Committee resolved to **recommend to the Council:**

2.2. That the following actions, which had been progressed to completion, be removed from the Development and Infrastructure Service Plan:

- 03 – Enforcement of Waste Regulations – Enforce waste regulations in respect of duties placed on commercial waste producers to separate recyclates.
- 04 – Review of the Planning Enforcement Charter – Review of the Planning Enforcement service including bi-annual update of Planning Enforcement Charter.
- 13 – General Roads and Environmental Services – To ensure timely implementation of phase one of service restructure (ie Roads and Environmental Service manager and changes to systems, roles and processes and establishment of new apprentice posts within the service).
- 31 – Revised Community Transport Arrangement – With Orkney Health and Care and other partners, implement revised Community Transport arrangements for persons with limited access to services and transport.
- 33 – Quarry Services (new tar plant).

2.3. That the following actions be amended as indicated and thereafter incorporated within the Development and Infrastructure Service Plan:

- 02 – Joint Responsibilities for Public and Port Health – Develop strategic and operational arrangements to encourage and develop effective partnership working with NHSO in respect of joint responsibilities for public and port health – target date extended to 31 March 2019.
- 05 – Marine Planning Partnership – Establishment of a Marine Planning Partnership to develop statutory marine spatial plan – target date extended to 31 March 2019.
- 07 – Supplementary Guidance – Review Supplementary Guidance on Housing Development in the Countryside and prepare Planning Policy Advice on Design – target date extended to 31 December 2018.
- 08 – Core Paths Plan – Review of Core Paths Plan – target date extended to 31 December 2018.
- 10 – Roads – To develop asset management plans and revision to Roads Management and Maintenance Plan – given there were two aspects to this action, the action be split into two new actions as follows:
 - To complete the Roads Asset Management Plan, target date extended to 31 December 2018.
 - To progress the Roads Management and Maintenance Plan, target date extended to 31 December 2018.
- 14 – Carbon Management Programme – To ensure the best projects and programmes could be developed and implemented, in order to ensure both energy efficiency and lower carbon emissions across the Council estate – target date extended to 31 December 2020.
- 15 – Strategic Projects – due to the range of projects for the different aspects of this action, the action be amended as follows:
 - The title amended to “Major Projects”.
 - The description amended to read “Pursue and deliver major projects that align to the Council Plan through Service and Council decisions, eg Campus, Hydrogen”.
 - The target date extended to 31 March 2022.
- 18 – Volume Tourism – In partnership with the private sector, Visit Scotland and Orkney Tourism Group and other local stakeholders, put in place protocols and a programme of alternative tourism offers that would support a range of initiatives, including an options appraisal for a Gateway Centre to support Orkney’s attractions including the UNESCO Neolithic Heritage, and to explore infrastructure requirements and opportunities and develop an investment plan as appropriate – target date extended to 31 March 2022.
- 19 – Digital Connectivity – Ensuring ubiquitous world class digital connectivity in Orkney by adding to the Highlands and Islands digital roll-out, working with Community Broadband Scotland to match local communities and interested parties’ digital inspirations, including developing and supporting pipeline projects – target date extended to 31 March 2022.
- 20 – Business Gateway – To promote internally and externally the range of business start-up and growth services including a range of symposiums, and to be the one stop shop for business growth for Orkney businesses prior to being account managed by HIE – target date extended to 31 March 2022.

- 21 – Implementation of the Kirkwall Townscape Heritage Initiative – Ensure good leverage for projects of benefit to Kirkwall Townscape Heritage, joint working with local businesses, organisations, the college and schools – target date extended to 31 December 2019.
- 23 – Strategic Projects and Investment – the description for this action be amended to read “Securing funding for projects” and the target date extended to 31 March 2022.
- 27 – Port Infrastructure Refurbishment – Continue with a programme of port infrastructure refurbishment, including completion of the Accelerated Low Water Corrosion programme, in order to ensure the piers were safe to use and properly preserved – target date extended to 31 March 2021.
- 28 – Port Master Plan – Establish the Port Master Plan for future infrastructure requirements – target date extended to 31 March 2019.
- 34 – Quarry Services (Quarry Extension) – Secure planning permission and development of extension to the quarry – target date extended to 31 December 2019.
- 37 – Property Maintenance Programme Delivery – Ensure sufficient funding and reporting processes were in place to deliver and monitor progress where these responsibilities fell to the Development and Infrastructure team – target date extended to 31 December 2020.

2.4. That the Development and Infrastructure Risk Register, attached as Appendix 1 to this Minute, be approved.

3. Review of On-Street Parking in Kirkwall

After consideration of a report by the Executive Director of Development and Infrastructure, together with an Equality Impact Assessment, copies of which had been circulated, and after hearing a report from the Head of Infrastructure and Strategic Projects, the Committee:

Noted:

3.1. That the Council’s Parking Strategy, adopted in May 2014, recommended a long-term review of existing traffic regulation orders pertaining to on-street parking.

3.2. That officers had focussed on reviewing traffic orders primarily on problem areas within Kirkwall, namely Great Western Road, Palace Road, and on Harbour Street and Shore Street, following completion of the Kirkwall Harbour Flood Prevention Scheme.

3.3. That a review of all on-street parking in Kirkwall would be carried out over the next three to five years.

3.4. That discussions had taken place with Police Scotland in relation to an interim solution to parking enforcement in Kirkwall and Stromness, as detailed in section 3 of the report by the Executive Director of Development and Infrastructure.

3.5. The proposed amendments to existing on-street parking on Great Western Road, Palace Road, Harbour Street and Shore Street, Kirkwall, as shown on the drawings attached as Appendices 1 to 3 respectively to the report by the Executive Director of Development and Infrastructure.

The Committee resolved to **recommend to the Council**:

3.6. That no waiting be permitted at any time on Great Western Road, Kirkwall, unless parked within a marked space, as indicated on the plan attached as Appendix 2 to this Minute.

3.7. That waiting on the north side of Palace Road, Kirkwall, be restricted to one hour, between 08:00 and 18:00, Mondays to Saturdays, as indicated on the plan attached as Appendix 3 to this Minute.

3.8. That waiting on Harbour Street and Shore Street, Kirkwall, be restricted to 30 minutes, between 08:00 and 18:00, Mondays to Saturdays, and loading within the marked loading bays on Harbour Street restricted to 20 minutes, as indicated on the plan attached as Appendix 4 to this Minute.

Councillor James W Stockan left the meeting at this point.

4. Happy Valley Management Plan

After consideration of a report by the Executive Director of Development and Infrastructure, together with an Equality Impact Assessment, copies of which had been circulated, and after hearing a report from the Planning Manager (Development and Marine Planning), the Committee:

Noted:

4.1. The background to the Council's ownership of Happy Valley and development of a Management Plan, as detailed in sections 3 and 4 of the report by the Executive Director of Development and Infrastructure.

4.2. That the Happy Valley Management Plan, which had been reviewed and updated to cover the period 2017 to 2021, identified a range of actions to enable maintenance and, where possible, improvement of the Happy Valley Local Nature Reserve.

4.3. The Happy Valley Management Plan Progress Summary, attached as Appendix 2 to the report by the Executive Director of Development and Infrastructure, which detailed progress made in implementing the Happy Valley Management Plan.

The Committee resolved to **recommend to the Council**:

4.4. That the Happy Valley Management Plan, attached as Appendix 5 to this Minute, be endorsed.

5. Sustainable Transport Project Development Plan

After consideration of a report by the Executive Director of Development and Infrastructure, together with an Equality Impact Assessment, copies of which had been circulated, the Committee:

Noted:

5.1. That the Scottish Government's Active Travel budget, currently £80,000,000 per annum, managed by Transport Scotland, included the Community Links Programme operated by Sustrans, together with the Smarter Choices, Smarter Places Programme operated by Paths for All, and delivered projects that made towns, villages and rural settlements friendlier and safer places for people to walk and cycle.

5.2. The proposed three year project plan, attached as Appendix 1 to the report by the Executive Director of Development and Infrastructure, outlining potential applications to the Community Links Programme, and that further projects might be identified, with the possibility that not all projects would be delivered.

5.3. That officer time would be committed to carrying out the necessary feasibility study on the projects, detailed in Appendix 1 to the report by the Executive Director of Development and Infrastructure, to determine which were eligible for funding and achievable for delivery during the current financial year.

5.4. That the Smarter Choices, Smarter Places Programme could be used to cover 50% of costs associated with staffing resources required to co-ordinate and progress projects.

The Committee resolved to **recommend to the Council:**

5.5. That the project list, attached as Appendix 6 to this Minute, be approved as the basis of a three-year programme for potential applications to the Community Links Programme.

5.6. That powers be delegated to the Executive Director of Development and Infrastructure, in consultation with the Chair and Vice Chair of the Development and Infrastructure Committee and the Head of Finance, to develop and deliver a list of eligible and deliverable projects, based on the programme referred to at paragraph 5.5 above.

Councillor James W Stockan rejoined the meeting during discussion of this item.

6. Economic Development Grants

Budget Monitoring Statement

After consideration of a report by the Executive Director of Development and Infrastructure, copies of which had been circulated, and after hearing a report from the Economic Development Manager, the Committee:

Noted:

6.1. That, during financial year 2017 to 2018, new spending commitments of £579,200 were approved which, relative to the revised Economic Development Grants budget of £579,200 including the capacity to over-commit by 20%, resulted in 100% commitment for the year, as detailed in Annex A to the report by the Executive Director of Development and Infrastructure.

6.2. That the level of outstanding spending commitments held in the Economic Development Grants Fund, as at 31 March 2018, decreased by £66,995 to £980,008.

7. Orkney Marketing

Proposed Programme of Activities and Budget

After consideration of a report by the Executive Director of Development and Infrastructure, copies of which had been circulated, and after hearing a report from the Economic Development Manager, the Committee:

Noted:

7.1. That, during 2017 to 2018, significant developments and external factors continued to influence the marketing of Orkney, resulting in further revision of the required marketing activities recommended by the Orkney Marketing Advisory Group in support of Orkney's key industry sectors.

7.2. That, following the first meeting of the Destination Orkney Strategic Partnership Group on 28 May 2018, a new partnership approach to destination management and marketing would require a period of organisational development and transition.

7.3. That significant additional Digital Media Marketing activity attracted LEADER Programme funding that would run until 31 December 2019.

7.4. That, despite external funding for digital marketing projects, traditional marketing activities, still valued by Orkney's industry sectors, were ineligible for LEADER Programme funding.

7.5. That industry partners continued to steer towards further integration of Orkney's marketing activities, particularly recognising tourism and an ongoing positioning of the destination at the heart of the Orkney brand, which had led the Orkney Marketing Advisory Group to endorse a programme of activities for 2018 to 2019, amounting to a total budget of £121,000.

7.6. That the proposed Orkney Marketing programme for 2018 to 2019 recognised current timing and planning issues and sought to accommodate a more comprehensive review with the new stakeholder structure evolving under Destination Orkney.

7.7. The proposal that the programme budget, referred to at paragraph 7.5 above, be jointly funded by the Council and Highlands and Islands Enterprise as follows:

- Council contribution – 60% of total costs up to a maximum sum of £72,600.
- Highlands and Islands Enterprise contribution – 40% of total costs up to a maximum sum of £48,400.

The Committee resolved, in terms of delegated powers:

7.8. That, subject to approval of the contribution from Highlands and Islands Enterprise referred to at paragraph 7.7 above, a budget allocation of 60% of total costs, up to a maximum sum of £72,600, to be met from the Economic Development Grants budget, be awarded towards the marketing activities of Orkney Marketing for financial year 2018 to 2019.

8. Community Transport Services

After consideration of a report by the Executive Director of Development and Infrastructure, together with an Equality Impact Assessment, copies of which had been circulated, and after hearing a report from the Head of Marine Services, Engineering and Transportation, the Committee:

Noted:

8.1. That, in October 2015, following a review of Community Transport, the Council agreed to continue to support provision of door-to-door community transport services for leisure and social purposes for at least the next five-year period to 2021.

8.2. The approved budget for Community Transport for 2018 to 2019, amounting to £98,500, which included an allocation of up to £17,500 in respect of the Community Transport Grant Scheme.

8.3. That two applications were submitted for funding from the Community Transport Grant Scheme for 2018 to 2019, with funding being awarded to the Island of Hoy Development Trust and Papay Development Trust, as detailed in section 4.3 of the report by the Executive Director of Development and Infrastructure.

8.4. That Orkney Disability Forum had requested grant funding of £92,962, representing 48% of the cost to operate the Dial-a-Bus service during 2018 to 2019.

The Committee resolved to **recommend to the Council:**

8.5. That a grant, up to a maximum sum of £82,526, be awarded to Orkney Disability Forum, towards continued operation of the Dial-a-Bus service for leisure and social purposes during 2018 to 2019.

8.6. That powers be delegated to the Solicitor to the Council to conclude a grant funding agreement, on the Council's standard terms and conditions, with Orkney Disability Forum, in respect of the funding referred to at paragraph 8.5 above.

9. Northern Isles Ferry Services

After consideration of a report by the Executive Director of Development and Infrastructure, copies of which had been circulated, and after hearing a report from the Head of Marine Services, Engineering and Transportation, the Committee:

Noted:

9.1. That, in 2016, Transport Scotland appointed consultants, Peter Brett Associates, to carry out a proportionate appraisal of the Northern Isles Ferry Services, prior to drafting the future contract specifications.

9.2. That, as part of the appraisal process, Peter Brett Associates consulted with residents and key stakeholders, Transport Scotland, Highlands and Islands Enterprise, HITRANS, ZETRANS, Orkney Islands Council and Shetland Islands Council.

9.3. Key points from the Appraisal of Options for the Specification of the 2018 Northern Isles Ferry Services Final Report, summarised in section 4 of the report by the Executive Director of Development and Infrastructure.

9.4. That, although the new Northern Isles Ferry Services contract was due to commence on 1 April 2018, the existing contract had been extended until October 2019 to enable the service specification to be considered in more detail and to determine how the services should be procured in the future.

The Committee resolved to **recommend to the Council:**

9.5. That the following principles be established, as the baseline position for the Council, to negotiate with the Scottish Government in respect of the contract specification for future provision of Northern Isles Ferry Services:

- The continuation of a Scottish Government controlled high quality, reliable and universal life-line service for freight and passenger services, with suitable passenger replacement vehicles deployed during dry dock and appropriate reserve vessel availability for unforeseen circumstances.
- To provide a minimum of three return sailings per day on the Pentland Firth summer and winter timetable, to acknowledge the growing tourist season and likely increased demand following the implementation of Road Equivalent Tariff.
- To specify a bus connection between Scrabster and Thurso railway station to improve integrated transport connections for foot passengers.
- To retain the existing level of service provision in relation to the Northbound and Southbound calls between Kirkwall and Aberdeen as per the current scheduled timetable and consider options to enhance the service to and from Kirkwall from a resident, tourist and freight perspective.
- To consider additional sleeping capacity on the Lerwick, Kirkwall, Aberdeen route and consider a percentage discount or simplification of pricing options following the implementation of Road Equivalent Tariff.
- To retain the departure time from Aberdeen and Lerwick as opposed to consideration of a later departure which would result in a 01:00 arrival at Hatston as this would have a significant impact on Orkney residents and the tourism sector in particular.
- To add a mechanism with the future Northern Isles Ferry Services Contract that considers freight demand on the Kirkwall to Aberdeen passenger sailing (18 x thermostatic controlled trailer allocation from Shetland on passenger vessels within current Contract compared with no allocation for Orkney).
- To enhance the provision of freight vessels within the Contract by providing additional Northbound and Southbound between Kirkwall and Aberdeen.
- To ensure fair charges for freight, with a particular focus on the Pentland Firth route, with reference to the Freight Fares Review and comparators with charges elsewhere in Scotland.
- To retain the connection between the port of Stromness and the Scottish Mainland for the continued operation of the Northern Isles Ferry Services contracted Pentland Firth crossings, with consideration given to the suitability of additional ports to ensure the most efficient and accessible service specification for all year round life-line services between Orkney and the Scottish Mainland, minimising where practical the full cost of the journey to the travelling public.

9.6. That the Executive Director of Development and Infrastructure, in consultation with the Leader and Depute Leader and the Chair and Vice Chair of the Development and Infrastructure Committee, should engage with the Scottish Government, with the aim of securing the most efficient and best quality outcome for Orkney for future Northern Isles Ferry Services, by evolving the baseline principles referred to at paragraph 9.5 above.

10. Exclusion of the Public

On the motion of Councillor Graham L Sinclair, seconded by Councillor Andrew Drever, the Committee resolved that the public be excluded for the remainder of the meeting, as the business to be considered involved the disclosure of exempt information of the classes described in Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 as amended.

11. Harbour Authority Sub-committee

Under section 50A(4) of the Local Government (Scotland) Act 1973, the public had been excluded from the meeting for this item on the grounds that it involved the disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 7A of the Act.

After consideration of the draft Minute of the Meeting of the Harbour Authority Sub-committee held on 22 May 2018, copies of which had been circulated, the Committee:

Resolved:

11.1. On the motion of Councillor Graham L Sinclair, seconded by Councillor Andrew Drever, to approve the Minute of the Meeting of the Harbour Authority Sub-committee held on 22 May 2018 as a true record.

The Committee resolved to **recommend to the Council:**

11.2. That the recommendations at paragraphs 2.5 and 3.10 of the Minute of the Meeting of the Harbour Authority Sub-committee held on 22 May 2018, attached as Appendix 7 to this Minute, be approved.

12. Provision of Abattoir Services in Orkney

Councillor Norman R Craigie declared a non-financial interest in this item, in that a close family member was part of the consortium involved in abattoir operations, and left the meeting at this point.

Councillor Kevin F Woodbridge declared a financial interest in this item, in that he was a mutton producer and might utilise any future facility, and left the meeting at this point.

Under section 50A(4) of the Local Government (Scotland) Act 1973, the public had been excluded from the meeting for this item on the grounds that it involved the disclosure of exempt information as defined in paragraphs 2 and 6 of Part 1 of Schedule 7A of the Act.

After consideration of a report by the Executive Director of Development and Infrastructure, copies of which had been circulated, and after hearing a report from the Development and Regeneration Manager, the Committee:

Resolved to **recommend to the Council** what action should be taken with regard to the provision of abattoir facilities in Orkney.

The above constitutes the summary of the Minute in terms of the Local Government (Scotland) Act 1973 section 50C(2) as amended by the Local Government (Access to Information) Act 1985.

Please refer to the Minute of the General Meeting of the Council held on 3 July 2018.

13. Conclusion of Meeting

At 13:20 the Chair declared the meeting concluded.

Signed: Graham L Sinclair.