

Minute

Special General Meeting of the Council

Monday, 29 March 2021, 14:00.

Microsoft Teams.



Present

Councillors J Harvey Johnston, Stephen G Clackson, Alexander G Cowie, Norman R Craigie, David Dawson, Andrew Drever, Barbara Foulkes, Steven B Heddle, Rachael A King, W Leslie Manson, John T Richards, Stephen Sankey, Gwenda M Shearer, Graham L Sinclair, James W Stockan, Magnus O Thomson, Owen Tierney, Duncan A Tullock and Heather N Woodbridge.

Clerk

- Gavin Mitchell, Head of Legal Services.

In Attendance

- John W Mundell, Interim Chief Executive.
- Gavin Barr, Executive Director of Development and Infrastructure.
- Gillian Morrison, Interim Chief Officer/Executive Director, Orkney Health and Care.
- James Wylie, Executive Director of Education, Leisure and Housing.
- Gareth Waterson, Head of Finance.
- Karen Greaves, Head of Executive Support.
- Jordan Low, Economic Development Officer.
- Hazel Flett, Senior Committees Officer.

Observing

- Andrew Groundwater, Head of HR and Performance.
- Rebecca McAuliffe, Press Officer.

Apology

- Councillor Robin W Crichton.

Not Present

- Councillor John A R Scott – suspended from attendance.

Declarations of Interest

- Councillor J Harvey Johnston – Item 1.
- Councillor Stephen Sankey – Item 2.
- Councillor Gwenda M Shearer – Item 2.

- Councillor Duncan A Tullock – Item 1.
- Councillor Heather N Woodbridge – Item 2.

Chair

- Councillor J Harvey Johnston, Convener – for preliminaries and Item 2.
- Councillor James W Stockan, Leader – for Item 1.

1. Orkney's Community Wind Farm Project

Planning Applications – Consultation by Scottish Government

Councillor J Harvey Johnston declared a non-financial interest in this item, in that a family member was part of the Strategic Projects team, and was not present during discussion thereof.

Councillor Duncan A Tullock declared a non-financial interest in this item, in that one of the sites was owned by a close family member, and was not present during discussion thereof.

Signed: Harvey Johnston.

As the Convener, being Chair of the Council, had declared his interest and was not present for this item, the Head of Legal Services called for nominations for Chair.

The Council resolved:

1.1. That Councillor James W Stockan be appointed Chair for this item.

Councillor James W Stockan then took the Chair.

After consideration of a report by the Chief Executive, copies of which had been circulated, and after hearing a report from the Head of Legal Services, the Council:

Noted:

1.2. That three wind farm sites were currently being developed as part of Orkney's Community Wind Farm Project, namely:

- Wee Fea, Hoy.
- Quanterness, St Ola.
- Faray.

1.3. That planning applications had been submitted for the sites at Quanterness and Wee Fea, Hoy, and that a planning application was due to be submitted for the site at Faray in May 2021.

1.4. That, on 10 December 2019, the Council resolved:

- That, upon submitting the first planning application for sites related to Orkney's Community Wind Farm Project, the Chief Executive should make a request to the Scottish Government that, based on national significance, the application be called in for determination by the Scottish Ministers.
- That, should the Scottish Government accept the request outlined above, the same action should be taken for future planning applications related to Orkney's Community Wind Farm Project.

1.5. That, on 19 February 2020, the Chief Executive made a request to the Scottish Government to call in the planning application for the proposed wind farm development at Quanterness.

1.6. That, on 24 March 2020, the Scottish Government issued a Direction to call in the planning application for the wind farm development at Quanterness.

1.7. That, on 7 October 2020, the Chief Executive made a request to the Scottish Government to call in the planning application for the proposed wind farm development at Wee Fea, Hoy.

1.8. That, on 16 October 2020, the Scottish Government issued a Direction to call in the planning application for the wind farm development at Wee Fea, Hoy.

1.9. That a planning application for the wind farm development at Faray had yet to be submitted, and a request would be made by the Chief Executive to the Scottish Government to call in the Faray planning application at an appropriate point in time.

1.10. That, in light of the Directions referred to at paragraphs 1.6 and 1.9 above, the Scottish Ministers were now acting as planning authority and the Council, as planning authority, had no locus to determine the applications.

1.11. That, notwithstanding the above, the Reporter, on behalf of the Scottish Ministers, would be entitled to invite the Council, as the local planning authority, to submit comments to the Reporter or to participate in an Inquiry by the Reporter, in respect of such planning applications for sites related to the Community Wind Farm Projects as were called in by the Reporter.

1.12. That, on 30 June 2020, the Council resolved that the full Council be adopted as the governance arrangement in respect of the Council's role as a consultee or Inquiry participant in the event of the Scottish Ministers calling in any of the Council's planning applications related to its Community Wind Farm Project.

1.13. That, by virtue of its decision on 30 June 2020, the Council made no commitment to providing a response to a consultation by the Scottish Ministers, although the Council did commit to considering how to respond to such a consultation.

1.14. That, in relation to the planning application for a wind farm development at Quanterness, the Scottish Ministers exercised their discretion not to invite comments from the Council as the local planning authority.

1.15. That, by contrast, the Scottish Ministers had invited the Council to submit any comments that it may wish to make as planning authority on the Council's proposal for a wind farm development at Wee Fea, Hoy and on the environmental information accompanying the planning application.

1.16. That, in the event of the Council's planning application for a wind farm development at Faray also being called in, it was foreseeable that the Scottish Ministers would invite the Council, as planning authority, either to submit comments that it may wish to make, or participate in an Inquiry, in respect of that application.

1.17. The options set out in section 5 of the report by the Chief Executive, in respect of how the Council might wish to respond to such an invitation in respect of the Council's planning applications for wind farm developments at Wee Fea, Hoy and, if called in, Faray.

On the motion of Councillor James W Stockan, seconded by Councillor W Leslie Manson, the Council resolved:

1.18. To decline any invitation by the Scottish Ministers to submit comments or to participate in an Inquiry in respect of either of the Council's planning applications for wind farm developments at Wee Fea, Hoy and, if called in, Faray.

1.19. To review the position set out in section 1.18 above, so far as relating to declining any invitation to participate in an Inquiry, in the event of a Public Local Inquiry being ordered by the Scottish Ministers.

Signed: James W Stockan.

The Convener rejoined the meeting at this point and resumed the Chair.

2. COVID-19 Recovery Development Grant Scheme

Councillor Stephen Sankey declared a financial interest in this item, in that his company was in receipt of a Business Hardship Grant, and was not present during discussion thereof.

Councillor Gwenda M Shearer declared a non-financial interest, in that a close family member could potentially benefit from proposals to assist local businesses, and was not present during discussion thereof.

Councillor Heather N Woodbridge declared a non-financial interest, in that a close family member could potentially benefit from proposals to assist local businesses, 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, the Council:

Noted:

2.1. That, on 30 June 2020, when considering a review of Business Hardship Support Grants and Business Loans, funded from the Council's Coronavirus Response Fund, the Council resolved:

- That the Chief Executive, in consultation with the Chair and Vice Chair of the Development and Infrastructure Committee, the Executive Director of Development and Infrastructure and the Head of Finance, be authorised to finalise and approve amendments to the current Business Hardship Support Grant scheme and the repurposing of existing grant measures during the recess period, namely 6 July to 7 August 2020 inclusive.

2.2. That, in July 2020, the COVID-19 Recovery Development Grant Scheme was established under the delegation noted in paragraph 2.1. and launched with an initial ring-fenced allocation from the Coronavirus Response Fund of £300,000.

2.3. That the COVID-19 Recovery Development Grant Scheme was designed as a light touch support grant for businesses seeking to respond to the ongoing COVID-19 restrictions by investing in new and efficient operations or adapting to new market conditions.

2.4. That, as at 12 March 2021 with 41 grant approvals, a balance of £12,869 remained from the original ring-fenced budget of £300,000.

2.5. That demand for the COVID-19 Recovery Development Grant Scheme remained high, with 21 applications currently being assessed by officers.

On the motion of Councillor Barbara Foulkes, seconded by Councillor Owen Tierney, the Council resolved:

2.6. That the COVID-19 Recovery Development Grant Scheme be extended and the original ring-fenced budget of £300,000 be enhanced by a further allocation of £300,000 within the Coronavirus Response Fund.

3. Conclusion of Meeting

At 14:51 the Convener declared the meeting concluded.

Signed: Harvey Johnston.