

## Minute

### Development and Infrastructure Committee

Tuesday, 5 February 2019, 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, Magnus O Thomson, Duncan A Tullock and Kevin F Woodbridge.

Councillors Stephen Sankey and Owen Tierney, who had been invited for Item 7.

### Clerk

- Angela Kingston, Committees Officer.

### In Attendance

- Gavin Barr, Executive Director of Development and Infrastructure.
- Darren Richardson, Head of Infrastructure and Strategic Projects (for Items 1 to 6).
- 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 7 to 17).
- Stuart Allison, Economic Development Manager (for Items 7 to 14).
- Michael Morrison, Business Development Manager (for Items 1 to 6 and 11 to 17).
- Kenneth Roy, Roads Support Manager (for Items 1 to 6).
- Stuart West, Planning Manager (Development and Marine Planning) (for Items 2 to 8).
- Jordan Low, Economic Development Officer (for Items 7 to 14).
- Morag Robertson, Economic Development Officer (for Items 7 to 14).

### Observing

- Rebecca McAuliffe, Press Officer.

### Declarations of Interest

- Councillor J Harvey Johnston – Item 8.
- Councillor Rachael A King – Items 11 and 12.
- Councillor Kevin F Woodbridge – Items 8, 9 and 10.

### 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 14 to 16, together with Annex B of Item 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. 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 2018, attached as Annex 1 to the joint report by the Executive Director of Development and Infrastructure and the Head of Finance, which indicated an overspend of £623,500.

**2.2.** The revenue financial detail by Service Area statement in respect of Development and Infrastructure for the period 1 April to 31 December 2018, 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 Corporate Finance Senior Manager, the Committee:

Noted:

**3.1.** The summary position of expenditure incurred, as at 31 December 2018, against the approved Road Asset Replacement Programme, as detailed in section 4.1 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. Proposed Prohibition of Waiting**

### **Great Western Road, 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:

**4.1.** That, in July 2018, the Council agreed the principle of no waiting being permitted at any time on Great Western Road, Kirkwall, unless parked within a marked space.

**4.2.** That one letter of objection, a summary of which was attached as Appendix 1 to the report by the Executive Director of Development and Infrastructure, was received during the consultation process in respect of the proposal referred to at paragraph 4.1 above.

**4.3.** The proposal that no waiting being permitted at any time on Great Western Road, Kirkwall, unless parked within a marked space, as shown on the drawing attached as Appendix 2 to the report by the Executive Director of Development and Infrastructure.

On the motion of Councillor Duncan A Tullock, seconded by Councillor Magnus O Thomson, the Committee resolved to **recommend to the Council:**

**4.4.** That no waiting be permitted at any time on Great Western Road, Kirkwall, unless parked within a marked space.

**4.5.** That the Executive Director of Development and Infrastructure make the appropriate Traffic Regulation Order, incorporating the proposal referred to at paragraph 4.4 above.

## **5. Proposed Prohibition of Waiting**

### **Waterfront Area, 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:

**5.1.** That, in July 2018, the Council agreed 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.

**5.2.** That one letter of objection, signed by six business owners, a summary of which was attached as Appendix 1 to the report by the Executive Director of Development and Infrastructure, was received during the consultation process in respect of the proposal referred to at paragraph 5.1 above.

**5.3.** The proposal that waiting on Harbour Street and Shore Street, Kirkwall, be amended from 30 minutes to two hours, as shown on the drawing attached as Appendix 2 to the report by the Executive Director of Development and Infrastructure.

On the motion of Councillor David Dawson, seconded by Councillor J Harvey Johnston, the Committee resolved to **recommend to the Council:**

**5.4.** That waiting on Harbour Street and Shore Street, Kirkwall, be restricted to two hours, between 08:00 and 18:00, Mondays to Saturdays, and loading within the marked loading bays on Harbour Street restricted to 20 minutes.

5.5. That the Executive Director of Development and Infrastructure make the appropriate Traffic Regulation Order, incorporating the proposal referred to at paragraph 5.4 above.

## 6. Proposed Prohibition of Waiting

### Palace Road, 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:

6.1. That, in July 2018, the Council agreed that waiting on the north side of Palace Road, Kirkwall, be restricted to one hour, between 08:00 and 18:00, Mondays to Saturdays.

6.2. That several letters of objection, from residents and users of facilities on Palace Road, Kirkwall, as summarised in Appendix 1 to the report by the Executive Director of Development and Infrastructure, were received during the consultation process in respect of the proposal referred to at paragraph 6.1 above.

6.3. The proposal that waiting restrictions on Palace Road, Kirkwall, be amended as follows:

- The proposed single yellow line on the south side of Palace Road being amended to a double yellow line.
- Waiting on the north side of Palace Road being amended from one hour to two hours.

6.4. That should the proposal, referred to at paragraph 6.3 above, be agreed, a further period of consultation would require to be carried out, as it would introduce more stringent restrictions than previously proposed.

On the motion of Councillor David Dawson, seconded by Councillor Gwenda M Shearer, the Committee resolved to **recommend to the Council**:

6.5. That no waiting be permitted on the south side of Palace Road, Kirkwall, between 08:00 and 18:00, Mondays to Saturdays, from a point 16 metres or thereby east of its junction with the unclassified Watergate, to the northernmost corner of the garden adjoining 15 Palace Road, a distance of 122 metres or thereby.

6.6. That waiting on the north side of Palace Road, Kirkwall, be restricted to two hours, between 08:00 and 18:00, Mondays to Saturdays, and within a marked space.

6.7. That the Executive Director of Development and Infrastructure make the appropriate Traffic Regulation Order, incorporating the proposals referred to at paragraphs 6.5 and 6.6 above.

## **7. Orkney Local Development Plan**

### **Development Plan Scheme**

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:

**7.1.** 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:**

**7.2.** That the Development Plan Scheme 2019, attached as Appendix 1 to this Minute, be approved.

## **8. Orkney Native Wildlife Project**

Councillors J Harvey Johnston and Kevin F Woodbridge declared non-financial interests in this item, in that they each had a close family member who was employed as part of the Orkney Native Wildlife Project, but concluded that their interest did not preclude their involvement in the discussion.

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 Planning Manager (Development and Marine Planning), the Committee:

Noted:

**8.1.** That, in March 2018, the Council agreed to become a partner in the Orkney Native Wildlife Project, along with Scottish Natural Heritage and the Royal Society for the Preservation of Birds.

**8.2.** That the Council's contribution to the Orkney Native Wildlife Project was non-financial, which included granting 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 became clear.

**8.3.** That a Partnership Board, accountable for delivery of the agreed outcomes of the project, had been established, on which the Executive Director of Development and Infrastructure represented the Council.

**8.4.** That an independent Project Assurance Group would assist the Partnership Board in its oversight of delivery of the project.

**8.5.** That, based on similar projects, partners had advised that it would be appropriate for an Elected Member to represent the Council on the Assurance Group.

Councillor Kevin F Woodbridge, seconded by Councillor Rachael A King, moved that an Elected Member be appointed to represent the Council on the Assurance Group of the Orkney Native Wildlife Project.

Councillor W Leslie Manson, seconded by Councillor David Dawson, moved an amendment that no action be taken in respect of the request to appoint an Elected Member to represent the Council on the Assurance Group of the Orkney Native Wildlife Project.

The result of a recorded vote was as follows:

For the Amendment:

Councillors Norman R Craigie, David Dawson, Andrew Drever, W Leslie Manson, Graham L Sinclair, Magnus O Thomson and Duncan A Tullock (7).

For the Motion:

Councillors J Harvey Johnston, Rachael A King, Gwenda M Shearer, James W Stockan and Kevin F Woodbridge (5).

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

**8.6.** That no action be taken in respect of the request to appoint an Elected Member to represent the Council on the Assurance Group of the Orkney Native Wildlife Project.

## **9. Abattoir Challenge Fund**

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 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 the Development and Regeneration Manager, the Committee:

Noted:

**9.1.** That, in December 2017, the Council launched the Abattoir Challenge Fund with a budget of up to £50,000.

**9.2.** That, in October 2018, the Abattoir Challenge Fund was re-launched with the remaining balance of £48,519.

**9.3.** That no requests for assistance from the re-launched Abattoir Challenge Fund were received by the closing date of 30 November 2018.

On the motion of Councillor David Dawson, seconded by Councillor Andrew Drever, the Committee resolved to **recommend to the Council:**

**9.4.** That the Abattoir Challenge Fund be disestablished with immediate effect, with the remaining commitment of £48,519 on the Economic Development Grants budget discharged in full.

## 10. Orkney Abattoir

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 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 the Development and Regeneration Manager, the Committee:

Noted:

**10.1.** That, between May 2012 and January 2018, Orkney Meat Processors Limited operated the Orkney Abattoir, Hatston Industrial Estate, on three to four days per month on the basis of a facility hire agreement.

**10.2.** That, in January 2018, due to the Council no longer possessing the staff resources necessary to maintain its safe operation, an operational decision was taken to cease access to the facility.

**10.3.** That the Orkney Abattoir facility was of a scale that was disproportionate to current and future anticipated levels of market supply and demand and, due to the historically high levels of fixed and operating costs, it was apparent that continued operation of the abattoir was now no longer a sustainable commercial activity.

On the motion of Councillor Andrew Drever, seconded by Councillor Duncan A Tullock, the Committee resolved to **recommend to the Council:**

**10.4.** That the Orkney Abattoir at Hatston Industrial Estate should remain closed and be declared surplus to operational requirements of the Development and Infrastructure Service.

**10.5.** That the Executive Director of Development and Infrastructure, in consultation with the Executive Director of Corporate Services, should give consideration to expediting the disposal of fixtures and fittings within the buildings at the Orkney Abattoir.

Councillor Magnus O Thomson left the meeting at this point.

## 11. 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:

**11.1.** That eight applications for financial assistance had been received in respect of archaeological investigation projects to be undertaken during the 2019 season, comprising

three mainland based projects and five island based projects, with total project costs of £482,116.

**11.2.** That the eight applications had requested assistance totalling £94,446, which exceeded the available budget of £40,000 by 136%.

**11.3.** 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:

**11.4.** That, subject to an appropriate annual budget for 2019 to 2020 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.

**11.5.** That, subject to the annual budget for 2019 to 2020 being confirmed, offers of grant, attached as Appendix 2 to this Minute, should be made in respect of archaeological investigations for the 2019 season.

## **12. 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:

**12.1.** That, for financial year 2018 to 2019, the approved budget in respect of Economic Development Grants amounted to £591,700.

**12.2.** Spending to 31 December 2018, in relation to Economic Development Grants, totalling £207,647, of which £158,652 related to grant commitments made in previous financial years and £48,995 to current year commitments.

**12.3.** That, as at 31 December 2018, the Budget Available for Approval from the Economic Development Grants budget amounted to £332,121, as detailed in Annex A to the report by the Executive Director of Development and Infrastructure.

**12.4.** Grant and non-grant approvals made in the period 1 April to 31 December 2018, totalling £259,579, including grants approved under delegated schemes for the same period, totalling £121,079, as detailed in Annex B to the report by the Executive Director of Development and Infrastructure.



### **13. 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.

### **14. Application Number 0/5/2/2081**

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 Jordan Low, Economic Development Officer, the Committee:

Resolved, in terms of delegated powers, what action should be taken with regard to application number 0/5/2/2081.

**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. 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 paragraphs 1 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 22 January 2019, copies of which had been circulated, the Committee:

Resolved:

**15.1.** 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 January 2019 as a true record.

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

**15.2.** That the recommendations at paragraphs 3.4, 7.5 and 7.6 of the Minute of the Meeting of the Harbour Authority Sub-committee held on 22 January 2019, attached as Appendix 3 to this Minute, be approved.

Councillor J Harvey Johnston left the meeting during discussion of this item.

## **16. Islands Airfields**

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 1 and 8 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 what action should be taken with regard to the islands airfields.

**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.**

Councillor J Harvey Johnston rejoined the meeting during discussion of this item.

## **17. Conclusion of Meeting**

At 14:50 the Chair declared the meeting concluded

Signed: Graham L Sinclair.

## The Development Plan Scheme 2019

### Introduction

The Council is required by statute to produce an annual Development Plan Scheme (DPS) that sets out the programme for preparing and reviewing the Local Development Plan (LDP) and what is involved at each stage. The purpose of the DPS is to set out the months that the Council proposes to publish the Main Issues Report and the Proposed Plan; and when the Council expect to enter into the examination process with the Scottish Ministers. The Participation Statement must form part of the DPS and state when, how and with whom consultation will take place. However, due to the current review of the Planning System, it is not possible to publish a specific timetable of events.

### The Review of the Planning System

In mid-2016, the Scottish Government commenced the review of the planning system and at the end of 2017 a new Planning Bill was published. It is anticipated that the Bill will gain Royal Assent and become an Act in Summer 2019. The main changes to the development planning process are noted as:

- The National Planning Framework and Scottish Planning Policy will be one document and have strengthened status in the Local Development Plan process.
- The Local Development Plan will be reviewed every 10 years or when required.
- The review process will commence with preparation of an Evidence Report and a “Gatecheck” with the Scottish Government to see if there is justification for the review and the adequate evidence for the policy approach.
- The Main Issues Report will be replaced by a Draft Plan that will be consulted on.
- Action Programmes will become Delivery Programmes that will focus on delivering development allocations.
- Communities will be instrumental in the production of plans for their communities that will be known as Local Place Plans.

### The Council's Position

The present Local Development Plan was adopted along with a suite of Supplementary Guidance by the Council in May 2017. The LDP has been in use for over a year and a half, and the Council will continue by monitoring the use and effectiveness of the Plan and formulate evidence as to the approaches we may wish to proceed with for the new Local Development Plan. We are awaiting the publication of the Act in Summer 2019 and the secondary legislation thereafter.

The Council anticipates that we will not publish for consultation a Main Issues Report, a Proposed Plan or enter into the existing examination process with Scottish Ministers again. Until the publication of the new Planning Act, secondary regulations and circulars, the Council is not fully aware of the new processes, publications and consultation arrangements that will be required for the production of a new Local Development Plan and does not wish to set down such details in a DPS that maybe misleading to planning stakeholders.

Appendix 2.

## Archaeology Fund – 2019 Season

### Applications approved under delegated powers

<b>Name.</b>	<b>Project.</b>	<b>Assistance Approved.</b>
Nick Card, ORCA, Orkney College UHI.	Excavations at Ness of Brodgar.	2.22% = £6,665.
Martin Carruthers, Archaeology Institute, Orkney College UHI.	Field project at The Cairns/ Windwick Bay, South Ronaldsay.	34.79% = £10,835.
Pete Higgins, ORCA, Orkney College UHI.	Improving access to air photographs.	20.61% = £2,500.
Stephen Dockrill, Swandro Orkney Coastal Archaeology Trust.	Archaeological study of resource exploitation, sustainability and resilience at Swandro, Rousay.	14.81% = £4,000.
Dr Ingrid Mainland, Professor Jane Downes and Dan Lee, Archaeology Institute, Orkney College UHI.	Landscapes of Change, Rousay, Archaeology of the Rousay clearances and the Westness Estate.	36.42% = £14,000.
Pete Higgins, ORCA, Orkney College UHI.	Research project of Orkney's early harbours, landing places, anchorages, maritime infrastructure and shipping at Shapinsay	19.37% = £2,000.