

Minute

Development and Infrastructure Committee

Tuesday, 30 March 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

- Gavin Barr, Executive Director of Development and Infrastructure.
- James Buck, Head of Marine Services and Transportation.
- Roddy Mackay, Head of Planning, Development and Regulatory Services (for Items 1 to 13).
- Colin Kemp, Corporate Finance Senior Manager.
- Karen Bevilacqua, Solicitor.
- Lorna Richardson, Strategic Policy and Projects Manager (for Items 1 to 6).
- Susan Shearer, Planning Manager (Development and Marine Planning) (for Items 1 to 11).
- John Wrigley, Roads and Environmental Services Manager (for Items 1 to 6).
- Stuart Allison, Economic Development Manager (for Items 1 to 13).
- Kenneth Roy, Roads Support Manager (for Items 1 to 4).
- James Green, Senior Policy Planner (Development and Marine Planning) (for Items 7 to 11).
- Andrew Hamilton, Performance and Best Value Officer (for Items 1 and 2).
- Morag Robertson, Economic Development Officer (for Items 10 to 13).
- Shona Turnbull, Marine Planner (Development and Marine Planning) (for Items 1 to 11).

Observing

- Karen Greaves, Head of Executive Support (for Items 1 to 6).
- Gareth Waterson, Head of Finance (for Items 1 to 6).
- David Hartley, Communications Team Leader (for Items 1 to 6 and 12 to 15).
- Rebecca McAuliffe, Press Officer (for Items 1 to 11).
- Lorraine Stout, Press Officer (for Items 3 to 6).

Declarations of Interest

- Councillor Andrew Drever – Item 13.
- Councillor Rachael A King – Items 12 and 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 Item 14, 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. Local Government Benchmarking Framework

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

Scrutinised the performance of the Development and Infrastructure Service against the Local Government Benchmarking Framework Indicators for 2019/20, attached as Appendix 1 to the report by the Executive Director of Development and Infrastructure, and obtained assurance.

3. Road Asset Replacement Programme

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 Roads Support Manager, the Committee:

Noted:

3.1. That, on 30 June 2020, the Council approved the Road Asset Replacement Programme for 2020/21, together with indicative programmes for 2021/22 and 2022/23.

3.2. That a multi-year approach to the replacement of road assets allowed for greater flexibility to vary the timing of individual projects where constraints and/or pressures emerged.

3.3. That, in order to improve the governance and accountability surrounding use of the Cycling, Walking and Safer Routes capital grant, all works were reported as part of the Road Asset Replacement Programme for monitoring purposes.

3.4. The proposed programme for 2021/22, together with indicative programmes for 2022/23 and 2023/24, in respect of road asset replacement, attached as Appendix 1 to the report by the Executive Director of Development and Infrastructure, estimated at £1,048,000 for each financial year.

3.5. That, although approval was sought for a multi-year programme, the Executive Director of Development and Infrastructure would continue to submit reports, on an annual basis, to provide progress updates of the current year's programme and presenting an updated programme for subsequent years.

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

3.6. That the Road Asset Replacement Programme for 2021/22, together with the indicative programmes for 2022/23 and 2023/24, attached as Appendix 1 to this Minute, be approved.

3.7. That powers be delegated to the Executive Director of Development and Infrastructure, in consultation with the Head of Finance, to adjust the three year programme, referred to at paragraph 3.6 above, as variations arose in order to maximise use of the annual capital allocation.

4. Road Asset Repairs and Renewal Fund

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 Roads Support Manager, the Committee:

Noted:

4.1. That, on 23 February 2021, when reviewing the level of the Council's reserves and balances as part of the budget setting process for 2021/22, the Policy and Resources Committee recommended that a contribution of £2.1 million be made to the Repairs and Renewals Fund, to be utilised specifically for roads and paths repairs and renewals works.

4.2. That the additional funding would be used to improve the Council's network asset by addressing repairs to the road network, exacerbated in 2020/21 by COVID-19 restrictions and the recent severe winter weather.

4.3. The proposal that, in advance of the detailed assessment of the roads network being completed, the additional funding be utilised over financial years 2021/22 and 2022/23.

4.4. The indicative Road Asset Repairs and Renewal Fund Programmes for 2021/22 and 2022/23 in respect of capital and revenue works, attached as Appendix 1 to the report by the Executive Director of Development and Infrastructure.

The Committee resolved to **recommend to the Policy and Resources Committee:**

4.5. That the contribution of £2.1 million, made to the Repairs and Renewal Fund as part of the budget setting process for 2021/22, in respect of roads and paths repairs and renewals works, be allocated equally over financial years 2021/22 and 2022/23 as follows:

- Roads Revenue Maintenance – £683,400 (65%).
- Road Asset Replacement Programme (capital works) – £366,600 (35%).

4.6. That the annual Roads Revenue Maintenance budget and the Road Asset Replacement Programme relating to capital works be enhanced by £683,400 and £366,600 respectively for each of financial years 2021/22 and 2022/23.

5. Charges for Replacement Bins

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 Strategic Policy and Projects Manager, the Committee:

Noted:

5.1. That, in March 2019, the Council agreed to introduce charges for replacement refuse bins, with the charges being implemented from June 2019.

5.2. That, following an increased number of complaints from the public, Elected Members had requested that officers review operation of the charging policy in respect of replacement bins.

5.3. That implementation of the charges had led to a significant burden for Customer Services and Development and Infrastructure service teams responding to customer concerns.

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

5.4. That charges for replacement refuse bins be suspended from 1 April 2021 to enable the Corporate Charging Consultative Group to undertake a review of the charging policy for replacement bins.

5.5. That the Executive Director of Development and Infrastructure should submit a report, to the next available meeting of the Committee, detailing the findings of the review by the Corporate Charging Consultative Group, together with options in respect of charges for replacement refuse bins.

6. Household Waste Recycling Centres

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 Strategic Policy and Projects Manager, the Committee:

Noted:

6.1. That the Council operated five Household Waste Recycling Centres across the Mainland of Orkney, which allowed householders to deposit a range of recyclable materials, together with household waste.

6.2. That the Household Waste Recycling Centres were provided in accordance with the requirements of the Environmental Protection Act 1990 and licensed by the Scottish Environment Protection Agency (SEPA) under the Waste Management Licensing Regulations 1994.

6.3. That, although SEPA licence conditions for the Household Waste Recycling Centres stipulated that a member of staff should be on site during the hours of operation, Cursiter Quarry and St Margaret's Hope Household Waste Recycling Centres were unstaffed, resulting in a breach of licence in respect of those two unsupervised sites during normal operations.

6.4. That, although ongoing discussion and negotiation with SEPA had enabled the sites at Cursiter Quarry and St Margaret's Hope to remain open, a sustainable, long-term solution to the issue was required.

6.5. That there were insufficient resources within the Environmental Services budget to staff the Household Waste Recycling Centres at Cursiter Quarry and St Margaret's Hope.

6.6. Options for the future operations at Cursiter Quarry and St Margaret's Hope, as outlined in section 4 of the report by the Executive Director of Development and Infrastructure, with the preferred option being Option 2, namely to close both sites, being the most efficient and only affordable option for the Council.

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

6.7. That consideration of the proposed closure of the Household Waste Recycling Centres 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.

6.8. 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.

7. Inter-Island Air Services

Proposed Winter 2021/22 Timetable

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 and Transportation, the Committee:

Noted:

7.1. That the inter-island air services timetable for winter 2021/22 was scheduled to operate from 31 October 2021 to 19 February 2022.

7.2. That the draft timetable in respect of air services to be operated by Loganair Limited during winter 2021/22 was presented to the Air Services Consultative Forum on 10 February 2021, with the main comments and representations from transport representatives outlined in section 4 of the report by the Executive Director of Development and Infrastructure.

7.3. That the proposed timetable, attached as Appendix 1 to the report by the Executive Director of Development and Infrastructure, was consistent with that operated during winter 2020/21.

7.4. That, in advance of the Council's budget setting process for 2021/22 being concluded, any decision on the proposed level of service provision was subject to an adequate budget being made available.

The Committee resolved, in terms of delegated powers:

7.5. That, subject to an adequate service revenue budget being established, the timetable in respect of inter-island air services, to be operated by Loganair Limited during winter 2021/22, attached as Appendix 2 to this Minute, be approved.

8. Inter-Island Ferry Services

Proposed Winter 2021/22 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 and Transportation, the Committee:

Noted:

8.1. That the inter-island ferry services timetables for winter 2021/22 were scheduled to operate from 27 September 2021 to 7 May 2022.

8.2. That draft timetables in respect of ferry services to be operated by Orkney Ferries Limited during winter 2021/22 were presented to the Ferry Services Consultative Forum on 10 February 2021.

8.3. That, on 17 March 2021, 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.

8.4. That the proposed timetables, attached as Appendix 1 to the report by the Executive Director of Development and Infrastructure, remained consistent with those operated in previous years.

8.5. That, in advance of the Council's budget setting process for 2021/22 being concluded, any decision on the proposed level of service provision was subject to an adequate budget being made available.

The Committee resolved, in terms of delegated powers:

8.6. That, subject to an adequate service revenue budget being established, the timetables in respect of ferry services to be operated by Orkney Ferries Limited during winter 2021/22, attached as Appendix 3 to this Minute, be approved.

9. Harbour Authority Sub-committee

After consideration of the draft Minute of the Meeting of the Harbour Authority Sub-committee held on 16 March 2021, copies of which had been circulated, the Committee:

Resolved:

9.1. 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 16 March 2021 as a true record.

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

9.2. That the recommendations at paragraphs 2.4, 3.5, 3.6, 5.5 and 6.5 of the Minute of the Meeting of the Harbour Authority Sub-committee held on 16 March 2021, attached as Appendix 4 to this Minute, be approved.

10. Orkney's Indicative Regional Spatial Strategy

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:

10.1. That, following publication of National Planning Framework 4, the Council was required by statute to prepare a Regional Spatial Strategy, either on its own or with other planning authorities.

10.2. That a Regional Spatial Strategy should identify, in relation to the region, the need for strategic development, the outcomes to which that strategic development would contribute, the priorities for delivery of strategic development and the proposed locations of strategic development.

10.3. That the Scottish Government had requested planning authorities to produce draft Indicative Regional Spatial Strategies to inform drafting of National Planning Framework 4 and Scottish Government secondary legislation on Regional Spatial Strategies.

10.4. That seminars had been held and questionnaires issued to stakeholders in early 2020, which informed an early draft of Orkney's Indicative Regional Spatial Strategy, which was provided to the Scottish Government in October 2020 for comment and feedback.

10.5. Orkney's Indicative Regional Spatial Strategy, attached as Appendix 1 to the report by the Executive Director of Development and Infrastructure, which took consideration of comments and feedback received from the Scottish Government.

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

10.6. That Orkney's Indicative Regional Spatial Strategy, attached as Appendix 5 to this Minute, be approved.

11. Orkney Islands Regional Marine Plan

Statement of Public Participation

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

Noted:

11.1. That, on 27 November 2020, the Council received delegated marine planning powers from Scottish Ministers under The Delegation of Functions (Regional Marine Plan for the Scottish Marine Region for the Orkney Islands) Direction 2020 (the Direction).

11.2. That the Direction delegated functions to the Council, including preparation of an Orkney Islands Regional Marine Plan, a statutory plan for sustainable marine development, management and use in Orkney waters out to 12 nautical miles.

11.3. That a requirement of the Direction was the submission of a draft Statement of Public Participation to Scottish Ministers for approval within six months of the date on which the Direction was given.

11.4. That the draft Statement of Public Participation, attached as Appendix 1 to the report by the Executive Director of Development and Infrastructure, set out the outline methodology and indicative timetable for preparation of the statutory Orkney Islands Regional Marine Plan, in accordance with the Direction, and would require to be submitted to Scottish Ministers by 27 May 2021.

11.5. That the draft Statement of Public Participation would be presented to the first meeting of the Orkney Marine Planning Advisory Group to be held in March 2021, to provide the opportunity to submit comments.

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

11.6. That the draft Statement of Public Participation, attached as Appendix 6 to this Minute, be endorsed for submission to Scottish Ministers.

11.7. That powers be delegated to the Executive Director of Development and Infrastructure, in consultation with the Chair and Vice Chair of the Committee, to amend the draft Statement of Public Participation in response to any comments received from the Orkney Marine Planning Advisory Group, and thereafter submit the draft Statement of Public Participation to Scottish Ministers by 27 May 2021, for approval for publication.

12. 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 the Economic Development Officer, the Committee:

Noted:

12.1. That eight applications for financial assistance had been received in respect of archaeological investigation projects to be undertaken during the 2021 season, comprising five mainland-based projects and three island-based projects, with total project costs of £402,215.

12.2. That the projects, referred to at paragraph 12.1 above, could only proceed as proposed should COVID-19 restrictions be relaxed and/or removed, thereby allowing excavations to take place, however the applicants had proposed alternative projects which could progress regardless of COVID-19 restrictions, at total project costs of £327,464, as detailed in section 5 of the report by the Executive Director of Development and Infrastructure.

12.3. That the eight applications requested assistance totalling £80,981, which exceeded the available budget of £40,000 by approximately 102%, with the alternative projects totalling £82,260, which exceeded the available budget by approximately 106%.

12.4. 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.

12.5. The proposal that, due to the uncertainty surrounding the level of COVID-19 restrictions which might be in place as the 2021 excavation season approached, powers be delegated to the Executive Director of Development and Infrastructure to determine the funding awards, dependent on which projects could be implemented, in line with the existing policy of 50/50 between island and mainland applications, as outlined in Annex A to the report by the Executive Director of Development and Infrastructure.

The Committee resolved, in terms of delegated powers:

12.6. That, subject to an adequate service revenue budget being established, a sum of up to £40,000 be allocated within the Economic Development Grants budget in respect of archaeological investigations for the 2021 season.

12.7. That, subject to the annual budget for 2021/22 being confirmed, powers be delegated to the Executive Director of Development and Infrastructure to determine the award of grant funding in respect of archaeological investigations for the 2021 season which could proceed in accordance with COVID-19 restrictions and maintaining existing policy of 50/50 island/mainland budget allocation, based on the proposed offers of grant referred to at paragraph 12.4 above.

13. Economic Development Grants

Budget Monitoring Statement and Delegated Approvals

Councillors Andrew Drever and Rachael A King declared non-financial interests in this item, in that family members were employed by organisations which had received Economic Development Grant funding, however, as the specific applications were not discussed, they 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:

13.1. That, for financial year 2020/21, the approved budget in respect of Economic Development Grants amounted to £303,200.

13.2. Spending to 28 February 2021, in relation to Economic Development Grants, totalling £180,674, of which £162,929 related to grant commitments made in previous financial years and £17,745 to current year commitments.

13.3. That, as at 28 February 2021, the Budget available for approval from the Economic Development Grants budget amounted to £21,125, as detailed in Annex A to the report by the Executive Director of Development and Infrastructure.

13.4. Grant approvals made in the period 1 April 2020 to 28 February 2021, totalling £282,075, including grants approved under delegated schemes for the same period, totalling £142,711, as detailed in Annex B to the report by the Executive Director of Development and Infrastructure.

14. Community Transport Services

On the motion of Councillor Graham L Sinclair, seconded by Councillor Andrew Drever, the Committee resolved that the public be 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 Local Government (Scotland) Act 1973 as amended.

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 Marine Services and Transportation, the Committee:

Noted:

14.1. That, in October 2015, following a review of Community Transport, the Council agreed to continue supporting the provision of door-to-door community transport services for leisure and social purposes for at least the next five year period to 2021.

14.2. That, following advertisement, three applications were submitted for funding from the Community Transport Grant Scheme for 2021/22 from the Island of Hoy Development Trust, Papa Westray Development Trust and Orkney Disability Forum, as detailed in sections 5 and 6 of the report by the Executive Director of Development and Infrastructure.

14.3. That, in advance of the Council's budget setting process for 2021/22 being concluded, any decision on the award of Community Transport Grant Scheme funding was subject to an adequate service revenue budget being established.

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

14.4. That, subject to an adequate service revenue budget being established, the following grants, totalling £67,892, be awarded towards the continued operation of Community Transport Services during 2021/22:

- Island of Hoy Development Trust – £6,161 (pro rata award for the period April to August 2021).
- Papa Westray Development Trust – £2,040.
- Orkney Disability Forum – Dial-a-Bus – £59,691.

14.5. That powers be delegated to the Executive Director of Development and Infrastructure, in consultation with the Solicitor to the Council, to conclude, where required, grant funding agreements, on the Council's standard terms and conditions, in respect of awards made from the Community Transport Grant Scheme.

15. Conclusion of Meeting

At 15:42 the Chair declared the meeting concluded.

Signed: Graham L Sinclair.