

Minute

Development and Infrastructure Committee

Tuesday, 5 September 2023, 09:30.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Councillors David Dawson, Gillian Skuse, Graham A Bevan, P Lindsay Hall, Kristopher D Leask, Raymond S Peace, James W Stockan, Owen Tierney, Duncan A Tullock and Heather N Woodbridge.

Present via remote link (Microsoft Teams)

Councillor Mellissa-Louise Thomson.

Councillor Stephen G Clackson, who had been invited for Item 6.

Clerk

- Hazel Flett, Service Manager (Governance).

In Attendance

- Hayley Green, Corporate Director for Neighbourhood Services and Infrastructure.
- Gareth Waterson, Corporate Director for Enterprise and Sustainable Regeneration.
- James Buck, Head of Marine Services, Transportation and Harbour Master (for Items 1 to 14).
- Sweyn Johnston, Head of Enterprise and Economic Growth (for Items 9 to 15).
- Lorna Richardson, Head of Neighbourhood Services (for Items 1 to 8).
- Stuart Allison, Service Manager (Enterprise) (for Items 10 to 15).
- Susan Shearer, Service Manager (Development and Marine Planning) (for Items 6 to 10).
- Derek Manson, Team Leader (Development Planning) (for Items 6 to 10).
- Karen Bevilacqua, Solicitor.
- Nina Caudrey, Environmental Planner (for Items 6 to 10).

Observing

- Roddy Mackay, Head of Planning and Community Protection (for Items 1 to 10).
- Alan Dundas, Service Manager (Environmental) (for Items 1 to 6).
- Kirsty Groundwater, Communications Team Leader.

Apology

- Councillor W Leslie Manson.

Declarations of Interest

- No declarations of interest were intimated.

Chair

- Councillor David Dawson.

1. Disclosure of Exempt Information

The Committee noted the proposal that the public be excluded from the meeting for consideration of Items 15 and 16, together with Annex B of Item 13, 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 report by the Head of Finance, copies of which had been circulated, and after hearing a report from the Corporate Director for Enterprise and Sustainable Regeneration, the Committee:

Noted:

2.1. The revenue expenditure outturn statement in respect of service areas for which the Development and Infrastructure Committee was responsible, for financial year 2022/23, attached as Annex 1 to the report by the Head of Finance, indicating an overspend of £1,146,200.

2.2. The revenue financial detail by service area statement, in respect of service areas for which the Development and Infrastructure Committee was responsible, for financial year 2022/23, attached as Annex 2 to the report by the Head of Finance.

The Committee scrutinised:

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 report by the Head of Finance, and obtained assurance that appropriate action was taken with regard to significant budget variances.

3. Revenue Expenditure Monitoring

After consideration of a report by the Head of Finance, copies of which had been circulated, and after hearing a report from the Corporate Director for Enterprise and Sustainable Regeneration, 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 2023, attached as Annex 1 to the report by the Head of Finance, indicating a budget overspend position of £746,900.

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 2023, attached as Annex 2 to the report by 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 report by the Head of Finance, and obtained assurance that appropriate action was being taken with regard to significant budget variances.

4. Road Asset Replacement Programme and Roads Revenue Maintenance 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 Corporate Director for Enterprise and Sustainable Regeneration, the Committee:

Noted:

4.1. The summary outturn position of expenditure incurred for financial year 2022/23 in respect of the Road Asset Replacement Programme and the Roads Revenue Maintenance Programme, as detailed in section 4.1 of the report by the Head of Finance.

The Committee scrutinised:

4.2. The detailed analysis of expenditure figures and programme updates, attached as Appendices 1 and 2 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 and the Roads Revenue Maintenance Programme.

5. Road Asset Replacement Programme – Expenditure Monitoring

After consideration of a report by the Head of Finance, copies of which had been circulated, and after hearing a report from the Corporate Director for Enterprise and Sustainable Regeneration, the Committee:

Noted:

5.1. The summary position of expenditure incurred, as at 30 June 2023, against the approved Road Asset Replacement Programme, as detailed in section 4.1 of the report by the Head of Finance.

The Committee scrutinised:

5.2. 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 being made with delivery of the approved Road Asset Replacement Programme.

Councillor James W Stockan joined the meeting at this point.

6. 20mph Speed Limits at Isles Schools

After consideration of a report by the Corporate Director for Neighbourhood Services and Infrastructure, copies of which had been circulated, and after hearing a report from the Head of Neighbourhood Services, the Committee:

Noted:

6.1. That, on 21 June 2023, when considering an objection received following statutory and public consultation, the Development and Infrastructure Committee resolved, in terms of delegated powers, that the Council should not make a Traffic Regulation Order introducing variable 20 mph speed limits at island schools.

6.2. That the Development and Infrastructure Committee thereafter recommended that the Corporate Director for Neighbourhood Services and Infrastructure should submit a report, to the Development and Infrastructure Committee, outlining options for the budget currently allocated towards the provision of variable 20 mph speed limits at island schools.

6.3. That, on 4 July 2023, when considering the recommendation at paragraph 6.2 above, the Council resolved that the matter be referred back to the Development and Infrastructure Committee for further consideration.

6.4. That the Council further noted the assurance provided by the Corporate Director for Neighbourhood Services and Infrastructure that a further report would be submitted, to the next meeting of the Development and Infrastructure Committee, scheduled for 5 September 2023, regarding introducing traffic regulation order(s) in respect of 20 mph speed limits at isles schools.

6.5. The outcome of further consultation with relevant Community Councils, as detailed in section 4.6 of the report by the Corporate Director for Neighbourhood Services and Infrastructure .

The Committee **suspended Standing Orders** and thereafter, on the motion of Councillor David Dawson, seconded by Councillor Kristopher D Leask, resolved, in terms of delegated powers:

6.6. That mandatory, variable 20 mph speed limits be introduced at the undernoted island schools:

- North Walls Primary School.
- Sanday Junior High School.
- Stronsay Junior High School.
- Westray Junior High School.
- Shapinsay Primary School.
- Rousay Primary School.
- Eday Primary School.
- Papa Westray Primary School.
- Flotta Primary School.
- North Ronaldsay Primary School.

6.7. That the Corporate Director for Neighbourhood Services and Infrastructure should make the appropriate Traffic Regulation Order, incorporating the proposal referred to at paragraph 6.6 above.

7. K4 (Kirkwall) Development Brief – Consultation Draft

After consideration of a report by the Corporate Director for Neighbourhood Services and Infrastructure, copies of which had been circulated, and after hearing a report from the Service Manager (Development and Marine Planning), the Committee:

Noted:

7.1. That Supplementary Guidance: Settlement Statements, which formed part of the Orkney Local Development Plan 2017, required the preparation and approval of a development brief in respect of site K4, located to the west side of Kirkwall, and currently allocated for long term housing.

7.2. The K4 (Kirkwall) Development Brief – Consultation Draft, attached as Appendix 1 to the report by the Corporate Director for Neighbourhood Services and Infrastructure, which proposed that, as the site was no longer considered appropriate for further housing development, it should be utilised to extend and connect the existing green infrastructure in this location.

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

7.3. That K4 (Kirkwall) Development Brief – Consultation Draft, referred to at paragraph 7.2 above, be endorsed for the purpose of public consultation.

7.4. That the Corporate Director for Neighbourhood Services and Infrastructure should submit a report, to the meeting of the Development and Infrastructure Committee in February 2024, detailing the outcome of the public consultation, together with a revised Development Brief for approval.

8. Development Management Guidance

Wind Energy Noise Assessment Definitions

After consideration of a report by the Corporate Director for Neighbourhood Services and Infrastructure, copies of which had been circulated, and after hearing a report from the Service Manager (Development and Marine Planning), the Committee:

Noted:

8.1. That Development Management Guidance provided advice on technical issues and the interpretation of given policies where a need arose, thus ensuring a consistency of approach in the determination of planning applications.

8.2. That Development Management Guidance in respect of Wind Energy Noise Assessment Definitions had been prepared to provide additional clarification when assessing noise issues associated with new development and existing wind energy developments.

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

8.3. That the Development Management Guidance – Wind Energy Noise Assessment Definitions, attached as Appendix 1 to this Minute, be approved.

9. Development Management Guidance

Business Development Outwith Town Centres

After consideration of a report by the Corporate Director for Neighbourhood Services and Infrastructure, copies of which had been circulated, and after hearing a report from the Service Manager (Development and Marine Planning), the Committee:

Noted:

9.1. That Development Management Guidance provided advice on technical issues and the interpretation of given policies where a need arose, thus ensuring a consistency of approach in the determination of planning applications.

9.2. That Development Management Guidance in respect of Business Development outwith Town Centres had been prepared to provide additional clarification when assessing planning applications for business development that was not located within the designated town centres of Kirkwall and Stromness.

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

9.3. That the Development Management Guidance – Business Development Outwith Town Centres, attached as Appendix 2 to this Minute, be approved.

10. Development Management Guidance

Considering and Including Biodiversity in Development

After consideration of a report by the Corporate Director for Neighbourhood Services and Infrastructure, copies of which had been circulated, and after hearing a report from the Service Manager (Development and Marine Planning), the Committee:

Noted:

10.1. That Development Management Guidance provided advice on technical issues and the interpretation of given policies where a need arose, thus ensuring a consistency of approach in the determination of planning applications.

10.2. That National Planning Framework 4 introduced a new policy requirement to contribute to the enhancement of biodiversity.

10.3. That Development Management Guidance had been prepared to provide additional clarification when assessing planning applications and how the applicant had considered and included biodiversity within the development proposal.

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

10.4. That the Development Management Guidance – Considering and Including Biodiversity in Development, attached as Appendix 3 to this Minute, be approved.

11. Harbour Authority Sub-committee

After consideration of the draft Minute of the Meeting of the Harbour Authority Sub-committee held on 22 August 2023, copies of which had been circulated, the Committee:

Resolved:

11.1. On the motion of Councillor David Dawson, seconded by Councillor Gillian Skuse, to approve the Minute of the Meeting of the Harbour Authority Sub-committee held on 22 August 2023 as a true record.

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

11.2. That the recommendations at paragraphs 7.8 to 7.10 of the Minute of the Meeting of the Harbour Authority Sub-committee held on 22 August 2023, attached as Appendix 4 to this Minute, be approved.

12. Public Bus Service – Contract Monitoring

After consideration of a report by the Corporate Director for Enterprise and Sustainable Regeneration, copies of which had been circulated, and after hearing a report from the Head of Marine Services, Transportation and Harbour Master, the Committee:

Noted:

12.1. Passenger carryings for the period January to July 2023, together with fare income for subsidised public bus services, excluding the X1 service which was commercial, for financial year 2022/23, as outlined in Appendix 1 to the report by the Corporate Director for Enterprise and Sustainable Regeneration.

12.2. That no formal complaints were received during 2022/23 in respect of public bus services in operation across Orkney.

13. Economic Development Grants

Budget Monitoring Statement and Delegated Approvals

After consideration of a report by the Corporate Director for Enterprise and Sustainable Regeneration, copies of which had been circulated, and after hearing a report from the Service Manager (Enterprise), the Committee:

Noted:

13.1. That, for financial year 2023/24, the approved budget in respect of Economic Development Grants amounted to £306,300.

13.2. Spending to 31 July 2023, in relation to Economic Development Grants, totalling £74,043 of which £68,501 related to grant commitments made in previous financial years and £5,542 to current year commitments.

13.3. That, as at 31 July 2023, the budget available for approval from the Economic Development Grants budget, amounted to £202,312, as detailed in Annex A to the report by the Corporate Director for Enterprise and Sustainable Regeneration.

13.4. Grant approvals made in the period 1 April to 31 July 2023, totalling £103,988 including grants approved under delegated schemes for the same period, totalling £63,988 as detailed in Annex B to the report by the Corporate Director for Enterprise and Sustainable Regeneration.

14. Exclusion of Public

On the motion of Councillor David Dawson, seconded by Councillor Gillian Skuse, 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 the relevant paragraphs of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 as amended.

15. Orkney Renewable Energy Sector – Supply Chain Trade Body

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 Corporate Director for Enterprise and Sustainable Regeneration, copies of which had been circulated, and after hearing a report from the Head of Enterprise and Economic Growth, the Committee:

Resolved, in terms of delegated powers, what action should be taken with regard to a supply chain trade body for the Orkney Renewable Energy Sector.

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.

16. Orkney Ferries Ltd – Financial Performance

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 6 of Part 1 of Schedule 7A of the Act.

After consideration of a report by the Corporate Director for Enterprise and Sustainable Regeneration, copies of which had been circulated, the Committee:

Scrutinised the revenue budget and management information for 2022/23 in respect of Orkney Ferries Limited, as detailed in sections 4 and 5 of the report by the Corporate Director for Enterprise and Sustainable Regeneration, together with the Report and Accounts for the year ended 31 March 2023, attached as Annex 1, and obtained assurance.

17. Conclusion of Meeting

At 12:20 the Chair declared the meeting concluded.

Signed: David Dawson.