

Minute

Development and Infrastructure Committee

Tuesday, 7 September 2021, 10:30.

Microsoft Teams.



Present

Councillors Graham L Sinclair, Andrew Drever, Norman R Craigie, Robin W Crichton, David Dawson, J Harvey Johnston, Rachael A King, W Leslie Manson, Stephen Sankey, James W Stockan, Duncan A Tullock and Heather N Woodbridge.

Clerk

- Angela Kingston, Committees Officer.

In Attendance

- Gareth Waterson, Interim Executive Director of Finance, Regulatory, Marine and Transportation Services.
- Hayley Green, Interim Executive Director of Environmental, Property and IT Services.
- James Buck, Head of Marine Services and Transportation.
- Roddy Mackay, Head of Planning, Development and Regulatory Services.
- David Thomson, Interim Head of Roads, Fleet and Waste Services.
- Karen Bevilacqua, Solicitor.
- Stuart Allison, Economic Development Manager.
- Lorna Richardson, Strategic Policy and Projects Manager (for Items 1 to 8).
- Kenneth Roy, Roads Support Manager (for Items 1 to 9).
- Susan Shearer, Planning Manager (Development and Marine Planning) (for Items 1 to 11).
- John Wrigley, Roads and Environmental Services Manager (for Items 1 to 3 and 5 to 15).
- Matthew Wylie, Roads Support Officer (for Items 4 to 9).

Observing

- Rebecca McAuliffe, Press Officer (for Items 5 to 15).
- Lorraine Stout, Press Officer (for Items 1 to 6).

Declaration of Interest

- Councillor Rachael A King – Item 14.

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 Annex B of Item 14, 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. Revenue Expenditure Outturn

After consideration of a joint report by the Interim Executive Director of Finance, Regulatory, Marine and Transportation Services, the Interim Executive Director of Environmental, Property and IT Services and the Head of Finance, copies of which had been circulated, the Committee:

Noted:

2.1. The revenue expenditure outturn statement in respect of Development and Infrastructure for financial year 2020/21, attached as Annex 1 to the joint report by the Interim Executive Director of Finance, Regulatory, Marine and Transportation Services, the Interim Executive Director of Environmental, Property and IT Services and the Head of Finance, which indicated an underspend of £439,800.

The Committee scrutinised:

2.2. The explanations given and actions proposed in respect of significant budget variances, as outlined in the Budget Action Plan, attached as Annex 2 to the joint report by the Interim Executive Director of Finance, Regulatory, Marine and Transportation Services, the Interim Executive Director of Environmental, Property and IT Services and the Head of Finance, and obtained assurance that appropriate action had been taken with regard to significant budget variances.

3. Revenue Expenditure Monitoring

After consideration of a joint report by the Interim Executive Director of Finance, Regulatory, Marine and Transportation Services, the Interim Executive Director of Environmental, Property and IT Services and the Head of Finance, copies of which had been circulated, the Committee:

Noted:

3.1. The revenue financial summary statement, in respect of service areas for which the Development and Infrastructure Committee was responsible, for the period 1 April to 30 June 2021, attached as Annex 1 to the joint report by the Interim Executive Director of Finance, Regulatory, Marine and Transportation Services, the Interim Executive Director of Environmental, Property and IT Services and the Head of Finance, which indicated a budget overspend position of £543,100.

3.2. The revenue financial detail by service area statement, in respect of service areas for which the Development and Infrastructure Committee was responsible, for the period 1 April to 30 June 2021, attached as Annex 2 to the joint report by the Interim Executive Director of Finance, Regulatory, Marine and Transportation Services, the Interim Executive Director of Environmental, Property and IT Services and the Head of Finance.

The Committee scrutinised:

3.3. The explanations given and actions proposed, in respect of significant budget variances, as outlined in the Budget Action Plan, attached as Annex 3 to the joint report by the Interim Executive Director of Finance, Regulatory, Marine and Transportation Services, the Interim Executive Director of Environmental, Property and IT Services and the Head of Finance, and obtained assurance that action was being taken with regard to significant budget variances.

4. Road Asset Replacement Programme

Expenditure Outturn

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

Noted:

4.1. The summary outturn position of expenditure incurred for financial year 2020/21 in respect of the Road Asset Replacement Programme, as detailed in section 4.1 of the report by the Head of Finance, which indicated an underspend of £70,037 as at 31 March 2021, against an approved budget of £1,046,000.

The Committee scrutinised:

4.2. The detailed analysis of expenditure figures and programme updates, attached as Appendix 1 to the report by the Head of Finance, and obtained assurance with regard to significant budget variances and progress made with delivery of the approved Road Asset Replacement Programme.

5. Road Asset Replacement Programme and Roads Revenue Maintenance Programme

Expenditure Monitoring

After consideration of a joint report by the Interim Executive Director of Environmental, Property and IT Services and the Head of Finance, copies of which had been circulated, and after hearing a report from the Interim Executive Director of Finance, Regulatory, Marine and Transportation Services, the Committee:

Noted:

5.1. The summary position of expenditure incurred, as at 30 June 2021, against the revised Road Asset Replacement Programme and the Roads Revenue Maintenance Programme for 2021/22, as detailed in section 4.1 of the joint report by the Interim Executive Director of Environmental, Property and IT Services and the Head of Finance.

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

5.2. That the detailed programme of works in respect of the Roads Revenue Maintenance Programme for financial year 2021/22, attached as Appendix 1 to this Minute, be approved.

The Committee scrutinised:

5.3. The detailed analysis of expenditure figures and programme updates, attached as Appendices 1 and 2 to the joint report by the Interim Executive Director of Environmental, Property and IT Services and the Head of Finance, and obtained assurance with regard to significant budget variances and progress being made with delivery of the approved Road Asset Replacement Programme and the Roads Revenue Maintenance Programme.

6. Household Waste Recycling Centres

After consideration of a report by the Interim Executive Director of Environmental, Property and IT Services, together with an Equality Impact Assessment, copies of which had been circulated, and after hearing a report from the Strategic Policy and Projects Manager, the Committee:

Noted:

6.1. That, on 30 March 2021, when reviewing operation of the Household Waste Recycling Centres (HWRCs) at Cursiter Quarry and St Margaret's Hope, the Development and Infrastructure Committee recommended:

- That consideration of the proposed closure of the HWRCs at Cursiter Quarry and St Margaret's Hope, in order to address the issues associated with compliance with SEPA licence conditions, be deferred, to enable the Executive Director of Development and Infrastructure to submit a detailed report to the Committee, no later than October 2021, to include alternative, compliant options, such as the continued operation of both sites as recycling points only.
- That, in the interim period, the sites at Cursiter Quarry and St Margaret's Hope should continue to operate as recycling points only, thereby enabling compliance with waste licensing regulations.

6.2. That, since April 2021, the sites at Cursiter Quarry and St Margaret's Hope had been operating as recycling points only, with incidents of abuse, either through deposition of commercial waste or with householders leaving items or materials which were not accepted, together with the time and resource required to remove and appropriately dispose of the inappropriate materials, recorded.

6.3. That discussions had been held with the Scottish Environment Protection Agency regarding operating the sites as recycling points, who advised that they had no concerns or issues with that approach.

6.4. That the only other option available to enable compliance with waste licensing regulations was the closure of both sites.

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

6.5. That the sites at Cursiter Quarry and St Margaret's Hope should continue to be operated as recycling points only.

7. Integrated Waste Facility

After consideration of a report by the Interim Executive Director of Environmental, Property and IT Services, copies of which had been circulated, and after hearing a report from the Strategic Policy and Projects Manager, the Committee:

Noted:

7.1. That, in October 2015, the Council agreed that a project to develop the “Proof of Concept” phase of exploring the feasibility of the proposal to replace the existing waste management facility at Chinglebraes be initiated.

7.2. That, on 26 September 2018, the Development and Infrastructure Committee reviewed a Stage 1 Capital Project Appraisal in respect of proposed new waste management facilities, which proposed that two options be progressed for further consideration, namely:

- Option 2 – Residual waste resource recovery on Orkney – Energy from Waste.
- Option 4 – Separate food waste collection and processing, for example Anaerobic Digestion or In Vessel Composting.

7.3. That the Development and Infrastructure Committee subsequently recommended that, subject to resources being secured, as an exception to the Capital Project Appraisal process, due to concerns over the sustainability of the current waste disposal route and the necessity of planning to meet more stringent recycling targets, the Executive Director of Development and Infrastructure should submit, to the Policy and Resources Committee, a Stage 2 Capital Project Appraisal in respect of proposed new waste management facilities.

7.4. That a detailed business case investigation had resulted in the following conclusions:

- Option 2 was not technically viable and instead residual waste should be pre-treated in Orkney prior to shipping elsewhere for disposal.
- For Option 4, the most appropriate technology for the processing of food waste was via In Vessel Composting.

7.5. The preferred site for the proposed replacement waste facility for Chinglebraes, namely the former Abattoir/Cull Hall site at Hatston, incorporating the existing Household Waste Recycling Centre and associated infrastructure, as detailed on the plan attached as Appendix 1 to the report by the Interim Executive Director of Environmental, Property and IT Services.

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

7.6. That the proposal to progress development of new waste management facilities be reaffirmed, based on the following:

- In Vessel Composter for organic (food and garden) waste.
- Mechanical pre-treatment (shredding) for residual waste.
- Sorting facility for mixed dry recyclable materials.

The Committee resolved to **recommend to the Asset Management Sub-committee:**

7.7. That the site of the former Abattoir/Cull Hall at Hatston, incorporating the existing Household Waste Recycling Centre and associated infrastructure, be adopted as the preferred site for the proposed new waste management facilities.

Councillor W Leslie Manson left the meeting during discussion of this item.

8. Winter Service Policy and Plan

After consideration of a report by the Interim Executive Director of Environmental, Property and IT Services, copies of which had been circulated, and after hearing a report from the Interim Head of Roads, Fleet and Waste Services, the Committee:

Noted:

8.1. That delivery of the winter service was based on guidance set out in the Well-managed Highway Infrastructure – A Code of Practice, as detailed in section 4 of the report by the Interim Executive Director of Environmental, Property and IT Services.

8.2. That a review of the winter service provision had been carried out, resulting in the options outlined in section 6 of the report by the Interim Executive Director of Environmental, Property and IT Services, and further detailed in Appendix 4, with the preferred option being Option 2, namely to adopt a new Winter Service Policy 2021 to 2026 and a Winter Service Plan 2021/22 developed to suit available physical resources.

8.3. That consultation had been carried out in respect of the winter service, with the outcome detailed in Appendix 3 to the report by the Interim Executive Director of Environmental, Property and IT Services.

8.4. The draft Winter Service Policy 2021 to 2026 and the draft Winter Service Plan 2021/22, attached as Appendices 1 and 2 respectively to the report by the Interim Executive Director of Environmental, Property and IT Services, which had been updated to take account of the review and responses to the consultation process, referred to at paragraphs 8.2 and 8.3 above.

8.5. That, should the Council wish to adopt a policy that differed from the advice suggested by the Well-managed Highway Infrastructure – A Code of Practice, it was essential that this was identified and the reasoning for such differences explained in the policy.

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

8.6. That the Winter Service Policy 2021 to 2026 and Winter Service Plan 2021/22, attached as Appendices 2 and 3 respectively to this Minute, be approved.

9. Replacement and Upgrade of Festive Lighting Decorations

After consideration of a report by the Interim Executive Director of Environmental, Property and IT Services, copies of which had been circulated, and after hearing a report from the Interim Head of Roads, Fleet and Waste Services, the Committee:

Noted:

9.1. That the Council had erected, maintained and stored festive decorations on behalf of various Community Councils and other organisations for over 20 years, with associated costs being met from the Roads revenue budget.

9.2. That, in recent years, Community Councils, Community Associations and other organisations had purchased, erected, maintained and stored new festive decorations, which had been approved by Roads Services, with the only cost to the Council being for the electricity supply.

9.3. That Roads Services had reviewed the existing festive decorations erected on street lighting columns and had identified issues relating to the force of the wind, known as windage.

9.4. That it had been determined that many current decorations, excluding column wraps, no longer met the windage standards required by the street lighting column manufacturers.

9.5. That officers were in discussion with individual Community Councils, Community Associations and other groups to agree appropriate decorations for each location, with a view to Roads and Environmental Services facilitating replacement of the decorations in time for the 2021 festive season.

9.6. The proposal to transfer responsibility for the future supply, maintenance, erection and storage of festive decorations to individual Community Councils or other community organisations, as detailed in the draft Column Mounted Festive Decoration Policy 2021 to 2026, attached as Appendix 1 to the report by the Interim Executive Director of Environmental, Property and IT Services.

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

9.7. That the Column Mounted Festive Decoration Policy 2021 to 2026, attached as Appendix 4 to this Minute, be approved.

9.8. That the Council should act as facilitator to assist individual Community Councils or organisations in the purchase of new festive lighting decorations for 2021, to be funded by a financial contribution from the Roads revenue budget.

9.9. That responsibility for future maintenance, erection and storage of festive lighting decorations be transferred to the individual Community Council or organisation.

10. Development and Marine Planning

Staffing Resource

After consideration of a report by the Interim Executive Director of Finance, Regulatory, Marine and Transportation Services, copies of which had been circulated, and after hearing a report from the Planning Manager (Development and Marine Planning), the Committee:

Noted:

10.1. That the Marine (Scotland) Act 2010 included provision for local stakeholders to prepare statutory regional marine plans at local levels, which was the marine equivalent of a local development plan.

10.2. That the Delegation of Functions (Regional Marine Plan for Scottish Marine Region for the Orkney Islands) Direction 2020 commenced on 27 November 2020, delegating regional marine planning functions to the Council, which were supported by annual funding from Marine Scotland and a written assurance from the Minister for Environment, Climate Change and Land Reform.

10.3. That the Development and Marine Planning Service was carrying out the delegated functions, by preparing a statutory Orkney Islands Regional Marine Plan and facilitating the governance arrangements in respect of the Orkney Marine Planning Partnership.

10.4. That the workload of the Partnership was substantial and included governance and meetings of the Marine Planning Partnership and processes associated with drafting a Regional Marine Plan, which included public participation, evidence gathering and interactions with stakeholders such as Marine Scotland.

10.5. The current staffing establishment within Marine Planning, as follows:

- One permanent post of Senior Policy Planner.
- One temporary post of Marine Planner.
- One temporary post of Graduate Marine Planner.

10.6. The proposal to establish the temporary post of Marine Planner on a permanent basis, in order to ensure that the marine planning function was appropriately resourced to meet the requirements of the Marine (Scotland) Act 2010 and the Delegation of Functions (Regional Marine Plan for Scottish Marine Region for the Orkney Islands) Direction 2020.

10.7. That costs associated with making the temporary post of Marine Planner permanent would be met from the Scottish Government funding via Marine Scotland.

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

10.8. That the temporary full-time post of Marine Planner (Development and Marine Planning), G9, be established on a permanent basis.

11. Private Water Supplies

The Committee noted that this item had been withdrawn.

12. Inter-Island Ferry Services

Proposed Winter 2021/22 Services

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

Noted:

12.1. That additional funding had been received from the Scottish Government for financial year 2021/22 to operate a winter Sunday service for Rousay, Egilsay and Wyre and Hoy and Flotta.

12.2. That the Papa Westray passenger ferry service to Pierowall, operated during the winter months, had been brought in-house, with services due to operate from 27 September 2021.

12.3. The draft timetables to operate a winter Sunday service for Rousay, Egilsay and Wyre and Hoy and Flotta, and the winter 2021/22 service for Papa Westray, attached as Appendices 1 and 2 respectively to the report by the Interim Executive Director of Finance, Regulatory, Marine and Transportation Services.

12.4. That the draft timetables were presented to the Ferry Services Consultative Forum for consideration on 25 August 2021.

12.5. That the proposed timetables, together with feedback from the Ferry Services Consultative Forum, had been considered by the Board of Orkney Ferries Limited and recommended to the Council for implementation.

The Committee resolved, in terms of delegated powers:

12.6. That the timetables in respect of ferry services to be operated by Orkney Ferries Limited to operate a winter Sunday service for Rousay, Egilsay and Wyre and Hoy and Flotta, attached as Appendix 5 to this Minute, be approved.

12.7. That the timetable in respect of ferry services to be operated by Orkney Ferries Limited to operate the winter 2021/22 service for Papa Westray, attached as Appendix 6 to this Minute, be approved.

13. Harbour Authority Sub-committee

After consideration of the draft Minute of the Meeting of the Harbour Authority Sub-committee held on 24 August 2021, copies of which had been circulated, the Committee:

Resolved, 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 24 August 2021, attached as Appendix 7 to this Minute, as a true record.

14. Economic Development Grants

Budget Monitoring Statement and Delegated Approvals

Councillor Rachael A King declared a non-financial interest in this item, in that a family member was employed by an organisation which had received economic development grant funding, however, as the specific application was not discussed, she did not leave the meeting.

After consideration of a report by the Interim Executive Director of Finance, Regulatory, Marine and Transportation Services, copies of which had been circulated, and after hearing a report from the Economic Development Manager, the Committee:

Noted:

14.1. That, for financial year 2021/22, the approved budget in respect of Economic Development Grants amounted to £306,300.

14.2. Spending to 31 July 2021, in relation to Economic Development Grants, totalling £54,744, of which £48,200 related to grant commitments made in previous financial years and £6,544 to current year commitments.

14.3. That, as at 31 July 2021, the Economic Development Grants budget remaining available for approval amounted to £227,038, as detailed in Annex A to the report by the Interim Executive Director of Finance, Regulatory, Marine and Transportation Services.

14.4. Grant approvals made in the period 1 April to 31 July 2021, totalling £79,262, including grants approved under delegated schemes for the same period, totalling £39,262, as detailed in Annex B to the report by the Interim Executive Director of Finance, Regulatory, Marine and Transportation Services.

15. Conclusion of Meeting

At 15:10 the Chair declared the meeting concluded.

Signed: Graham L Sinclair.