

Minute

Development and Infrastructure Committee

Tuesday, 6 February 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, Gwenda M Shearer, James W Stockan and Kevin F Woodbridge.

Councillor Stephen Sankey, who had been invited for Items 6 and 8.

Councillor Owen Tierney, who had been invited for Item 6.

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 14 to 17).
- Roddy Mackay, Head of Planning, Development and Regulatory Services (for Items 1 to 14).
- Colin Kemp, Corporate Finance Senior Manager.
- Karen Bevilacqua, Solicitor.
- Stuart Allison, Economic Development Manager (for Items 6 to 14).
- Jayne Venables, Project Co-ordination Manager (for Items 1 to 4).
- Hazel Flett, Senior Committees Officer.
- James Green, Senior Policy Planner (Development and Marine Planning) (for Items 1 to 8).
- Alister Brown, Economic Development Officer (for Items 6 to 14).
- Alan Cuthbertson, Service Improvement Officer (for Items 14 and 15).
- Morag Robertson, Economic Development Officer (for Items 6 to 14).

Observing

- Andrew Blake, Ferry Services Manager (for Items 1 to 5).

Apologies

- Councillor Magnus O Thomson.
- Councillor Duncan A Tullock.

Declarations of Interest

- Councillor Rachael A King – Items 10 and 11.
- Councillor Kevin F Woodbridge – Item 13.

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 13 to 16, together with Appendix 3 of Item 4 and Annex B of Item 11, 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 Monitoring

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

Noted:

2.1. The revenue financial summary statement in respect of Development and Infrastructure for the period 1 April to 31 December 2017, attached as Annex 1 to the joint report by the Executive Director of Development and Infrastructure and the Head of Finance, which indicated an underspend of £201,900.

2.2. The revenue financial detail by Service Area statement in respect of Development and Infrastructure for the period 1 April to 31 December 2017, attached as Annex 2 to the joint report by the Executive Director of Development and Infrastructure and the Head of Finance.

2.3. 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 Executive Director of Development and Infrastructure and the Head of Finance.

3. Road Asset Replacement Programme

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

Noted:

3.1. The summary position of expenditure incurred, as at 31 December 2017, against the approved Road Asset Replacement Programme for financial year 2017 to 2018, as detailed in section 5.1 of the report by the Head of Finance.

3.2. The detailed analysis of expenditure figures and programme updates, attached as Appendix 1 to the report by the Head of Finance.

4. Disused Quarries and Landfill Sites

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

Noted:

4.1. That, in November 2016, the work programme, attached as Appendix 3 to the joint report by the Executive Director of Development and Infrastructure and the Executive Director of Corporate Services, was established in respect of security and public safety at disused quarries and landfill sites which were either owned or leased by the Council, with works being ranked with a Red, Amber or Green rating.

4.2. That, in December 2016, Council agreed that works ranked as Red in the work programme be accommodated within existing Development and Infrastructure service budgets for 2016 to 2017.

4.3. The current position in respect of ongoing works at disused quarries and landfill sites, as detailed in section 5 of the joint report by the Executive Director of Development and Infrastructure and the Executive Director of Corporate Services.

4.4. The next steps in respect of works ranked Amber and Green in the work programme, detailed in section 6 of the joint report by the Executive Director of Development and Infrastructure and the Executive Director of Corporate Services.

4.5. Options for progressing further work in respect of disused quarries and landfill sites, as outlined in section 7 of the joint report by the Executive Director of Development and Infrastructure and the Executive Director of Corporate Services, with the preferred option being Option 3, namely to carry out works ranked Amber and to undertake the required monitoring surveys.

4.6. That funding in respect of the works, referred to at paragraph 4.5 above, was contained within the provisional Corporate Property Revenue Repairs and Maintenance programmes for the period 2019 to 2021, which were considered by the Asset Management Sub-committee on 1 February 2018.

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

4.7. That, subject to the programmes referred to at paragraph 4.6 above being approved, the Executive Director of Development and Infrastructure should arrange for works ranked Amber in the approved programme to commence during 2018, together with site monitoring surveys, at a total estimated cost not exceeding £112,000.

5. Inter-Island Ferry Services

Proposed Summer 2018 Timetables

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:

5.1. That the inter-island ferry services timetables for summer 2018 were scheduled to operate from 6 May to 23 September 2018.

5.2. That draft timetables in respect of ferry services to be operated by Orkney Ferries Limited during summer 2018 were presented to the Ferry Services Consultative Forum for consideration on 23 August 2017, with the main comments and representations from transport representatives outlined in section 5 of the report by the Executive Director of Development and Infrastructure.

5.3. That, on 19 December 2017, the proposed timetables, together with feedback from the Ferry Services Consultative Forum, were considered by the Board of Orkney Ferries Limited and recommended to the Council for implementation.

5.4. That the proposed timetables and the Sunday Excursion timetable, attached as Appendices 1 and 2 respectively to the report by the Executive Director of Development and Infrastructure, remained consistent with those operated during summer 2016 and 2017.

5.5. That, in response to a request from the Education Service to enable pupils from Eday to attend Sanday Junior High School, the Executive Director of Development and Infrastructure, following consultation with the Chair and Vice Chair of the Committee, together with members representing the North Isles ward, would make operational adjustments to the approved timetable in respect of the Eday to Sanday service for the last month of the summer timetable period.

5.6. That, in advance of the Council's budget setting process for 2018 to 2019 being concluded, any decision on the proposed inter-island ferry services summer timetables for 2018 would be subject to an adequate service revenue budget being established.

The Committee resolved, in terms of delegated powers:

5.7. That, subject to an adequate service revenue budget being established for financial year 2018 to 2019, the timetables in respect of ferry services to be operated by Orkney Ferries Limited during summer 2018, together with the Sunday Excursion timetable, attached as Appendices 1 and 2 respectively to this Minute, be approved.

6. Orkney Local Development Plan

Development Plan Scheme 2018

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 Planning, Development and Regulatory Services, the Committee:

Noted:

6.1. That the Council was required by statute to review and publish a Development Plan Scheme, which explained the work programme, how and when stakeholders would be involved in the review of the Local Development Plan and the methods of consultation which would be employed.

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

6.2. That the Development Plan Scheme 2018, attached as Appendix 3 to this Minute, be approved.

Councillor Norman R Craigie left the meeting during discussion of this item.

7. Orkney Native Wildlife Project

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 Planning, Development and Regulatory Services, the Committee:

Noted:

7.1. That, in late 2016, Scottish Natural Heritage and the Royal Society for the Protection of Birds formed a partnership to develop the Orkney Native Wildlife Project.

7.2. That the aim of the Orkney Native Wildlife Project was to ensure that Orkney's native wildlife was safeguarded for the lasting benefit of the county's residents, economy and the wider community, by addressing the urgent issue of invasive non-native stoats.

7.3. That Scottish Natural Heritage and the Royal Society for the Protection of Birds had secured funding towards the Orkney Native Wildlife Project, which included full eradication of stoats across the whole of Orkney.

7.4. That Scottish Natural Heritage and the Royal Society for the Protection of Birds had invited the Council to become a partner in the Orkney Native Wildlife Project.

7.5. The proposal that the Council's contribution to the Orkney Native Wildlife Project would take the form of non-financial assistance, including granting of access to Council owned land for the purpose of setting traps, as well as entering into a formal partnership for the delivery stage, once the full scope of the project was clear.

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

7.6. That the Council should become a partner in the Orkney Native Wildlife Project, on the basis set out at paragraph 7.5 above.

7.7. That powers be delegated to the Executive Director of Development and Infrastructure, in consultation with the Solicitor to the Council, to agree the final terms of the partnership agreement in respect of the Orkney Native Wildlife Project.

8. Orkney Core Paths 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 Senior Policy Planner (Development and Marine Planning), the Committee:

Noted:

8.1. That, in December 2008, the Council adopted the current Orkney Core Paths Plan.

8.2. That the Orkney Outdoor Access Strategy, approved in March 2017, identified that the Council would review and prepare an updated Core Paths Plan to provide a reduced and better managed group of higher quality paths.

8.3. That informal public consultation had been undertaken in respect of a draft amended Orkney Core Paths Plan.

8.4. The informal consultation report, attached as Appendix 1 to the report by the Executive Director of Development and Infrastructure, which recorded the comments raised by consultees and the response by the Executive Director of Development and Infrastructure to those comments.

8.5. The draft amended Orkney Core Paths Plan, attached as Appendix 2 to the report by the Executive Director of Development and Infrastructure, which was now required to be subject to public consultation.

On the motion of Councillor Graham L Sinclair, seconded by Councillor David Dawson, the Committee resolved to **recommend to the Council**:

8.6. That the draft amended Orkney Core Paths Plan, referred to at paragraph 8.5 above, be approved for consultation purposes.

8.7. That the Executive Director of Development and Infrastructure should submit a report, to the meeting of the Committee to be held on 11 September 2018, detailing the outcome of the consultation exercise, referred to at paragraph 8.6 above, together with a final version of the Orkney Core Paths Plan.

9. Destination Orkney

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:

9.1. That, on 12 September 2017, the Development and Infrastructure Committee received the final findings of the Orkney Volume Tourism Management Study, a key recommendation of which was to establish a forum to develop and implement an Orkney Destination Management Plan, including a proposal to establish a Visitor Management Framework.

9.2. That, in June 2017, the Area Tourism Partnership agreed to be renamed 'Destination Orkney' as a Partnership Strategy Group and that Orkney Tourism Group would Chair and administer its meetings.

9.3. That Orkney Tourism Group, with assistance from Highlands and Islands Enterprise, commissioned David Gass, Consultant, to produce a review of governance and organisational structures relevant to the developing plans of Destination Orkney, with the recommendations detailed in section 5.3 of the report by the Executive Director of Development and Infrastructure.

9.4. Proposed membership of the new Destination Orkney Strategic Partnership, as detailed at section 5.3.2 of the report by the Executive Director of Development and Infrastructure, which included the following:

- Leader of the Council.
- Chair of the Development and Infrastructure Committee.
- Executive Director of Development and Infrastructure.

9.5. Council policy in respect of elected member and officer participation on external bodies, as detailed in section 3 of the report by the Executive Director of Development and Infrastructure.

9.6. The proposal that membership and participation on the Destination Orkney Strategic Partnership would be in an advisory capacity only, whilst representing the function and remit of the stakeholder organisation represented.

On the motion of Councillor Kevin F Woodbridge, seconded by Councillor Andrew Drever, the Committee resolved to **recommend to the Council**:

9.7. That the following members be appointed to represent the Council on the Destination Orkney Strategic Partnership:

- Leader of the Council, with Deputy Leader as substitute.
- Chair of the Development and Infrastructure Committee, with Vice Chair as substitute.

Councillor Norman R Craigie rejoined the meeting during discussion of this item.

10. Archaeological Investigations

Councillor Rachael A King declared a non-financial interest in this item, in that a family member was employed by an organisation requesting grant funding, and was not present during discussion thereof.

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 Morag Robertson, Economic Development Officer, the Committee:

Noted:

10.1. That six applications for financial assistance had been received in respect of archaeological investigation projects to be undertaken during the 2018 season, comprising two mainland based projects and four island based projects, with total project costs of £401,691.

10.2. That the applications, referred to at paragraph 10.1 above, requested assistance totalling £74,554, which exceeded the available budget of £40,000 by approximately 86%.

10.3. The proposed offers of grant, based on the existing allocated budget of £40,000, as detailed in Annex A to the report by the Executive Director of Development and Infrastructure.

The Committee resolved, in terms of delegated powers:

10.4. That, subject to an appropriate annual budget for 2018 to 2019 being made available to the Committee, a sum of up to £40,000 be allocated within the Economic Development Grants budget in respect of archaeological investigations.

10.5. That, subject to the annual budget referred to at paragraph 10.4 above being confirmed, offers of grant, as detailed in Appendix 4 to this Minute, should be made in respect of Archaeological Investigations for the 2018 season.

11. 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 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:

11.1. That, for financial year 2017 to 2018, the approved budget in respect of Economic Development Grants amounted to £558,800.

11.2. Spending to 31 December 2017, in relation to Economic Development Grants, totalling £195,454, of which £144,672 related to grant commitments made in previous financial years and £50,782 to current year commitments.

11.3. Grant approvals made in the period 1 April to 31 December 2017, totalling £495,639, as detailed in Annex B to the report by the Executive Director of Development and Infrastructure.

11.4. That, as at 31 December 2017, the Budget Available for Approval from the Economic Development Grants budget amounted to £63,161.

12. 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.

13. Application Number 0/5/2/1622

Councillor Kevin F Woodbridge declared a non-financial interest in this item, in that family members were directors of the company, and was not present during discussion thereof.

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 4 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 Morag Robertson, Economic Development Officer, the Committee:

Resolved, in terms of delegated powers, what action should be taken with regard to application number 0/5/2/1622.

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.

14. Application Number 0/5/2/2049

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 4 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 Alister Brown, Economic Development Officer, the Committee:

Resolved, in terms of delegated powers, what action should be taken with regard to application number 0/5/2/2049.

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.

15. Burial Grounds Five Year Improvement Plan

Progress Report

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 6, 8 and 9 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, the Committee:

Noted:

15.1. That, in March 2015, the Council approved a five year improvement plan in respect of burial grounds, the main aspects of which were to address deficiencies in the burial ground capacity and the backlog of major and general improvements within burial grounds.

15.2. That the main objective for 2015 to 2016 was to commence preparation work in terms of land purchase, where required, prepare and submit planning applications and undertake supporting surveys, such as archaeological and groundwater, to protect Council interests.

15.3. That, following an update to Committee in March 2016, Council agreed that the five year improvement programme of works be rationalised within the existing total budget allocation and that the Executive Director of Development and Infrastructure, in consultation with the Chair and Vice Chair of the Committee, should re-profile the work programme for the period 2016 to 2020 in order to prioritise works and progress land acquisition and expansion proposals for burial grounds where lair space was limited.

15.4. Progress made in respect of land acquisition for expansion of burial grounds where lair space was limited, as detailed in section 5 of the report by the Executive Director of Development and Infrastructure.

15.5. The requirement for the Chief Executive to exercise emergency powers to authorise the award of a contract for construction of a new build burial ground at Cross, Sanday, at a total estimated project cost of £240,000.

15.6. Progress made in respect of other improvements at burial grounds, as detailed in section 6 of the report by the Executive Director of Development and Infrastructure.

15.7. Progress made in respect of re-profiling the work programme, as detailed in section 7 of the report by the Executive Director of Development and Infrastructure, including capital expenditure incurred together with commitments made to date, given the impact of additional costs and requests.

15.8. The options appraisal, as detailed in section 8 of the report by the Executive Director of Development and Infrastructure, with Option 2 being the preferred option, namely that a revised Stage 2 Capital Project Appraisal be submitted to the Policy and Resources Committee, requesting that the capital allocation in respect of the burial grounds improvement programme be increased by an additional sum of £606,371.

On the motion of Councillor Graham L Sinclair, seconded by Councillor W Leslie Manson, the Committee resolved to **recommend to the Council:**

15.9. That the Executive Director of Development and Infrastructure should submit, to the Policy and Resources Committee, a revised Stage 2 Capital Project Appraisal in respect of the burial grounds improvement programme.

16. Harbour Authority Sub-committee

16.1. Minute of Meeting held on 21 November 2017

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 6 and 8 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 21 November 2017, copies of which had been circulated, the Committee:

Resolved:

16.1.1. 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 21 November 2017 as a true record.

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

16.1.2. That the recommendations at paragraphs 5.5 and 7.4 of the Minute of the Meeting of the Harbour Authority Sub-committee held on 21 November 2017, attached as Appendix 5 to this Minute, be approved.

16.2. Minute of Meeting held on 23 January 2018

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 6 and 9 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 23 January 2018, copies of which had been circulated, the Committee:

Resolved:

16.2.1. 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 23 January 2018 as a true record.

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

16.2.2. That the recommendations at paragraphs 3.5, 7.6 to 7.8, 8.9 and 8.10 of the Minute of the Meeting of the Harbour Authority Sub-committee held on 23 January 2018, attached as Appendix 6 to this Minute, be approved.

Councillor Gwenda M Shearer left the meeting during discussion of this item.

17. Conclusion of Meeting

At 15:20 the Chair declared the meeting concluded.

Signed: Graham L Sinclair.