

Minute

Development and Infrastructure Committee

Tuesday, 6 February 2024, 09:30.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Councillors David Dawson, Gillian Skuse, Graham A Bevan, P Lindsay Hall, Kristopher D Leask, W Leslie Manson, Raymond S Peace, Mellissa-Louise Thomson, Owen Tierney, Duncan A Tullock and Heather N Woodbridge.

Clerk

- Katy Russell-Duff, Committees Officer.

In Attendance

- Hayley Green, Corporate Director for Neighbourhood Services and Infrastructure.
- Gareth Waterson, Corporate Director for Enterprise and Sustainable Regeneration.
- Sweyn Johnston, Head of Enterprise and Economic Growth (for Items 6 to 15).
- Roddy Mackay, Head of Planning and Community Protection (for Items 1 to 7).
- Stuart Allison, Service Manager (Enterprise) (for Items 6 to 15).
- Karen Bevilacqua, Service Manager (Legal Services).
- Laura Cromarty, Service Manager (Transportation) (for Items 6 to 13).
- Hazel Flett, Service Manager (Governance).
- Jamie Macvie, Service Manager (Development Management) (for Items 1 to 4).
- Shonagh Merriman, Service Manager (Corporate Finance).
- Kenny Roy, Service Manager (Roads and Grounds) (for Items 1 and 2).
- Gavin Barr, Economic Development Manager (for Items 6 to 15).
- James Green, Team Manager (Marine Planning) (for Items 1 to 7).
- Derek Manson, Team Manager (Development Planning) (for Items 1 to 7).
- Annabel Bews, Economic Development Officer (for Items 9 to 15).
- Morag Robertson, Economic Development Officer (for Items 6 to 9).

Declarations of Interest

- Councillor Mellissa-Louise Thomson – Item 14.
- Councillor Heather N Woodbridge – Item 14.

Chair

- Councillor David Dawson.

1. 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 Service Manager (Corporate Finance), the Committee:

Noted:

1.1. 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 31 December 2023, attached as Annex 1 to the report by the Head of Finance, indicating a budget overspend position of £1,636,500.

1.2. 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 31 December 2023, attached as Annex 2 to the report by the Head of Finance.

The Committee scrutinised:

1.3. 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.

2. 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 Service Manager (Corporate Finance), the Committee:

Noted:

2.1. The summary position of expenditure incurred, as at 31 December 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:

2.2. 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.

3. Planning Performance Framework

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 Planning and Community Protection, the Committee:

Noted:

3.1. The Orkney Planning Performance Framework 2022/23, attached as Appendix 1 to the report by the Corporate Director for Neighbourhood Services and Infrastructure, as submitted to the Scottish Government on 31 July 2023.

3.2. The establishment of a post of National Planning Improvement Co-ordinator, based within the Improvement Service, with a remit to support improvement within the Scottish planning system, including monitoring performance, identifying and sharing good practice, and supporting improvement within planning authorities.

3.3. The Scottish Government's feedback report on the Orkney Planning Performance Framework 2022/23, attached as Appendix 2 to the report by the Corporate Director for Neighbourhood Services and Infrastructure, which indicated that, of the 15 national performance markers, 13 were rated as Green, one was rated as Amber, and one was rated Red.

The Committee scrutinised:

3.4. The Scottish Government's feedback report on the Orkney Planning Performance Framework 2022/23, attached as Appendix 2 to the report by the Corporate Director for Neighbourhood Services and Infrastructure, and obtained assurance that performance of the Planning Service was satisfactory.

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

3.5. That the Corporate Director for Neighbourhood Services and Infrastructure should make representations to the Scottish Government and the National Planning Improvement Co-ordinator regarding the national performance marker related to the age of the Local Development Plan which was rated Red due to the Plan being more than five years old, in that the reason for the pause in reviewing the current Plan was due to a delay in the publication of the new Development Plan Regulations and associated Guidance which was outwith the control of the Council, and therefore the Red rating was considered to be unfair.

4. Planning Enforcement Charter

After consideration of a report by the Corporate Director for Neighbourhood Services and Infrastructure, together with an Equality Impact Assessment, copies of which had been circulated, and after hearing a report from the Service Manager (Development Management), the Committee:

Noted:

4.1. That, in terms of section 158A of the Town and Country Planning (Scotland) Act 1997, as amended, the Planning Authority was required to prepare and publish an Enforcement Charter which must be kept under review.

4.2. That the existing Enforcement Charter, approved by Council in March 2022, was still current with respect to legislation and only minor changes were proposed regarding prioritisation of new cases, timescales for initial investigation, and the provision of updates to complainants, as described in section 5 of the report by the Corporate Director for Neighbourhood Services and Infrastructure.

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

4.3. That the Enforcement Charter, attached as Appendix 1 to this Minute, be approved.

5. K4 (Kirkwall) – Development Brief

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 Planning and Community Protection, the Committee:

Noted:

5.1. That, on 5 September 2023, the Development and Infrastructure Committee recommended:

- That the K4 (Kirkwall) Development Brief – Consultation Draft be endorsed for the purpose of public consultation.
- 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.

5.2. That public consultation had been undertaken in respect of the K4 (Kirkwall) Development Brief – Consultation Draft, with the outcome summarised in section 4 of the report by the Corporate Director for Neighbourhood Services and Infrastructure.

5.3. That the revised K4 (Kirkwall) Development Brief, attached as Appendix 2 to the report by the Corporate Director for Neighbourhood Services and Infrastructure, had been amended to respond to material planning matters raised through the consultation process.

5.4. That, once approved, the K4 (Kirkwall) Development Brief would have status as a material consideration for the approval of planning applications at the location covered by the Development Brief.

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

5.5. That the K4 (Kirkwall) Development Brief, attached as Appendix 2 to this Minute, be approved.

6. Development Management Guidance – Housing in the Countryside

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 Planning and Community Protection, the Committee:

Noted:

6.1. 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.

6.2. That, as a result of the publication of National Planning Framework 4 (NPF4), Development Management Guidance in respect of Housing in the Countryside had been prepared which provided additional clarification when assessing planning applications for housing in the countryside in the context of Policy 17 Rural Homes of NPF4, highlighting where there was alignment and incompatibility.

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

6.3. That consideration of the Development Management Guidance – Housing in the Countryside following publication of National Planning Framework 4 (NPF4) be deferred, to enable the Corporate Director for Neighbourhood Services and Infrastructure to undertake discussions with the North of Scotland Development Plans Forum, as well as any other relevant local authority, regarding how they were dealing with the potential incompatibility between the NPF4 Rural Homes Policy and any Housing in the Countryside Policy contained in their Local Development Plans which supported single house in-fill development within existing building groups in the countryside.

7. Offshore Wind Power Limited – West of Orkney Wind Farm

Applications for Electricity Act Section 36 Consent and Marine Licence

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 Team Manager (Marine Planning), the Committee:

Noted:

7.1. That Offshore Wind Power Limited had submitted applications for consent under Section 36 of the Electricity Act 1989 and marine licences for the construction and operation of the proposed West of Orkney Wind Farm.

7.2. That the West of Orkney Windfarm was proposed to be located 28 kilometres from the west coast of Hoy and 23 kilometres from the north coast of Scotland.

7.3. That the applications for Section 36 consent and marine licences, referred to at paragraph 7.1 above, were determined by Scottish Ministers/Marine Directorate of the Scottish Government.

7.4. That the proposed development consisted of both onshore and offshore components to generate and export power from the proposed offshore windfarm to a new onshore substation at Spittal, Caithness.

7.5. That the consent applications to the Scottish Government, detailed at paragraph 7.1 above, were for the offshore elements of the proposed development.

7.6. That the Council was a statutory consultee for the West of Orkney Wind Farm Section 36 consent and the marine licence applications.

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

7.7. That the consultation response, attached as Appendix 3 to this Minute, in relation to the applications for consent under Section 36 of the Electricity Act 1989 and marine licences for the construction and operation the proposed West of Orkney Wind Farm, be approved.

8. Harbour Authority Sub-committee

After consideration of the draft Minute of the Meeting of the Harbour Authority Sub-committee held on 23 January 2024, copies of which had been circulated, the Committee:

Resolved, 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 23 January 2024, attached as Appendix 4 to this Minute, as a true record.

9. Archaeological Investigations

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 Morag Robertson, Economic Development Officer, the Committee:

Noted:

9.1. That six applications for financial assistance had been received in respect of archaeological investigation projects to be undertaken during the 2024 season, comprising four mainland-based projects and two island-based projects, with total project costs of £527,929.

9.2. That the six applications requested assistance totalling £96,935, which exceeded the available budget of £40,000 by approximately 142%.

9.3. The proposed offers of grant for the 2024 season, as detailed in Annex A to the report by the Corporate Director for Enterprise and Sustainable Regeneration.

9.4. That, in advance of the Council's budget setting process for 2024/25 being concluded, any decision on the award of grant funding towards archaeological investigations for the 2024 season was subject to an adequate service revenue budget being established.

The Committee resolved, in terms of delegated powers:

9.5. That, subject to an adequate service revenue budget for 2024/25 being established, a sum of up to £40,000 be allocated within the Economic Development Grants budget in respect of archaeological investigations.

9.6. That, subject to the annual budget for Economic Development Grants for 2024/25 being confirmed, offers of grant, as detailed in Appendix 5 to this Minute, should be made in respect of archaeological investigations for the 2024 season.

10. Economic Development Grants and Cost of Living Crisis Business Support Schemes

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:

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

10.2. Spending to 31 December 2023, in relation to Economic Development Grants, totalling £157,694 of which £135,387 related to grant commitments made in previous financial years and £22,307 to current year commitments.

10.3. That, as at 31 December 2023, the budget available for approval from the Economic Development Grants budget, amounted to £117,557, as detailed in Annex A to the report by the Corporate Director for Enterprise and Sustainable Regeneration.

10.4. Grant approvals made in the period 1 April to 31 December 2023, totalling £188,743 including grants approved under delegated schemes for the same period, totalling £91,943, as detailed in Annex B to the report by the Corporate Director for Enterprise and Sustainable Regeneration.

10.5. That, on 21 February 2023, the Policy and Resources Committee recommended that Cost of Living Crisis Business Support Schemes should operate for a period of two years to 28 February 2025, funded from the unassigned remaining balance of the Coronavirus Response Fund, estimated at £1.3 million, and reported to the Development and Infrastructure Committee in addition to standard reporting of Economic Development Grants budget monitoring.

10.6. Approvals made in the period to 31 December 2023, totalling £20,000, in respect of Cost of Living Crisis Business Support Schemes, as summarised in Annex C to the report by the Corporate Director for Enterprise and Sustainable Regeneration.

11. Exclusion of Public

On the motion of Councillor David Dawson, seconded by Councillor Gillian Skuse, the Committee resolved that the public be excluded from the remainder of the meeting, as the business to be discussed 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.

12. 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 paragraph 9 of Part 1 of Schedule 7A of the Act.

After consideration of the draft Minute of the Adjourned Meeting of the Harbour Authority Sub-committee held on 30 January 2024, copies of which had been circulated, the Committee:

Resolved:

12.1. On the motion of Councillor David Dawson, seconded by Councillor Gillian Skuse, to approve the Minute of the Adjourned Meeting of the Harbour Authority Sub-committee held on 30 January 2024 as a true record.

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

12.2 That the recommendation at paragraph 3.4 of the Minute of the Adjourned Meeting of the Harbour Authority Sub-committee held on 30 January 2024, attached as Appendix 6 to this Minute, be approved.

13. Sustainable and Green Transport Fund

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 4 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 Service Manager (Transportation), the Committee:

Noted:

13.1. That, when establishing the Sustainable and Green Transport Fund, the Council agreed that the Corporate Director for Enterprise and Sustainable Regeneration should submit a report to the Development and Infrastructure Committee, on an annual basis, outlining the investments made from the Sustainable and Green Transport Fund, together with proposed projects for subsequent years.

13.2. The projects funded from the Sustainable and Green Transport Fund during 2023/24, as outlined in section 4 of the report by the Corporate Director for Enterprise and Sustainable Regeneration.

13.3. The proposed breakdown of funding from the Sustainable and Green Transport Fund for 2024/25, detailed in Appendix 3 to the report by the Corporate Director for Enterprise and Sustainable Regeneration.

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

13.4. That powers be delegated to the Corporate Director for Enterprise and Sustainable Regeneration to determine the award of individual grants in respect of proposed projects, detailed in Appendix 7 to this Minute, to be funded from the Sustainable and Green Transport Fund for 2024/25.

13.5. That powers be delegated to the Corporate Director for Enterprise and Sustainable Regeneration, in consultation with the Head of Legal and Governance, to conclude Agreements, on the Council's standard terms and conditions, with the various recipients of funding referred to at paragraph 13.4 above.

14. Requests for Financial Assistance

Councillor Mellissa-Louise Thomson declared an interest in this item, and was not present during discussion thereof.

Councillor Heather N Woodbridge declared an interest in this item, 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 Corporate Director for Enterprise and Sustainable Regeneration, copies of which had been circulated, and after hearing reports from the Head of Enterprise and Economic Growth and the Economic Development Manager, the Committee:

Resolved, in terms of delegated powers, what action should be taken with regard to requests for financial assistance.

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. Conclusion of Meeting

At 13:16 the Chair declared the meeting concluded.

Signed: David Dawson.



Planning Enforcement Charter

March 2024

Development Management

Planning and Community Protection

Neighbourhood Services and Infrastructure

Planning Enforcement Charter

Contents

1. Introduction	1
2. The Service	2
3. Identifying Possible Breaches of Planning Control.....	2
4. Investigating Breaches of Planning Control.....	4
5. Formal Action	7
6. Powers of Entry	8
7. Time Limits.....	9
8. Complaints Procedure.....	9
9. Powers Available to the Planning Authority.....	9
10. Types of Notice	10
11. Other Powers	11

1. Introduction

1.1.

Under Scottish legislation primary responsibility for planning issues rests with the Planning Authority. In Orkney this is Orkney Islands Council (“the Council”).

1.2.

Building work, engineering operations or the use of buildings or land for an alternative use, in planning legislation, is described as ‘development’. Some minor development is defined as ‘permitted development’ and does not require a planning application; however, most does. The principal role of Development Management is to assess proposed development and approve/grant or refuse applications in accordance with relevant policies and guidance. However, the planning authority is also responsible, where necessary, for taking enforcement action where planning legislation has not been followed.

1.3.

It is clearly undesirable that development should be carried out without the necessary permissions. The main objective of planning enforcement is to remedy the undesirable effects of unauthorised development on the environment and the amenity of Orkney’s communities. Bringing unauthorised development under control ensures that the credibility of the planning system is not undermined.

1.4.

However, sometimes developers (which can include a company or an individual householder) either undertake work without the benefit of planning permission or

other relevant consent or fail to accord with the terms of permission they have been given. Where this happens, the Council has powers to investigate breaches of planning control and take enforcement action, if it considers it in the public interest to do so.

1.5.

Planning enforcement is a discretionary power. This means that, even where there is a breach of planning control, the planning authority must consider whether it is in the public interest to take enforcement action. We are not required to take any particular action on a specific breach of planning control, and we can decide that no action is necessary and close a case.

1.6.

This Charter explains the planning enforcement process, and the roles and responsibilities of the planning authority. It sets out what happens at each stage of what can be a lengthy process and highlights the role that the public play in reporting unauthorised development and assisting with investigations regarding breaches of planning control. It should be noted that a 'planning enforcement complaint' is not a complaint against the Council, which would instead be processed under the Council's Complaints Handling Procedure.

1.7.

Enforcement is one of the most complex parts of the planning system, and often has long and unpredictable timescales. The aim of this Charter is to ensure that adopted procedures are fair, reasonable, and transparent. This will mean that interested parties are fully aware of the procedures involved in the process, the powers available to the Council and equally importantly the limits of those powers.

1.8.

Copies of this Charter are available on the Council's website and at the Council Offices, School Place, Kirkwall.

2. The Service

Planning enforcement is administered by Development Management. The key officer undertaking this role is the Planning Control Officer. Formal enforcement action is in accordance with the Council's Scheme of Delegation.

3. Identifying Possible Breaches of Planning Control

3.1.

Possible breaches of planning control can include:

- Development being carried out without the benefit of the relevant permission.
- The carrying out of alterations to a listed building without the required consent.
- Failure to comply with any condition, agreement or limitation attached to any planning permission or related consent.

- Unauthorised works to protected trees.
- An unauthorised change of use to land or a building.
- Departure from approved plans or consent.
- Unauthorised display of advertisements.
- A site or building which is in such a poor state that it affects amenity.

3.2.

When we receive a report of a potential breach it will be registered and given a reference number.

3.3. Reporting an Alleged Breach

Preliminary enquiries can be made by telephone but should be followed up in writing by post or email. Correspondence should be provided to the Planning Control Officer, Orkney Islands Council, Development Management, Council Offices, School Place, Kirkwall, KW15 1NY, or email planning@orkney.gov.uk

3.4.

To be considered a planning enforcement complaint, and therefore to guarantee this is investigated by the Planning Authority, the representation must be in writing. Whether by post or email, the following information is essential:

- The address (or detailed description if no address) of the property concerned.
- Details of the suspected breach of planning control, with times and dates if relevant.
- A contact name and registered postal address for the complainant.
- An email address if available or if the complaint is submitted electronically.
- How the breach affects the complainant.
- Whether the enquiry is to be treated confidentially.

3.5.

Wherever possible we will honour requests for confidentiality regarding any planning enforcement complaint made or information supplied, however it should be noted that it may not be possible to respect such a request in all cases, and the effects of the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004, must be taken into consideration. Requests for total confidentiality limit the ability of the authority to take formal action and cannot be guaranteed if the case were to be considered at Appeal or in the Courts.

3.6.

The first action undertaken is to establish whether the reported potential breach relates to planning matters and whether a breach of planning control has indeed occurred. If the case is not related to planning matters and/or a breach of planning control has not occurred, it will be closed, and an explanation provided to the complainant. If a breach has occurred, the planning authority will decide on an early course of further investigation and any necessary action.

3.7. Monitoring Planning Conditions

Monitoring of planning conditions is required to ensure that development is carried out in compliance with the relevant permission. Conditions are attached to most decision notices. Monitoring of conditions is undertaken regularly by the Planning Control Officer, supported by other officers in Development Management.

3.8.

When breaches of conditions are identified or reported by the public, they are investigated in the same way as other breaches of planning control.

3.9. Initial Acknowledgement of Complaints

Written enforcement complaints will be acknowledged within 20 working days. You should be aware that some complaints relate to matters over which Development Management has no control, for example neighbour disputes relating to the position of boundaries, land ownership, rights of access or matters associated with superior's consent. These matters are not normally investigated by the Planning Control Officer.

4. Investigating Breaches of Planning Control

4.1. Prioritisation of Reported Breaches

Following registration of a possible breach of planning control, the Planning Control Officer will visit the site. Priority for site visits and dealing with each case is based on the relative significance of the site, and the nature and effect(s) of the breach of planning control. Cases are prioritised as below.

4.1.1. High Priority

Breaches of planning control of the following **specific** types:

- The demolition of a listed building or the demolition of a building within a conservation area.
- Works to trees protected by a Tree Preservation Order, or to trees in a conservation area.

Breaches of planning control of the following **general** types:

- Development that may represent a risk to public safety.
- Alteration to a listed building.
- Breaches of conditions attached to either listed building or conservation area consents.
- Works being undertaken in contravention of the requirements of a formal notice, or any continuing breach of planning control where enforcement action has previously been authorised or is currently being considered for action.
- Development that may affect designated sites of international or national importance, for example European sites, Sites of Special Scientific Interest or Scheduled Monuments.

- Unauthorised development normally falling within Medium Priority, but where the relevant 4 or 10 year period for immunity from the taking of enforcement action is approaching.
- Any other matter, including breaches of conditions, causing, or likely to cause, significant harm to natural or cultural heritage or to residential amenity, for example by reason of noise, smell or other forms of environmental pollution.

4.1.2. Medium Priority

Breaches of planning control of the following **specific** types:

- Any breach of planning control in a conservation area, other than those of a minor or technical nature.
- The unauthorised residential occupation of land, including siting and occupation of caravans.
- Development leading to the obstruction of a Public Right of Way.
- The tipping of waste materials, the 'dumping' of scrap vehicles and untidy land.
- The formation or significant alteration of an access to a public road.
- The formation of new access tracks and hardstandings.
- The use of land or buildings for business/commercial purposes.
- Unauthorised display of any advertisement causing significant harm to amenity and/or public safety.

Breaches of planning control of the following **general** type:

- Any other matter having or causing a moderate level of harm to visual or residential amenity, biodiversity interests, the historic environment, or public safety.

4.1.3. Low Priority

Breaches of planning control of the following **specific** types:

- Disputes between neighbours which relate to householder or similar development, and where there is limited public impact or interest (for example the erection of a fence or the construction of a shed).
- Unauthorised display of an advertisement not falling within Medium Priority.

Breaches of planning control of the following **general** types:

- Minor or technical breaches of planning control where limited harm to amenity is caused.
- Any other alleged breach of planning control not falling into High or Medium Priority.

4.2. Initial Investigation Timescales

The initial inspection of the site of a potential enforcement issue will very often be crucial for determining the continuing priority to be afforded to the investigation, and the likely subsequent course of action. The following are the initial response times,

which are considered both appropriate and reasonable in respect of each category of priority. These are intended as maximum response times and individual circumstances may dictate some more immediate initial inspections.

Officers will aim to inspect 80% of sites within the following timescales:

- High Priority – 7 working days.
- Medium Priority – 21 working days.
- Low Priority – 2 months.

4.3.

It is common that, following the site inspection, additional investigation is required to establish if a breach has occurred, and this may lengthen the process involved in commencement of action. Priority provided to initial inspection of any particular case does not necessarily lead to the same priority in the context of the wider enforcement caseload.

4.4. Correspondence with Persons at Affected Site

Initial correspondence with persons at the property concerned, other than in exceptional cases, will be in writing only to provide a record. Where necessary to establish details of ownership, activities that are alleged to have taken place, or other details, the initial correspondence may include service of a requisition for information notice in the form of a Planning Contravention Notice or Notice under Section 272. For more detail, see Section 7 'Powers Available to the Planning Authority'.

4.5. Overall Investigation Timescales

It is not possible to anticipate the length of time required for decisions or actions, or for a case to be concluded, and every case is unique. Progress may be delayed if evidence must be collected and verified over a period, for example, or if negotiations take place. An application may be submitted retrospectively for an unauthorised development, which leads to an application determination period and, if refused, potentially an appeal/review process. These are amongst a long list of factors that can affect the timescale for resolution of a case.

4.6. Correspondence with Complainants

The Council recognises that delays can cause considerable frustration to complainants, particularly if it is considered that amenity is being affected. To ensure complainants are kept informed of progress, updates will be provided by the planning authority at key stages, as follows:

- 20 working days – the initial acknowledgement (as confirmed in paragraph 3.9 above).
- 6 months from receipt of the complaint – an update on the status of the case (if not 'Case closed' as below).
- Case closed – the outcome of the investigation, including the outcome of any informal agreements or formal action.

- 5 working days from receipt of a valid planning application – confirmation if a planning application is submitted, which seeks to regularise the unauthorised development under investigation. This provides opportunity to submit a valid representation in relation to the planning application.

If you have submitted a planning enforcement complaint in writing, the planning authority will also provide an update on request at other stages of investigations.

4.7. Closing a case without formal action

In some instances, even though a breach of control has occurred, further action may not be taken. The planning authority must consider, having regard to the local development plan and material considerations, and to the circumstances of each case, whether it is expedient and proportionate to take formal action including issuing a notice. Most enforcement cases are resolved without formal action.

4.8.

For minor breaches, where the principle of the development is acceptable, or those not causing significant harm, this will usually involve a request for the submission of a planning application seeking retrospective permission for the development already carried out. In these cases, where a valid planning application is submitted, the enforcement case will be closed or suspended, pending the decision on the application.

4.9.

For the relatively small number of more complicated breaches, or those that may have a detrimental impact on the environment or community, this may involve serving of a formal notice to remedy the breach.

5. Formal Action

5.1.

Formal enforcement action involves the issue of a notice to all interested parties which can include the landowner, developer, the person carrying out the works and/or any tenants. This may be a notice requiring submission of a planning application, an enforcement notice requiring the unauthorised development to stop or to make changes to the development which has been undertaken, or a breach of condition notice.

5.2.

A notice requiring a submission of a planning application alerts the landowner or developer to the fact that the development described in the notice does not have the requisite planning permission. This type of notice requires the landowner or developer to address the situation by submitting a planning application. We will assess this as we would any application made to us under planning legislation and may approve or refuse permission, depending on the planning merits of the application. Permission may be approved subject to conditions or limitations which we consider are required to make the development acceptable. The serving of a

notice requiring the submission of an application is without prejudice of any future decision of the Council.

5.3.

Enforcement Notices and Breach of Condition Notices include the following information:

- A description of the breach of control that has taken place.
- The steps that should be taken to remedy the breach.
- The timescale for taking these steps.
- The consequences of failure to comply with the notice.
- In the case of an enforcement notice, any rights of appeal the recipient(s) have and how to lodge an appeal.

5.4.

Appeals against enforcement notices are considered by Scottish Ministers and dealt with, in most cases, by a Reporter from the Scottish Government's Planning and Environmental Appeals Division (DPEA). There is no right of appeal against a breach of condition notice.

5.5.

It is an offence to fail to comply with the requirements of an enforcement notice or a breach of condition notice.

5.6.

The planning authority has additional powers, including the use of Interdicts, which complement the serving of notices. For more detail, see Section 7 'Powers Available to the Planning Authority'.

5.7. Enforcement Register

Details of Enforcement Notices, Breach of Condition Notices, Notices under Section 33A, Stop Notices and Temporary Stop Notices which have been served in relation to land in the planning authority area are entered on the Enforcement Register, which is published on the Council's website for inspection by the public at all reasonable hours.

6. Powers of Entry

Where the planning authority considers that entering the land is an appropriate means of obtaining the information it requires to fulfil its obligations regarding planning enforcement, planning authorities have a right of entry to land without a warrant, at a reasonable hour, for any of the following purposes:

- to ascertain whether there is, or has been, any breach of planning control on the land, or on any other land;
- to determine whether any of the planning authority's enforcement powers should be exercised in relation to the land, or any other land;

- to determine how any such power should be exercised; and
- to ascertain whether there has been compliance with any requirement arising from earlier enforcement action in relation to the land, or any other land.

7. Time Limits

Enforcement action must be taken within strict time limits:

7.1.

A **four-year limit** applies to “unauthorised operational development” (the carrying out of building, engineering, mining, or other operations in, on, over or under land) and change of use to a single dwelling house. After four years following the breach of planning control, the development becomes immune from enforcement action.

7.2.

A **ten-year limit** applies to all other development including change of use (other than to a single dwelling house) and breaches of condition. After ten years, the development becomes immune from enforcement if no formal enforcement action has begun.

7.3.

There is **no time limit** affecting enforcement action being taken against unlawful works to a listed building.

8. Complaints Procedure

Disagreement with the outcome of an investigation by the planning authority is not a ground for complaint. We will consider all complaints made about the way in which a planning enforcement complaint was dealt with in accordance with the Council's Complaints Handling Procedure.

9. Powers Available to the Planning Authority

9.1.

The planning enforcement powers available to the planning authority are set out in the Town and Country Planning (Scotland) Act 1997, as amended. Listed building enforcement is covered by the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, as amended. The Planning Acts can be viewed online: <http://www.opsi.gov.uk/>

9.2.

Government advice on planning enforcement is set out in Planning Circular 10/2009: Planning Enforcement. The Circular can be viewed on the Scottish Government website: <http://www.gov.scot/Publications/2009/09/16092848/0>

10. Types of Notice

10.1. Breach of Condition Notice

This is used to enforce the conditions attached to a planning permission. It comes into effect not less than 28 days after being served. It may be used as an alternative to an Enforcement Notice (see below) and is served on any person carrying out the development and/or any person having control of the land. There is no right of appeal. Contravening a breach of condition notice can result in prosecution, with a fine of up to £1,000.

10.2. Enforcement Notice (EN)

10.2.1.

This is generally used to deal with unauthorised development but can also apply to a breach of planning conditions. There are similar notices and powers to deal with Tree Preservation Orders and advertisements.

10.2.2.

Failure to comply with an Enforcement Notice within the time specified is an offence and may lead to a fine of up to £20,000 in the Sheriff Court. Failure to comply may also result in the planning authority taking **Direct Action** to correct the breach (see other powers below).

10.3. Listed Building Enforcement Notice (LBEN)

This must be served on the current owner, occupier and anyone else with an interest in the property. The procedures are like those outlined above. The notice must specify the steps to be taken to remedy the breach and a final date for compliance. Failure to meet the terms of the notice by the date specified is an offence. There is a right of appeal to Scottish Ministers against the notice. Breaches of listed building control are a serious matter. It is a criminal offence to undertake works to demolish or extend a listed building or to alter a listed building in any way that would affect its character. In certain circumstances, this can lead either to an unlimited fine or imprisonment.

10.4. Stop Notice (SN)

This is used in urgent or serious cases where an unauthorised activity must be stopped, usually on grounds of public safety. When a Stop Notice is served, the planning authority must also issue an Enforcement Notice. There is no right of appeal against a stop notice and failure to comply is an offence. An appeal can be made against the accompanying Enforcement Notice. If a Stop Notice is served without due cause, or an appeal against the enforcement notice is successful, the Stop Notice may be quashed and the Council as planning authority may face claims for compensation. The use of Stop Notices therefore needs to be carefully assessed by the planning authority.

10.5. Temporary Stop Notice (TSN)

This is used to require the **immediate** halt of an activity which breaches planning control. The provisions make an exception in that a TSN cannot prohibit the use of a building or a caravan as a dwelling house. TSNs are enforceable for 28 days, after which time they expire. They may, however, be followed by further enforcement action such as an Enforcement Notice and Stop Notice. There is no right of appeal against a TSN.

10.6. Fixed Penalty Notice (FPN)

This provides planning authorities with an alternative process, in addition to the option to seek prosecution, to address situations where a person has failed to comply with the requirements of an Enforcement Notice (EN) or a Breach of Condition Notice (BCN). By paying the penalty imposed by the FPN, the person will discharge any liability for prosecution for the offence. They will not, however, discharge the obligation to comply with the terms of the EN or BCN and the planning authority will retain the power to take direct action to remedy the breach and recover the costs of such work from that person. The planning authority is not required to offer the option of paying a fixed penalty. Any decision to do so would be dependent on considerations such as the scale of the breach and its impact on local amenity.

10.7. Notice Requiring Application for Planning Permission for Development Already Carried out (Notice under Section 33A)

Where the planning authority considers that a development which does not have planning permission may be acceptable (i.e., they consider that it might be granted planning permission) they may issue a notice requiring the landowner or developer to submit a retrospective planning application. This application will be considered on its planning merits and handled in the same way as any other planning application. Issuing such a notice does **not** guarantee that permission will be granted; the planning authority may, on consideration of the application, decide instead to refuse permission, or to grant permission subject to conditions or alterations to make the development acceptable.

11. Other Powers

11.1. Planning Contravention Notice

This is used to obtain information about activities on land where a breach of planning control is suspected. It is served on the owner or occupier, on a person with any other interest in the land or who is carrying out operations on the land. They are required to provide information about operations being carried out on the land and any conditions or limitations applying to any planning permission already granted. Failure to comply with the notice within 21 days of it being served is an offence and can lead to a fine in the Courts.

11.2. Notice under Section 272

(Section 272 of the Town and Country Planning (Scotland) Act 1997, as amended.) This provides limited powers to obtain information on interests in land and the use of land. Failure to provide the information required is an offence.

11.3. Notice under Section 179

(Section 179 of the Town and Country Planning (Scotland) Act 1997, as amended.) This allows the planning authority to serve a notice on the owner, lessee or occupier of land which is adversely affecting the amenity of the area. This is also known as an **Amenity Notice** and sets out the action that needs to be taken to resolve the problem within a specified period.

11.4. Interdict and Interim Interdict

An interdict is imposed by the courts and is used to stop or prevent a breach of planning control. Court proceedings can prove costly and planning authorities normally only seek interdicts in serious cases or where enforcement notices have been ignored in the past. However, a planning authority can seek an interdict in relation to any breach without having to use other powers first. Breaching an interdict can carry heavy penalties.

11.5. Direct Action

Failure to comply with the terms of an Enforcement, Listed Building or Amenity Notice within the time specified can result in the planning authority carrying out the specified work. The planning authority may recover any costs it incurs from the landowner.

11.6. Notification of Initiation and Completion of Development (NID/NCD) and Display of Notices While Development is Carried Out

Whilst not in themselves planning enforcement powers, these notices are intended to improve delivery of planning enforcement by requiring positive confirmation that development has commenced and been completed, and, in the case of on-site notices, to raise community awareness of developments in the local area. Planning authorities will be made aware of active development in their areas, enabling them to prioritise resources with a view to monitoring development. For any development for which permission has been granted, a NID must be submitted to inform the planning authority of the date on which development will commence. It is to be submitted after planning permission has been granted and before development has commenced. Initiating development without submitting a NID is a breach of planning control and the planning authority may consider enforcement action. The NCD requires a developer to submit a further notice as soon as practicable after development has been completed.

11.7.

Depending on the nature or scale of a development, the developer may also be required to display on-site notices while development is taking place. These notices contain basic information about the site and the development. They also provide contact details where members of the public may find out more information or report alleged breaches of planning control. It is a breach of planning control to fail to display such a notice when required to do so.



ORKNEY
ISLANDS COUNCIL

Development Brief

Land North of Muddisdale Road, Kirkwall K4

November 2023



Contents

<i>1. Introduction</i>	04
<i>2. Site context</i>	06
<i>3. Vision and strategy</i>	08
<i>4. Development principles</i>	10
<i>5. Delivery and monitoring</i>	11

- Site Boundary
- Allocation Site (K-4)



Figure 1: Site Boundary Plan

1. Introduction

1.1 Background

This development brief has been prepared to inform the potential for recreational development within the area north of Muddisdale Lane (Figure 1), which includes the allocation identified as K4 from the Orkney Local Development Plan 2017 (OLDP2017). The allocation is located in the north west of Kirkwall and to the east of Kirkwall Golf Course.

1.2 Purpose

As stated in the OLDP2017, the K4 site requires a Development Brief be produced prior to seeking application. This brief has been produced to outline the suitability of the site, for its allocated use or another within the settlement statement.

1.3 Status and Use

This Development Brief will be approved as Supplementary Guidance and will be material in the consideration of planning applications on this site. It aims to provide a development concept and considerations on what supporting information future applications on this site will be expected to demonstrate. The document will also inform the review of the OLDP2017.

1.4 Policy Background

Housing Allocation K4 was established for through the OLDP2017 for long-term housing (Figure 2). The site area is 4.3 hectare and the Supplementary Guidance: Settlement Statements notes a capacity of 20 units.

Following early review of the west Kirkwall area, the need for surface water management improvements and the desire to improve the Green Infrastructure Network (GIN) around Kirkwall, it is considered that this area, including the K4 allocation provides an opportunity to strengthen the recreation and open space offer for Kirkwall, whilst tying into a wider GIN.

Such uses could be linked with the existing neighbouring Pickaquooy Estate to create a cohesive green corridor of recreational green space running from the Peedie Sea up to the Golf Course and along the Muddisdale Core Path network to Wideford Hill.

1.5 Background to work

As part of continually reviewing and working to deliver housing land; the suitability of K4 for housing development has been considered. For the surrounding location there has been significant pressure on surface water management with the creation of new housing, the location contains trees and their carbon capture value has to be considered and the future need for the Pickaquooy Centre to expand their external facilities.

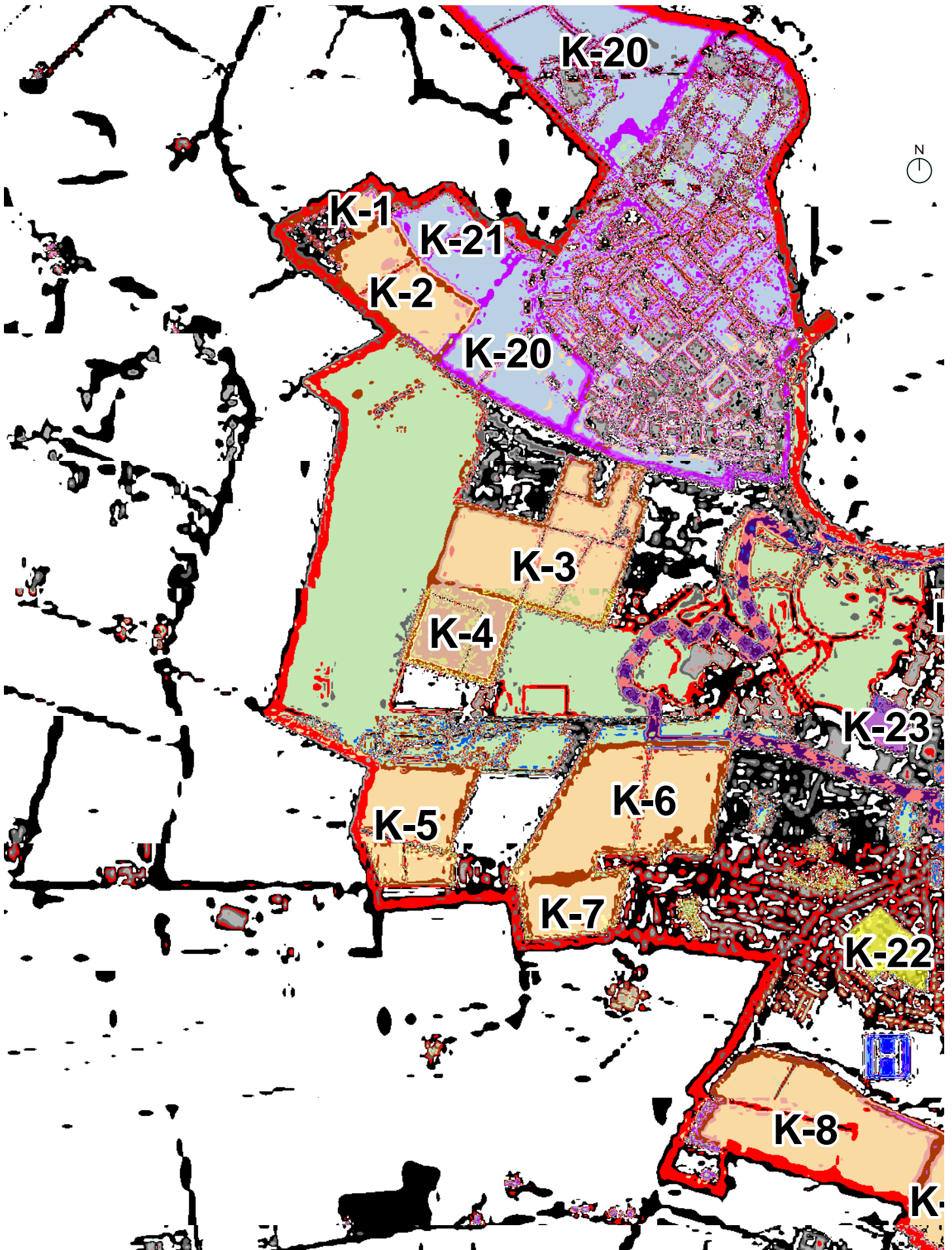


Figure 2: Kirkwall Proposals Plan

2.0 Site Context

2.1 Location

The site is located to the west of Kirkwall, in a location that is currently considered to be within the settlement edge of Kirkwall, which is open and predominantly green. The site boundary incorporates the K4 allocation, alongside additional land to the south and east. Directly to the west is the Kirkwall Golf Course with farmland beyond. On the northern boundary of the site, housing allocation K3 is currently being built out. To the south is Muddisdale Farm and Muddisdale Strategic Openspace, and to the east lies the grounds of the Pickaquoy Centre and the Orkney Ruddy Club.

2.2 Use and Topography

The site is currently in agricultural use and is part of the agronomy institute of Orkney College. There are two significant areas of Willow tree planting within the site. The site has stone dykes forming the northern, eastern and part of the southern boundary treatments with the remainder of the south being open and the western edge being post and wire and wooden fencing. The site slopes down from west to east, with an approximately 15m level change.

2.3 Access and Connectivity

The site is currently accessed through Muddlisdale Farm track to the south. This track is considered to be private and not a public road.

2.4 Biodiversity and Carbon Capture

The site is predominately crop and grassland with two blocks of trees, comprising mainly of densely planted willow. Originally planted as a potential biomass crop, they do not appear to be actively managed. The edge of the area closest to Muddisdale Strategic Openspace has a wider variety of species, but is also densely planted.

The site provides an opportunity to provide future Biodiversity enhancements as well as opportunities for carbon capture with more tree planting alongside existing trees.

2.5 Flooding and Drainage

The K4 site lies within the larger Kirkwall catchment and contributes to the Peedie Sea via the Muddisdale and Pickaquoy sub-catchments. A primary school, a number a day care centres, a leisure centre and an increasing number of houses lie within the adjacent Muddisdale and Pickaquoy sub-catchments. Currently, surface water flooding occurs frequently within both the Pickaquoy and Muddiesdale catchments. Every opportunity should be taken to minimise runoff to limit flooding in this area in future years.

3. Vision

3.1 Vision

The Vision for this location is to extend the existing green corridor that will provide opportunities for sustainable surface water management, tree planting, biodiversity enhancement and the strategic expansion of open space for sports and leisure.

The Your Kirkwall Place Plan (2018) highlights the need for an improved Green Infrastructure Network (GIN) within the Muddisdale Area to provide improved surface water flood management in conjunction with better connectivity and active travel infrastructure within a multi-purpose, connected green and blue landscape corridor.

The site provides the opportunity to build-on the existing GIN, incorporating natural flood management, biodiversity enhancement and improved opportunities for sports and recreation.

This is in line with National Planning Framework 4; in adapting to climate change and protecting and enhancing biodiversity.

3.2 Biodiversity Value and Climate Change

Any development within the site will be required to enhance biodiversity and create more areas of shrub and woodland planting.

New woodland planting will have to increase the diversity of tree species, consider appropriate spacing for specific species, the use of planting to create shelter and therefore open areas within the planting. There is also an opportunity to connect with the wooded areas with the Muddisdale woodland by way of a woodland strip/additional planting.

In relation to climate change and carbon sequestration, research from The Woodland Trust find that 1 hectare of young woodland can capture over 400 tonnes of carbon in the trees, roots and soil.

3.3 Natural Flood Management

Incorporating the K4 site into a green infrastructure network would maximise the potential to employ natural flood management (NFM) techniques aimed at enhancing present-day flood resilience and mitigating the predicted effects of future climate change.

NFM on the site would be aimed at minimising surface water run-off, maximising groundwater recharge and surface water storage and encouraging take up by trees and other vegetation.

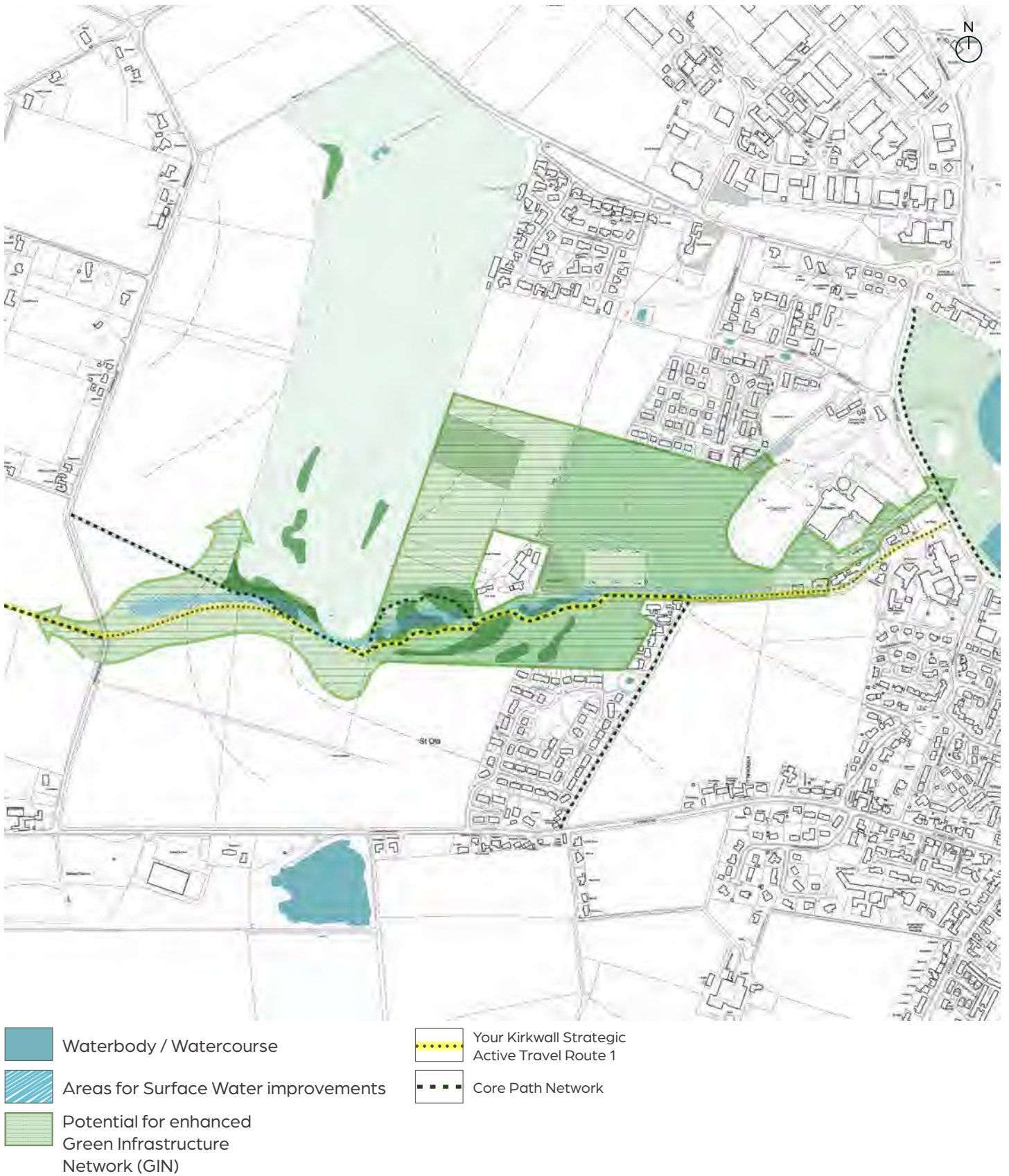


Figure 4: Indicative drawing of the West Kirkwall Green Infrastructure Strategy

4. Development Principles

Development of the site should adhere to the following principles:



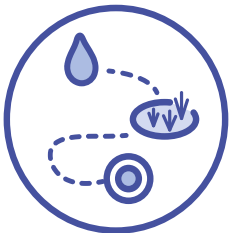
Strategic Green and Blue Corridor

The site should support and tie in with the wider strategic Green Infrastructure Network (GIN) of Muddisdale.



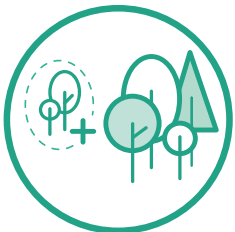
Connected and Varied Open Space

The site and proposed use should compliment and build on the existing openspace offer in this part of Kirkwall and the Pickaquoy Centre Estate.



Surface Water Management

Development of the site should carefully consider it's impact and opportunity to improve the surface water managment within the wider context of the Muddisdale and west Kirkwall Area.



Tree Preservation and Enhancement

Development of the site should seek to retain the existing tree planting and include opportunitites to provide additional planting.



Connectivity and Active Travel

The site and its use should be de designed to favour access by modes of Active Travel, utilising the existing core path connections in its immediate context. Proposals should seek to demonstrate how private vehicle access will be minimise or negated where appropriate.



Sustainable Design and Construction

Proposals should follow sustaiable design and construction methods, limiting impact on the existing landscape and neighbouring dwellings.

5. Delivery and Monitoring

5.1 Future Planning Applications

It is considered that future leisure and recreational users, when seeking planning permission, need to consider and include within the applications:

- Design principles and design statement.
- Landscape plan, including any changes to levels.
- Management and Maintenance plan.
- Services information including SUDS proposal and Scottish Water correspondence (if appropriate).
- Flood risk information.
- Transport statement.
- Ecology and ground water statement.
- Archaeology statement.
- Existing Tree survey and Planting Plan
- Construction method statement.

Any pre-application advice is completed by the Development Management Team (planning@orkney.gov.uk)

For further information please contact Development and Marine Planning team by email:

devplan@orkney.gov.uk



Orkney Islands Council Consultation Response: Offshore Wind Power Limited - West of Orkney Wind Farm

Applications for Electricity Act Section 36 Consent and Marine Licence.

Orkney Islands Council Consultation Response

This is the Orkney Islands Council (OIC) response in its capacity as:

- the planning authority; and
- as the delegate for the Orkney Islands marine region under the provisions of the Marine (Scotland) Act 2010/The Marine Licensing (Consultees) (Scotland) Order 2011.

Consent applications on which OIC has been consulted by the Scottish Government Marine Directorate - Licensing Operations Team (MD-LOT)

- Section 36 Consent – Construction and Operation of Generating Station and Offshore Transmission Infrastructure - West of Orkney Windfarm – West of Hoy, Orkney
- Marine Licence – Construction and Operation of Generating Station – West of Orkney Windfarm – West of Hoy, Orkney – 00010559
- Marine Licence – Construction and Operation of Offshore Transmission Infrastructure – West of Orkney Windfarm – West of Hoy, Orkney – 00010561

Proposed Development

The West of Orkney Windfarm, located approximately 23 Kilometres (“KM”) North of the Caithness coast and 28 KM West of Hoy, Orkney.

The consent applications detailed above are for the offshore elements of the proposed development which include:

- Up to 125 Wind Turbine Generators (WTGs) with fixed-bottom foundations;
- Up to five High Voltage Alternating Current (HVAC) Offshore Substation Platforms (OSPs) to transform and export power generated by the WTGs via the inter-array cables and offshore export cables;
- Up to 500 km of inter-array cables installed between the WTGs and OSPs;
- Up to 150 km of interconnector cables installed between the OSPs; and
- Up to five offshore export cables from the OSPs to landfalls at Greeny Geo and/or Crosskirk at Caithness, with a total length of up to 320 km (average of 64 km per offshore export cable).

Planning Policy Context - Overview

Relevant planning policies:

- National Planning Framework 4 (NPF4): Policy 1, 2, 3, 4, 5, 7, 10,11 and 25
- National Planning Framework 4: Annex B National Developments Statements of Need
- National Marine Plan (NMP) General Policies
- NMP FISHERIES 1, FISHERIES 2 and FISHERIES 3
- NMP WILDFISH 1
- NMP RENEWABLES 1, RENEWABLES 4, RENEWABLES 5, RENEWABLES 6, RENEWABLES 7, RENEWABLES 8, RENEWABLES 9 and RENEWABLES 10
- NMP REC & TOURISM 2 and REC & TOURISM 5
- NMP TRANSPORT 1, TRANSPORT 3 and TRANSPORT 6
- NMP CABLES 1, CABLES 2 and CABLES 4
- NMP DEFENCE 1
- Pilot Pentland Firth and Orkney Waters Marine Spatial Plan (PFOW MSP) General Policy 1A: Sustainable development
- PFOW MSP General Policy 1B: Supporting sustainable social and economic benefits
- PFOW MSP General Policy 1C: Safeguarding the marine ecosystem
- PFOW MSP General Policy 2: The well-being, quality of life and amenity of coastal communities
- PFOW MSP General Policy 3: Climate change
- PFOW MSP General Policy 4A: Nature conservation designations
- PFOW MSP General Policy 4B: Protected species
- PFOW MSP General Policy 4C: Wider biodiversity
- PFOW MSP General Policy 4D: Landscape and seascape
- PFOW MSP General Policy 4E: Geodiversity
- PFOW MSP General Policy 5A: Water environment
- PFOW MSP General Policy 5B: Coastal processes and flooding
- PFOW MSP General Policy 6: Historic environment
- PFOW MSP General Policy 7: Integrating coastal and marine development
- PFOW MSP General Policy 8A: Noise
- PFOW MSP General Policy 8B: Waste and marine litter
- PFOW MSP General Policy 9: Invasive non-native species
- PFOW MSP Sectoral Policy 1: Commercial fisheries
- PFOW MSP Sectoral Policy 4: Renewable energy generation
- PFOW MSP Sectoral Policy 5: Recreation, sport, leisure and tourism
- PFOW MSP Sectoral Policy 6: Marine transport
- PFOW MSP Sectoral Policy 8: Pipelines, electricity and telecommunications infrastructure
- PFOW MSP Sectoral Policy 10: Defence
- Orkney Local Development Plan (OLDP) Policy 8: Historic Environment & Culture Heritage

- OLDP Policy 9c: Natural Heritage and Landscape
- OLDP Policy 10a: Core Paths and Access

The proposed commercial scale offshore wind development is located in Plan Option area N1 and therefore accords with NMP policy RENEWABLES 1.

The Offshore Planning Statement supporting these consent applications provides a well presented appraisal of the planning policies that are relevant to the environmental and socio-economic effects identified in the Environmental Impact Assessment Report (EIAR). OIC has identified the key policies (non-exhaustive) that are considered most relevant in the Orkney context above and within this consultation response under the appropriate topics.

NPF4 forms part of the development plan. Decisions on planning applications must be made in accordance with the development plan, unless there are material considerations that indicate otherwise. The status of NPF4 in relation to decisions on offshore wind generation station and marine licensable activities below Mean Low Water Springs should be clarified to ensure appropriate implementation of NPF4 in decision making.

NPF4 Annex B, National Developments Statements of Need, describes the developments to be considered as national developments for consent handling purposes. Key national developments include:

1. Energy Innovation Development on the Islands which supports proposed developments in the Outer Hebrides, Shetland and Orkney Island groups, for renewable energy generation, renewable hydrogen production, infrastructure and shipping, and associated opportunities in the supply chain for fabrication, research and development; and

3. Strategic Renewable Electricity Generation and Transmission Infrastructure which supports renewable electricity generation, repowering, and expansion of the electricity grid.

In relation to national development 1. Energy Innovation Development on the Islands, Orkney Islands – Supporting Scapa Flow Future Fuels Hub and Orkney Harbours, class (a) applies to development that is for the delivery of the Future Fuels Hub, new quay in Scapa Flow, and the Orkney Logistics Base at Hatston, which support services for the renewable and marine energy and shipping sectors:

- a) New or updated on and/or offshore infrastructure for energy generation from renewables exceeding 50 megawatts capacity;

The Pentland Firth and Orkney Waters Marine Spatial Plan 2016 (PFOW MSP) put in place a planning policy framework in advance of an adopted statutory Orkney Islands Regional Marine Plan to support sustainable decision making on marine use and management. The Plan should be used by the Marine Directorate - Licensing Operations Team (MS-LOT) as a material consideration in the determination of marine licensing and Section 36 consent applications within the Pentland Firth and Orkney Waters area. This consultation response highlights relevant PFOW MSP policies above and under the relevant topics.

The proposed West of Orkney Wind Farm is located within the Orkney Islands Marine Region as designated in the Scottish Marine Regions Order 2015. The various EIAR documents refer to the Scottish Island Marine Area, as identified in the Islands (Scotland) Act 2019 Part 6, to identify the 12 nautical mile limits around the Orkney Islands. In the context of these current consent applications this should instead refer to the Orkney Islands Marine Region. Approximately 45% of the Option Area Agreement (OAA) for the proposed West of Orkney Wind Farm is located within the Orkney Islands Marine Region.

The Delegation of Functions (Regional Marine Plan for the Scottish Marine Region for the Orkney Islands) Direction 2020 delegated regional marine planning functions to Orkney Islands Council (OIC). This established OIC as the delegate and statutory consultee for applications for a marine licence for activities in the Orkney Islands Marine Region under the provisions of the Marine (Scotland) Act 2010/The Marine Licensing (Consultees) (Scotland) Order 2011.

Socio-economic impacts

Relevant planning policies:

- NPF4 Policy 25: Community Wealth Building
- NMP GEN 2: Economic Benefits
- NMP GEN 3: Social Benefits
- NMP GEN4: Co-existence
- NMP FISHERIES 1, FISHERIES 2 and FISHERIES 3
- NMP RENEWABLES 9 and RENEWABLES 10
- NMP REC & TOURISM 2, REC & TOURISM 5 and REC & TOURISM 6
- PFOW MSP General Policy 1A: Sustainable development
- PFOW MSP General Policy 1B: Supporting sustainable social and economic benefits
- PFOW MSP General Policy 2: The wellbeing, quality of life and amenity of coastal communities
- PFOW MSP Sectoral Policy 1: Commercial fisheries
- PFOW MSP Sectoral Policy 5: Recreation, sport, leisure and tourism

Comments:

It welcomed that:

- the assessment of potential socio-economic effects of the proposed development has been undertaken in consultation with OIC, communities and stakeholders, and with a wide-ranging data collection. This engagement from the applicant (Offshore Wind Power Limited, OWPL) with Orkney Islands Council, local business, economic development interests, local service and training providers should continue as the project progresses to maximise opportunities for local economic development and benefits in Orkney.
- OWPL have earmarked investment to develop the skills of the workforce in Orkney to maximise local job creation.

- OWPL have entered into a partnership with Scottish Government, UHI, and other windfarm developers to promote Science, Technology, Engineering and Mathematics (STEM) careers to school children in The Highland Council and OIC areas as well as other parts of Scotland.
- OWPL has committed to provide a £9.3 million investment to support local port and harbour infrastructure in Orkney and Caithness within the first three years of project development to facilitate local participation in the construction and operational phases.
- OWPL will continue to collaborate and coordinate with other project developers and operators across the north of Scotland to help develop a Local Workforce Strategy.
- OWPL is funding a bespoke programme with the European Marine Energy Centre (EMEC) to support innovation and cost reduction relevant to the proposed development and other ScotWind developments.
- OWPL will deliver a skills programme during the first five years of the project's development to support long term employment opportunities in the wind energy sector.
- OWPL have signed agreements with UHI and the Energy Skills Partnership to deliver a local multi-level programme focussed on STEM development, diverse workforce programme, and student sponsorship programme.

OWPL have committed £33.5 million to fund co-investment with the supply chain to help deliver a step change in Scottish and UK supply chain preparedness. OIC expect this investment to extend to bolster the readiness of local supply chains in Orkney to benefit from the construction and operational phases of development.

Again, the status of NPF4 in relation to decisions on offshore wind generation station and marine licensable activities below Mean Low Water Springs should be clarified to ensure appropriate implementation of NPF4 in decision making.

NPF4 Policy 25: *Community Wealth Building* aims to support local economic development that focuses on community and place benefits as a central and primary consideration – to support local employment and supply chains. This includes improving community resilience, increasing spending within communities, ensuring the use of local supply chains and local job creation. These should be important factors in the determination of the consent applications for this proposed offshore wind farm development. Furthermore, the PFOWMSP General Policy 1B outlines policy provisions to maximise opportunities to support local supply chains and create skilled employment in local communities. It is recommended that these policies be appropriately implemented by MD-LOT to help secure socio-economic benefits for host communities including Orkney.

NPF4 states that new infrastructure will be needed to help to shift industrial activity towards supporting the offshore renewables sector including in Scapa Flow and Hatston, Kirkwall.

It is agreed that job creation and change in employment levels in Orkney will have a moderate (significant, beneficial) effect for the construction and operational phases. It is recommended that the developer should continue to engage with the established Socio-economic Working Group to uplift employment benefits in Orkney from the estimate low case scenario.

It is agreed that the change in GVA levels in Orkney will have moderate (significant, beneficial) effect for the construction and operational phases. It is recommended that the developer should continue to engage with the established Socio-economic Working Group to uplift GVA benefits in Orkney from the estimate low case scenario.

The commitment by the applicant to develop and implement a proposed Local Workforce Strategy is strongly supported by OIC. This strategy should be taken forward with close engagement with OIC to maximise opportunities for local economic development and benefits in Orkney.

Change in demand for housing and local services resulting from the proposed development

Due to the significant numbers of construction workers required in Orkney for the West of Orkney Wind Farm construction phase, and their associated temporary housing requirements, there are likely to be significant impacts on the housing market for existing residents and the provision of tourist accommodation. The magnitude of the impact will be influenced by the number of direct and other jobs expected to be created during the construction and operational phases, and the proportion of these jobs that are taken up by workers who already reside in Orkney.

EIAR Volume 1, Chapter 19, Socio-economics, section 19.6.1.3, states that:

- the Low Case scenario for the proposed development predicts an annual need for a local workforce in Orkney amounting to 123 workers during construction.
- A worst case scenario assumes that 10% of these workers would require to be accommodated in private rented housing locally, with the remainder supplied by different types of tourist accommodation.
- The magnitude of impact for housing demand during the construction stage is therefore concluded in the EIAR to be High for Orkney under the worst case scenario.
- The low-case scenario for the proposed development suggests that recruitment of the local workforce during the operational stage could reach up to 16 workers over a 10-year period.
- The EIAR identifies an additional demand for 16 dwellings during the operational stage, representing an increase of 2.5% to the predicted total demand for Orkney over the same 10-year period.

EIAR concludes that the change in demand for housing and local services resulting from the proposed development would have a moderate (significant, beneficial) impact. The significance of the potential effects during construction on the housing and local services receptors for the worst case scenario in Orkney has been assessed as the combination of a medium sensitivity receptor (Orkney's housing market) and a high magnitude of impact producing a moderate consequence that is beneficial and significant in EIA terms.

It is unclear how a moderate beneficial effect has been concluded regarding effects on the local housing market and accommodation provision in Orkney. The potential direct effects, and cumulative effects associated with other planned infrastructure construction projects, could be significantly adverse for housing and accommodation availability in Orkney. These effects need to be understood in the context of the current significant shortage of housing in Orkney and high demand for housing for key workers.

EIAR Volume 1, Chapter 19 - Socio-economics, Table 19-4, Summary of key datasets and reports identifies Orkney Local Housing Strategy 2017-2022 (drawing from 2016/17 HDNA). It should be noted that this housing strategy is now out of date and a new strategy is currently being prepared by Orkney Islands Council. A public consultation on the new Orkney Housing Strategy is anticipated in early 2024.

In March 2023, OIC commissioned the Orkney Islands Essential Workers Housing Strategy to help identify and address challenges faced by Orkney residents and incoming workers relating to very high housing demand and constrained supply. This strategy has been developed and is referenced within the context of the new Orkney Housing Need and Demand Assessment and emerging Local Housing Strategy that will identify housing requirements across all of Orkney's population.

In October 2023, a new Orkney Islands Council Housing Need and Demand Assessment (HNDA) was appraised by the Scottish Government's Centre of Housing Market Analysis (CHMA), on behalf of the Scottish Government, as being robust and credible. The HNDA outlines the housing market drivers and the significant housing pressure experienced in Orkney including:

- Higher the average population growth - Since 2001, the population in Orkney has increased by 17%, compared with 8% across Scotland. This has been driven by high net migration.
- This has resulted in much higher household growth than found on average in Scotland - 29% in Orkney compared to 15% Scotland over the last 20 years.
- It is predicated that population and household growth will continue. There is evidence of a higher level of net migration in recent years and in addition, significant temporary migration (i.e. 'supplementary' workforce who live in Orkney on a rotational basis and agency staff), which is not captured in projections – this temporary population adds further housing pressure. There is evidence of migration being constrained due the lack of housing for incoming permanent workers.
- Pressure is evidenced by increasing house prices, and rental prices, and lack of availability of private rented and social rented housing for residents and essential incoming workers. Most recent data from Registers of Scotland shows Orkney house price growth being double the Scottish average (2021/22 and 2022/23).
- There is significant potential for economic growth in Orkney as part of the Islands Growth Deal and from the renewables industry. This has impacts on short-term and longer-term housing needs.

The HNDA shows a range of scenarios and resultant new housing supply requirements over the next 20 years. The Council's emerging housing strategy is adopting the principal scenario which will result in a Housing Supply Target of 103 new houses per annum, on average 92 new houses across tenure over the next 20 years (a total of 1,837 new housing units is required over the next 20 years).

The Essential Workers housing strategy considers the housing needs of:

- keyworkers and other essential workers moving to Orkney permanently;
- agency/interim staff working in Orkney, who are living temporarily in Orkney for work purposes, but who are permanent residents elsewhere;
- students moving to Orkney for study;
- workers required for potential infrastructure construction projects.

The Orkney Islands Essential Workers Housing Strategy estimates that at least 1,359 bedspaces will be required to accommodate construction workers for potential infrastructure projects that may start in the islands from 2024 (pending approvals). These are temporary housing requirements but may have a very significant impact on the housing market for existing residents. In addition to the temporary requirements, the strategy estimates that at least 200 additional long-term jobs will be created for the operational phases, 100 of which are assumed to be filled by new households to Orkney. The infrastructure projects that have informed this assessment include, the Finstown SSEN Interconnector Substation, projects under the Islands Growth Deal and projects under the Orkney Harbours Masterplan (Scapa Deep Water Quay, Hatston Logistics Base and Lyness).

It is welcomed that OWPL have committed to prepare a Local Accommodation Strategy as part of the proposed programme of embedded mitigation (EIAR Volume 1, Chapter 19 - Socio-economics, Table 19-31). It is recommended that the developer liaise with OIC to develop this strategy for temporary construction workers in Orkney for the proposed offshore wind farm development which ensures that the impact of the development minimises effects on the current already pressured housing system, and this strategy also includes provisions for a long term housing legacy for Orkney's communities. Consideration will need to be given to the predicted timing of the construction/operation of other infrastructure projects and the potential for cumulative effects. The developer should ensure co-ordination with other infrastructure developers working in Orkney at the same time to ensure a joined up and sustainable approach is taken to accommodation requirements. It is recommended that a Local Accommodation Strategy for Orkney be secured by MD-LOT via the appropriate consent.

On a related matter, the EIAR Volume 1, Chapter 19 - Socio-economics, section 19.6.1.4 considers the potential effect during construction on tourism bedspaces. Given that the current pressure on the provision of tourist accommodation is very high on Mainland Orkney during the tourist season, it is recommended that measures be put in place to mitigate further pressure from the housing of construction workers in tourist accommodation during the project construction phase.

Commercial fisheries

The EIAR assessment, Chapter 14 Commercial Fisheries, concludes that the majority of impacts on commercial fishing during construction will be highly localised, short term and not significant. However, potential significant effects on creelers from temporary loss or restricted access to fishing grounds and displacement of fishing effort within the OAA during construction have been identified.

The EIAR concludes that creeling is expected to resume in the Project area following construction. However, it is recognised that some larger vessels may not choose to resume to fish or transit through the OAA due to potential safety risks.

There are up to 125 proposed wind turbine generators and over 500 km of cables laid between wind turbine generator (WTG) foundations, potentially presenting collision and entanglement risks with vessels/creels. It is therefore expected by OIC that the vivier crabber operating within the OAA continues to be engaged to mitigate effects on fishing businesses and associated onshore processing businesses in Orkney. The OWPL commitment to develop cooperation agreements to address construction and operational phase impacts on fishing interests is welcomed.

The mitigation summarised in the Outline Fisheries Management and Mitigation Strategy (FMMS) indicates that it would be appropriate to put resources into research projects for commercially important fish and shellfish species. The FMMS states this is to ensure that research and monitoring resources are aligned with strategic initiatives, such as the Scottish Marine Energy Research (ScotMER) fish and fisheries evidence map. It is recommended that Orkney fishing interests participate in the identification of these research and monitoring priorities including the Orkney Regional Inshore Fisheries Group and the Orkney Fisheries Association. This could, for example, seek to address data gaps on fishing effort and value for Orkney's inshore fishing activities as an update to ScotMap.

The EIAR Volume 1, Chapter 19, Socio-economics, Table 19-39 *Summary of potential effects: Orkney, and section 19.6.1.5 and 19.6.25*, identifies the effect of change in the value of onshore business activity linked to commercial fishing as minor (not significant) for the construction and operational phases. The EIAR socio-economic assessment identifies that landings from the commercial fisheries offshore study area (ICES rectangles 46E5, 46E6, 47E5, 47E6) into Stromness were £1,719,739 in 2022. It is recommended that the OWPL continue to liaise with creel fishing interests to ensure that impacts of the proposed offshore wind farm on processing businesses in Orkney are minimised.

Refer to Fish and Shellfish Ecology comments below regarding potential effects on brown crab.

Community benefit package

Comments:

National Marine Plan (NMP) Renewables Policy 10 states that Good Practice guidance for community benefit from offshore wind and marine renewable energy development should be followed by developers, where appropriate.

In accordance with the Orkney Islands Council Policy on Community Benefit from Offshore Renewable Energy Developments, the Council will seek to maximise community benefits from new offshore renewable energy generation developments, and to help direct these benefits fairly and equitably into supporting the communities of Orkney.

Orkney Islands Council's policy on community benefit from offshore renewable energy developments is as follows:

- *We expect all developers of commercial offshore renewable energy projects in Orkney waters to commit to providing community benefit to Orkney and will seek to enter discussions with developers to achieve this.*
- *We will seek to ensure the fair and equitable distribution of benefits received as part of any community benefit scheme.*
- *We expect developers to enact a Community Benefit policy in line with the draft 'Scottish Government Good Practice Principles for Community Benefits from Offshore Renewable Energy Developments' 2018, or any future updated iteration of that document.*
- *In the absence of a clear position from the Scottish Government on the appropriate level of community benefit from offshore renewable generation, the starting point for determining the level of community benefit which should be delivered is £5,000 per megawatt installed per year index linked (as per onshore developments).*
- *We do not spatially limit our interest or claim for community benefit payments for Orkney and will seek community benefit from any project in waters adjacent to Orkney, regardless of distance from shore.*
- *There are numerous ways in which community benefit may be delivered (whether monetary or in-kind), but developers should be able to clearly demonstrate the value of community benefit that has been provided.*

The above policy relates to offshore renewable energy generation projects. Location of ancillary onshore infrastructure related to offshore generation is a separate consideration, for which the Council may seek to negotiate separate community benefit arrangements.

The Council recognises that some offshore renewable generation projects, particularly in the wave and tidal energy sectors, are pre-commercial. The above policy is only applicable to commercial projects.

The above policy does not confer support for any proposed development.

It is welcomed that the OWPL propose to establish a Community Benefit Fund (CBF) to commence at first generation and continue for the operational life of the proposed development (30 years). OWPL state in the EIAR that the CBF will be shared across communities in Caithness, Sutherland and Orkney.

OIC recommend that a CBF, associated governance and implementation strategy should be further developed in line with the above OIC policy and the Scottish Government Good Practice Principles for Community Benefits from Offshore Renewable Energy Developments and in close collaboration with OIC, Community Councils and the wider Orkney community. It is recommended that a bespoke approach to community benefit be taken forward for Orkney in response to Orkney's circumstances and priorities. The proposed community benefit package should seek to address the Orkney Community Planning Partnership priorities including:

- [Sustainable Development](#) - supporting Community Wealth Building and achieving Net Zero by 2030.
- [Cost of Living Crisis](#) - and tackling the underlying causes of poverty.
- [Local Equality](#) - so residents in all parts of Orkney have equal opportunities.

The high cost of energy for consumers in Orkney is a significant contributing factor to poverty and economic inequality. The CBF should therefore aim to address these issues.

The Scottish Government Good Practice Principles provide guidance regarding the identification of host communities for the purposes of designing community benefit packages. The guidance states that this process should be undertaken at an early stage to allow communities the opportunity to contribute to discussions and self-identify as a host community, in line with Scottish Government Empowerment policy.

Approximately 45% of the OAA for the proposed West of Orkney Wind Farm is located within the Orkney Islands Marine Region to which Orkney communities have significant economic, governance and cultural connections. The Orkney Islands are therefore a principal host community for the proposed offshore wind farm development and should significantly benefit from the utilisation of the associated natural resources via a commensurate community benefit package.

EIAR Volume 1, Chapter 19 - Socio-economics, Table 19-3 states that a Socio-Economic Working Group has been established to facilitate consultation with local stakeholders. It is further stated that over the EIA process, four quarterly consultation meetings were held and it is intended that following successful consent award, the Socio-Economic Working Group (or equivalent) will continue and OWPL will work with the Working Group (or equivalent) to support wider development initiatives such as implementation of the Supply Chain Development Statement (SCDS) and development of a community benefit fund.

EIAR Volume 1, Chapter 19 - Socio-economics, Table 19-31) identifies that short term priorities for the CBF could include supporting existing local initiatives (e.g. through sponsorship), local business grants and support for energy bills. Medium term priorities could include digital connectivity, affordable housing and sustaining communities. Long term priorities include natural capital and community. It is recommended that broad engagement be undertaken with OIC, Community Councils and wider Orkney communities to develop the proposed community benefit package in response to local priorities and needs. This should include the design and agreement of the composition, delivery mechanism and structure of the community benefit package.

OIC expects that an appropriate binding agreement will be established to guarantee the provision of a CBF.

Community benefits from offshore renewables projects are complementary to, but independent from, environmental, supply chain and other socio-economic benefits. OIC notes that, as outlined in the Scottish Government Good Practice Principles, voluntary monetary payments to the community (or a Community Benefit Fund) are not related to the impacts from any planning (or other consent) application. It is therefore expected that the necessary mitigation, and funding of this mitigation, to address effects identified in the development EIA, should be delivered in addition to community benefit.

Seascape, Landscape and Visual Impacts

Relevant planning policies:

- NMP GEN 7: Landscape/seascape
- NMP REC & TOURISM 5
- NPF4 Policy 4c: Natural Places
- NPF4 Policy 11e: Energy
- OLDP Policy 9c: Natural Heritage and Landscape
- OLDP Policy 10a: Core Paths and Access
- PFOW MSP General Policy 4D: Landscape and seascape

Comments:

The Seascape Landscape and Visual Impact Assessment (SLVIA) identifies:

- No significant effects on the Special Landscape Qualities (SLQ) or integrity of the Hoy and West Mainland National Scenic Area (NSA).
- Significant visual effects would be experienced at visitor destinations; Rackwick Bay and the Old Man of Hoy.
- Significant visual effects would be experienced from the Scrabster to Stromness ferry route.
- Significant effects on seascape / coastal character to parts of the Rora Head and St John's Head Regional Coastal Character Area (RCCA) in Hoy.
- Significant visual effects would be experienced from parts of two core paths in Orkney including the path to the Old Man of Hoy, and the path along Rackwick Beach in Hoy.

The key policy test applied to assessing effects on a National Scenic Area is whether impacts would affect the integrity of the area as a valued landscape. The Hoy and West Mainland National Scenic Area is experienced as an integrated landscape and seascape. The UK Marine Policy Statement (MPS) states that references to seascape should be taken as meaning landscapes with views of the coast or seas, and coasts and the adjacent marine environment with cultural, historical and archaeological links with each other. Seascape can therefore be considered an umbrella term that covers both the visual resource and marine character.

The relationship between land and water, or seascape, are a fundamental part of the Hoy and West Mainland National Scenic Area's special qualities. It is therefore unclear why the area's Special Landscape Quality (SLQ) of 'land and water in constantly changing combinations under the open sky' has been scoped out of the assessment detailed at Table 18-33 of the SLVIA. The SLVIA states that this SLQ has not been assessed because changing skies, combination of water, land, sea and sky, and weather patterns would not be affected by the offshore project. OIC considers that the proposed development will significantly affect the seascape elements of the NSA and that the stated SLQ should be scoped into the SLVIA. The effect of scoping this SLQ out could result in an underestimation of the magnitude of change and level of effect on the SLQs of the NSA.

To inform an assessment under National Marine Plan (GEN7 and para. 4.28), NatureScot will need to advise whether there would be significant effects on the special landscape qualities of the Hoy and West Mainland NSA and whether the integrity of the NSA has been compromised. If it is determined that the integrity of the NSA has been compromised, MD-LOT/ Scottish Ministers will need to determine whether any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

It is acknowledged that SLVIA has assessed the worst case scenario which includes the maximum height of the Wind Turbine Generators (WTGS), at approximately 360 metres to blade tip height, and a maximum number of WTGs (125) sited along the Option Agreement Area's (OAA) perimeter with the greatest density applied to the largest WTGs.

It is welcomed that secondary mitigation will be implemented in the form of an iterative design process during the post-consent development of the array layout, including consideration of key SLVIA receptors and viewpoints. The design objectives, identified in section 18.11 of SLVIA, to reduce the levels of identified effects on important landscape/visitor receptors are supported and should be implemented to minimise landscape, seascape and visual effects.

Habitats Regulations – proposed compensation measures

Relevant planning policies:

- NMP GEN 9 Natural Heritage
- NMP GEN 13 Noise
- PFOW MSP General Policy 4A: Nature Conservation Designations
- PFOW MSP General Policy 4C: Wider Biodiversity
- OLDP Policy 9c: Natural Heritage and Landscape

Comments:

Off-site compensation measures are proposed by the applicant, without prejudice, to mitigate adverse effects on site integrity for the East Caithness Cliffs, North Caithness Cliffs, Sule Skerry and Sule Stack Special Protection Areas (SPAs), due to likely significant effects on the populations of great black backed gull, guillemot, kittiwake and puffin that

would result in adverse effects on the integrity of the SPAs. Although the HRA Compensation implementation and monitoring plan, section 3.1.1, does not identify a single specific location within Orkney for delivery of the proposed compensation measures, page 33 of the Compensations Measures Plan identifies four potential islands that have been short listed by the applicant for further investigation (post consent) of their potential for delivery of the proposed compensation measures, subject to landowner and legal agreements. The proposed compensation measure is to install a predator proof fence around a small section of coast on one of the larger inhabited islands in Orkney, and to trap and exclude feral cats and rats from within the fenced area. The objective being to reduce predation to boost seabird breeding success, to compensate for those lost as a result of the proposed development.

There are a number of environmental questions that need answers to help inform decision making on the suitability and feasibility of the proposed compensation measure (in addition to consideration of other issues such as archaeology, landscape and drainage as part of a separate planning process for such a fence or fences¹). There is reliance in the Compensation Implementation and Monitoring Plan (sections 3.1.3-3.1.5) on future feasibility study, field work, data collection and analysis, which leaves many questions unanswered at this stage, inhibiting the opportunity for informed decision making and significantly reducing confidence that the proposed compensation measures would deliver the intended population benefits to the four seabird species. The questions that need to be answered now, in order to inform decision making, centre around the choice of the location for delivery of the proposed compensation measure and the likelihood of it achieving its intended objective in relation to the three SPAs. There are also concerns that need further consideration around the potential for the measure to have adverse effects on non-target species and habitats:

- The islands short listed to deliver compensation measures are geographically separated from the SPAs by mainland Orkney and/or Hoy and/or the Pentland Firth/North Atlantic. It therefore seems unusual to seek to deliver compensation measures when the affected SPAs are located to the south and west on mainland Scotland and in the North Atlantic. While the Compensation Implementation and Monitoring Scheme report and the Compensation Measures Plan seek to provide some explanation, they rely on UK wide species studies, which, while informative, are not related to the affected SPAs. The documents do not deliver a robust enough justification for the selection of the proposed compensation measures or the short listed islands. This leads to a number of questions that the decision maker will need to be satisfied on: Why choose islands that are geographically remote from the affected SPAs - why are compensation measures not being delivered at or in proximity to the affected SPAs? What is the scientific rationale for choosing the short listed islands in relation to the SPAs? While great black backed gull, guillemot, kittiwake and puffin have been recorded on the short listed islands in the past, are they still present and in sufficient numbers? Do the species breed together in a location that would enable delivery of the compensation measures in one place on one of the short listed islands, or would multiple delivery sites be required? Is predation of breeding colonies by feral

¹ This would be an application for planning permission or, if the works fall within permitted development provisions of Schedule 1 of Part 3 of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992, an application for approval under Regulation 62 of The Conservation (Natural Habitats, &c.) Regulations 1994, including assessment of whether the development would be likely to have a significant effect on a European site.

cats and/or rats a significant issue for the four seabird species at the short listed islands, or are other factors limiting their populations?

- The Offshore HRA: Report to inform Appropriate Assessment document, page 425, states that “Available tracking data from kittiwakes..., guillemots ... and razorbills ... all show a similar pattern. Birds that breed on the eastern side of the Orkney Islands, do not forage on the west side of the Orkney Islands and vice versa.” It would be reasonable to assume that such a pattern is similar in seabirds breeding in other locations, such as those from the three SPAs, as well as those from the short listed islands.

Based on the evidence presented in the above report, it is probable that seabirds breeding on the short listed islands forage away from and do not have connectivity with the three SPAs. As there does not appear to be a clear or direct connection, it is doubtful that the proposed compensation measure would directly benefit the SPA populations. In addition, the Offshore and Intertidal Ornithology Report (Environmental Report chapter 13, section 13.4.5) cites evidence that the effects of climate change are the greatest challenge to seabirds, with other issues such as competition from fisheries for seabird prey species and diseases such as avian influenza also affecting seabird populations.

In light of the above, there are a number of questions that the decision maker will need to be satisfied on: Has it been sufficiently demonstrated that there is a direct connection between the three SPAs and seabirds breeding at the short listed islands? If it is considered that there is a direct connection, would the proposed compensation measures benefit the SPA populations of guillemot, puffin, kittiwake and great black backed gull? For example, while in theory a fenced area might enable greater breeding success by reducing predation within the fenced area (assuming that these species are present at the location and that predation is a limiting factor), how much confidence is there that the proposed measures would be effective and that other factors (such as prey availability, changing temperatures and weather patterns caused by climate change, diseases such as avian influenza, etc) would not continue to limit the populations of the four seabird species? If feral cats and rats are removed, what is the likelihood of other predators moving in to fill the ecological niche, such as skuas and corvids, and how would this be addressed without causing further ecological imbalance? Have adverse effects caused by the fence on the four seabird species been taken into account when assessing the suitability of the proposed measure – for example, the potential for injury and death caused by the collision risk the fence presents to birds, particularly during periods of bad weather and low visibility, and when evading avian predators?

- Separate to consideration of the proposed compensation measures in relation to the SPAs and Habitats Regulations highlighted above, attention needs to be given to the potential for adverse effects on wider biodiversity. The fence element of the proposed compensation measure raises significant concerns.

For example, many coastal locations in Orkney have a thin layer of soil on top of bedrock, overlain with sensitive maritime habitats. Is there sufficient soil depth to bury the lower portion of the fence without disconnecting the soil from the bedrock, which would increase the potential for erosion from wind, spray, precipitation and run off?

How would adverse effects on soils and vegetation be minimised during installation, particularly during the excavation that would be required to install fence posts and bury the lower portion of the fence? How would the land be managed on the inland side of the fence, for example to minimise effects of trampling along the fence line by livestock?

The likely coastal cliff top location(s) significantly increases health and safety risks for personnel and livestock, meaning that human or livestock intervention may not be feasible for management of vegetation within the fence. So how would vegetation on the coastal side of the fence be managed during the lifetime of the fence, such that it does not become rank and adversely affect the species composition of the existing habitats?

The fence also has the potential to prevent passage of protected species such as otter or other important species such as the endemic Orkney vole (a Scottish Biodiversity List species), as well as posing a collision risk for birds during bad weather and low visibility - has this been adequately assessed and mitigated? Although the Compensation Implementation and Monitoring Report (section 3.4.1) recognises the potential for non-target species to be stuck within the fenced area in relation to the potential for stuck animals causing disturbance to nesting birds, there is no consideration of welfare issues that would arise should the stuck animals be left without sufficient supporting shelter, food and access to water.

The potential for displacement effects caused by predators being excluded from an area they would normally forage over also requires to be addressed. Displacement effects could increase predation in the area immediately surrounding the fenced area, which would adversely affect prey species such as breeding birds and small mammals, including the Orkney vole.

Many of these issues identified above are recognised within the documents supporting the EIAR, however there is reliance on answering or addressing them post-consent. This is not considered to be appropriate for compensatory measures associated with adverse effects on site integrity. Sufficient information should be provided now to provide confidence that the proposed compensation measures would deliver the intended benefits in relation to the SPAs, and to enable informed decision making in relation to wider biodiversity. The proposed predator fence(s) would require a formal planning process, which would require the assessment and satisfactory mitigation of potentially significant environmental, landscape, historic environment and socio-economic effects. This introduces a potential risk to the delivery of the proposed compensation.

However, because of the outstanding questions about the suitability and feasibility of the proposed compensation measures outlined above, if Scottish Ministers consider that off-site compensatory measures are required under the Habitats Regulations to address adverse effects on site integrity of the three SPAs, it is considered that an alternative compensation method should be explored. If compensation cannot be delivered in location(s) more directly connected with the three SPAs, then the suggested alternative measure could be to support the ongoing long term delivery of the Orkney Native Wildlife Project (ONWP) in the control and detection of stoat, an invasive non-native species in Orkney that predates breeding seabirds (and other species). The ONWP is currently a short term funded project, which could benefit from long term funding to ensure control measures continue towards eradication, and to enable biosecurity stoat detection methods

to be refined and deployed to prevent future incursions or the spread of stoats to the ferry linked isles.

The ONWP benefits from currently having an existing operating framework including extensive landowner agreement and engagement across Orkney. As a result, the ONWP includes trapping around the mainland Orkney coastline. Supporting the continued delivery of the ONWP in the long term would therefore benefit the four seabird species over a wider geographical area when compared to the proposed very limited geographical coverage of a small section of the preferred island. ONWP trapping includes the west coast of the Orkney mainland, which is more likely to have some form of connectivity with the three SPAs through overlapping foraging areas. Consequently, the ONWP is more likely to meaningfully contribute to compensating for the population effects on the SPA seabird species caused by the proposed wind farm.

Compared to a static predator fence, ONWP traps are easy to deploy and maintain, have minimal adverse environmental effects and can be easily moved to respond to sightings. Supporting the delivery of the ONWP is therefore considered to potentially be a more practical and effective means of compensating for adverse effects on site integrity for the SPAs in the long term, while having minimal adverse environmental effects (when compared to the proposed measures on the preferred island).

ONWP is also exploring means of bio-security monitoring of vehicles and cargo at harbours in Orkney, to identify presence of stoat in loads coming into Orkney and those going to the ferry linked isles. Supporting the ONWP long term could help develop effective biosecurity measures to prevent future incursions. The ONWP could also benefit wider biodiversity, as stoat predate on a wide range of bird species and the endemic Orkney vole.

As a result of the above, supporting the ONWP has potential to be a more relevant, practical and effective means of delivering compensation for any adverse effects on the integrity of the three SPAs. It is therefore recommended that this potential option be further investigated by the applicant.

Biodiversity Enhancement

Relevant planning policies:

- NPF4 Policy 3b (Biodiversity)
- NMP GEN 9: Natural heritage
- PFOW MSP General Policy 1A: Sustainable development

Comments:

National Marine Plan, para. 4.40, states that marine planners and other decision makers should act in the way best calculated to further the achievement of sustainable development and use, including the protection and, where appropriate, enhancement of the health of the Scottish marine area. This reflects the statutory duty on Scottish Ministers and public authorities in Marine (Scotland) Act 2010, section 3.

The nature positive design of the development is welcomed, with a high level of embedded mitigation techniques (e.g. cable burial as first choice, landfall avoiding salmonid river, development of piling strategy, blade clearance of 27.05m from MSL, a fisheries management and mitigation strategy etc). However, the marine biodiversity enhancement proposals are relatively minor; installation of storm petrel nesting boxes at Sule Skerry and Sule Stack.

More proportionate provisions of marine enhancement should be expected, particularly within Orkney waters, considering that 45% of the development falls within the Orkney Islands Marine Region. It would be preferable for more ambitious marine biodiversity, natural capital and ecosystem service enhancement to be delivered as part of this proposed development, and for these enhancement provisions to be secured within the appropriate consent.

Potential options which have been utilised elsewhere which are not explored by the applicant include artificial reef creation through reef friendly rock placement/scour protection and cable materials, attachment of reef cages to foundations, marine litter removal projects, and the delivery of off-site restoration projects (e.g. native oyster bed restoration), for example. Often with offshore developments, offsite interventions may deliver greater net gain and be more cost effective, due to the offshore location of the works.

Due to the dynamic and data-poor environment in the marine context, the commitment by the developer for ongoing commercial species monitoring is welcome (see fish and shellfish ecology comments).

Marine Archaeology and Cultural Heritage

Relevant planning policies:

- NPF4 Policy 7: Historic assets and places
- NMP GEN 6: Historic Environment
- OLDP Policy 8: Historic Environment & Culture Heritage
- PFOW General Policy 6: Historic Environment

Comments:

The matters raised on marine archaeology and culture heritage in this response is only to the parts of the EIA that are relevant to the OIC remit, i.e. relevant matters in the Orkney Islands Marine Region, and the setting of onshore assets in Orkney. All other relevant historic environment matters are within the remit of MD-LOT and/or The Highland Council.

The methodology is endorsed.

The baseline studies are comprehensive, apart from two omissions:

- Marine cores have not been taken and therefore results from them concerning submerged deposits and paleoenvironmental remains could not be included in the baseline. However, it is stated that this will be done post consent, thus filling the data gap, which is acceptable;

- Figure 16-7 shows SS Navarra (1940) PA, just outwith the OAA, but since the vessel is Position Approximate, presumably the actual location could be within the OAA boundary. This appears to be a Norwegian vessel sunk by U-boat, with crew lost, so of high importance. It is not in SS15 Table 1. Why this omission? The embedded mitigations of analysis of the marine geophysical survey data and the production of a PAD are applicable to this asset.

The potential impacts identified and requiring assessment are considered appropriate, reasonable and proportionate by OIC.

The embedded mitigation measures, which must be adhered to in order to achieve the non-significant residual impacts, including the Outline Management Plan (OMP1) with its Appendix A6 outline of a Written Scheme of Investigation (WSI) and Protocol for Archaeological Discoveries (PAD) are considered to be appropriate. The approach of following the PAD format detailed in the 'Protocols for Archaeological discoveries: Round 3 Offshore Renewables Project' (The Crown Estate and Wessex Archaeology, 2014) is supported. The WSI should follow 'Archaeological Written Schemes of Investigation for Offshore Wind Farm Projects' (The Crown Estate and Wessex Archaeology, 2021).

The assessment of potential effects during construction (including pre-construction), decommissioning, operations and maintenance is supported apart from aspects of long-term changes to the setting of onshore historic environment assets. These concerns are outlined below.

In general, the setting assessments underestimate the contribution of the open seascape to the setting of the assets and of the relationships of assets to the sea, not just to other sites and the landscape. This has led to sometimes underestimating the magnitude of impact. Related to this is a discrepancy in the use of the phrase 'adequately retains integrity', which is used in Table 16-11 criteria for assessing magnitude on setting in relation to medium magnitude of impact, yet is applied in some cases (VP21 Rackwick, Wireline E Point of Buckquoy, Wireline I Hall of Clestrain) where it is stated that the impact is of low magnitude.

It should be noted that impact on the integrity of setting is not always assessed (HONO WHS Bay of Skail, Wireline F Knowes of Trotty / HONO WHS West Mainland, VP 27 Kitchener Memorial, VP 28 Earl's Palace Birsay) resulting in inconsistent information on which to draw conclusions.

There is a factual error in the baseline description assessment for Skara Brae, which states that when it was built, the village was situated over 1 km from the sea's edge. The scientific evidence so far indicates that the village was built only up to 500m from the sea's edge, and so with the sea and its resources playing an important part in the setting of the village. It is similarly mistaken in stating that views to and from Skara Brae are restricted to its immediate environs, when clearly there are views out from Skara Brae to the open sea. However, this view from Skara Brae itself would not have the WOWF in it, although it would be visible from the centre and north of the Bay of Skail. It is agreed that this would not have a significant effect on the integrity of the setting of the WHS or its Outstanding Universal Value.

VP 28 Earls Palace Birsay assessment creates some confusion between the visualisation showing WOWF and the statement that it is not visible from the Palace for which no reason is given. However, the WOWF would be visible in the background of the approach views from the east, down to and over the Palace. The effect of this has not been assessed.

Wireline E Birsay carpark and Point of Buckquoy omits an assessment on the approach to the Brough of Birsay, which is the main reason for parking there, and if that significantly affects the views to the Brough, its appreciation, understanding, experience and integrity of setting.

Apart from the potential setting issues outlined, we essentially agree with the assessment of potential cumulative effects, inter-related effects, trans-boundary effects and the Whole Project assessment as they relate to the Orkney Islands Marine Region and the setting of Orkney's onshore assets.

In conclusion, there will be a clearly visible change in the seascape and the setting of sites and monuments on the west coast of Orkney. Whilst this change will be distant, it is counterbalanced by the scale and geographical spread of the proposed development. It seems likely that this will not result in significant impacts on the integrity of the setting of sites and monuments, thus reducing their value. However, addressing the issues outlined above will enable that conclusion to be more robust.

As outlined above, the derogation case and associated compensatory measures may require a planning application, and potentially an EIA, which would include an assessment of any significant effects on the historic environment. Most of the short-listed islands identified as potentially suitable for anti-predator fencing also contain highly sensitive historic environment assets that must be avoided, and the integrity of their setting may be adversely impacted by the type of fencing proposed.

Marine Physical and Coastal Processes

Relevant planning policies:

- NMP GEN 8: Coastal Processes and Flooding
- NMP CABLES 2
- NMP CABLES 4
- PFOW General Policy 5B: Coastal Processes and Flooding

Comments:

There are no direct comments to add directly in relation to Chapter 8 – Marine Physical and Coastal Processes.

However, it is agreed that the modelled sedimentation settlement of up to 2 mm across the plume extent from the works is minimal and unlikely to affect long-term physical processes. For comments on sedimentation in relation to biodiversity, refer to Benthic Subtidal and Intertidal Ecology below. As noted in the EIA report however, Marine Licence applications ahead of construction may be required for seabed preparation (e.g. dredging and subsequent disposal and boulder clearance).

It should be noted that where scour protection is used, methods for combining this with biodiversity enhancement techniques (e.g. reef friendly materials) should be considered. See Biodiversity Enhancement for further information.

Water and Sediment Quality

Relevant planning policies:

- NMP GEN 10: Invasive and Non-Native Species
- NMP GEN 12: Water Quality and Resource
- NMP GEN 21: Cumulative Impacts
- NMP Cables 1
- NMP Cables 2
- NMP Cables 4
- PFOW MSP General Policy 5A: Water environment

Comments:

The following comments only relate to the Orkney Islands Marine Region.

The water and sediment quality offshore study area encompasses a 10 km buffer around the Option Area and 15 km buffer around the export cable corridor. The current status of SEPA's Aquatic Classification for the area of the project within Orkney's marine region is high.

Whilst the maximum extent of a sediment plume is large, predicted to be 5 km to the east and 4 km to the west due to the flood and ebb, it is agreed that the impacts will be only temporary during the installation phases and should not affect the long-term status of the Aquatic Classification. For impact of the sediment plume on PMF's, please refer to the Benthic Subtidal and Intertidal Ecology section below.

Seabed preparations ahead of construction may require boulder clearance, dredging and excavated material disposed in designated/licensed disposal sites or within the offshore Project area. As noted in Chapter 9, carrying out these activities and disposal of the material could require a separate Marine Licence application to Marine Directorate – Licensing Operations Team (MD-LOT).

Benthic Subtidal and Intertidal Ecology

Relevant planning policies:

- NMP GEN 9: Natural heritage
- NMP GEN 10: Invasive and non-native species
- NPF4 Policy 3 Biodiversity
- NPF4 Policy 4 Natural places
- PFOW MSP General Policy 4A: Nature conservation designations

- PFOW MSP General Policy 4B: Protected species
- PFOW MSP General Policy 4C: Wider biodiversity
- PFOW MSP General Policy 9: Invasive and non-native species

Comments:

Please note that these comments only relate to impacts within Orkney's 12 nautical mile marine region. The priority marine feature 'Ocean Quahog' is present within the development site and the Orkney Islands Marine Region. The quahog location could fall within the sediment plumes caused by the works (which could be up to 8 km in distance). Whilst ocean quahogs are deemed to be highly sensitive to heavy siltation rate changes due to their short inhalant siphon (FeAST), they are believed to withstand lighter siltation increases of up to 5 cm. It is noted that the predicted additional siltation from the plume will be minimal, with the resettlement of material being modelled as a maximum of 2 mm (EIA/Benthic Subtidal and Intertidal Ecology: 10.6.1.2 *Increased suspended sediment concentrations and sediment deposition*).

Whilst one non-native taxon was identified (polychaete *Goniadella gracilis*), due to it already being widespread around the UK and not being invasive, it is agreed that it is not a substantial concern. INNS protocols such as The Great Britain Invasive Non-native Species Strategy² and relevant policies listed above should be adhered to minimise any further introduction or spread. Within the Marine Region, the prevention aspect of the three-stage approach (Prevention, Rapid Response, Control) is particularly important as, in most cases, it would not be possible to control a species once it has been introduced. Within Great Britain, the Non-Native Species Secretariat provides biosecurity advice to prevent the spread of invasive plants and animals in British waters and many of the best practice measures are applicable to the marine environment. Completion of the Environmental Management Plan may identify areas where further action is needed.

Further comments on the development's impact on fish and shellfish species are within the Fish and Shellfish comments below.

Fish and Shellfish Ecology

Relevant policies:

- NMP GEN 9: Natural heritage
- NMP GEN 13: Noise
- NMP Renewables 9
- NMP Wild Fish 1
- NMP FISHERIES 1, 2 and 3
- PFOW MSP General Policy 4B: Protected species
- PFOW MSP General Policy 4C: Wider biodiversity

² <https://www.nonnativespecies.org/assets/Uploads/The-Great-Britain-Invasive-Non-Native-Species-Strategy-2023-to-2030-v2.pdf>

Comments:

The EIA predicts no significant effects for fish or shellfish receptors. However, crab tagging studies by Coleman and Rodrigues³ (2017) suggests that the development could be within a brown crab migratory route. Brown crab are thought to migrate throughout the year, and there is the potential for this development to impact these migrations during both the construction phase (e.g. crabs have been shown to decrease likelihood to feed and spend more time immobile when exposed to pile driving noise⁴) and the operational phase (cable protection may present a barrier to movement, see below).

It is acknowledged however that there are significant data gaps surrounding the movements of brown crab. The Fish and Shellfish Summary (EIAR, Chapter 11) states "The potential for monitoring of diadromous fish will be explored post consent, focussing on strategic monitoring opportunities to address the key data gaps identified in the Scottish Marine Energy Research (ScotMER) diadromous fish and fish and fisheries evidence maps." This is welcomed, however brown crab should also be considered for similar monitoring and research due to our poor understanding of their migratory patterns (which may be within the development boundary) and the impacts that the development may have on their movements. MD-LOT should ensure that impacts on brown crab are fully assessed, due to their critical importance to the Orkney fishing industry. Barrier and Electro-Magnetic Field (EMF) effects (further comments below) should be monitored to enhance understanding of potential effects and any appropriate mitigation measures. This will ensure that the development complies with the National Marine Plan Renewables Policy 9 (i.e. *decision makers should support the development of joint research and monitoring programmes for offshore wind and marine renewables energy development.*) See comments in Commercial Fisheries above for further comments on research and monitoring.

11 km is most likely sufficient distance from the North-West Orkney Nature Conservation Marine Protected Area for impacts on the designated species (sand eels) to be minimal. However, within the development area it is noted that the EIAR identifies sand eel and herring to be negatively impacted by the long-term loss of spawning grounds as a result of the development, albeit within a relatively small proportion (7.34 km²) of the available habitat in the area. These are assessed within the EIA and the overall consequence found to be minor. It is thought that Atlantic salmon may also migrate through the development area, but there is insufficient data to identify the exact routes that are taken.

The commitment to bury cables where possible is welcome, however it is noted that there is the potential for up to 295 km of cables to require protection at a height of three metres. These stretches will both increase the risk of EMF effects as acknowledged in table 11-17 of EIAR Chapter 11, and may also present a barrier to species movement, particularly for migrating brown crab. The barrier to brown crab migration movements don't appear to have been assessed to the same level as diadromous fish.

³ Coleman, M., and E. Rodrigues. "Orkney brown crab (*Cancer pagurus*) tagging project." *Orkney Shellfish Res. Proj* 21 (2017)

⁴ <https://ore.exeter.ac.uk/repository/bitstream/handle/10871/36001/CorbettWT.pdf?sequence=1&isAllowed=y>

It is noted that the noise during the operation phase is unlikely to be audible above ambient noise and therefore unlikely to be a barrier to species movement. However, it should be noted studies have found the operational noise level can indeed alter the behaviour of highly migratory fish species (Espinosa et al., 2014⁵).

It would be preferable for further noise reduction methods to be explored during the construction (piling) phase, with no mention of noise reduction techniques such as bubble curtains in the Piling Strategy. However, it is noted that piling protocols will be refined and agreed in consultation with MD-LOT and NatureScot post-consent, to reflect refined project parameters and to incorporate any new research outputs.

Marine Mammals and Megafauna

Relevant planning policies:

- NMP GEN 9: Natural heritage
- NMP GEN 13: Noise
- PFOW MSP General Policy 4B: Protected Species
- PFOW MSP General Policy 4C: Wider Biodiversity

Comments:

Protected species - cetaceans and basking shark:

Although it is noted in the Non-Technical Summary and Marine mammal mitigation protocol documents that licenses would be required from NatureScot for cetaceans, which are European Protected Species, licenses are also likely to be required for basking shark, a protected species in Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). This is due to the unavoidable potential for adverse effects caused by a development of this nature, location and scale. Prior to determination of the application, the applicant should supply evidence to the consenting authority of the advice they have received from NatureScot that licenses could be granted (based on the available information presented in the EIAR) that would allow the development to proceed without breaching the law in relation to European protected species (cetaceans) and other protected species (basking shark).

⁵ Espinosa, V., I. Perez-Arjona, V. Puig, E. Soliveres, P. Ordóñez, P. Poveda Martínez, J. Soriano, and F. de la Gándara. 2014. Effects on bluefin tuna behaviour of offshore wind turbine operational noise. Paper presented at the International Marine Conservation Congress, Glasgow, Scotland, August 14–18, 2014

Minute

Harbour Authority Sub-committee

Tuesday, 23 January 2024, 09:30.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Councillors David Dawson, Gillian Skuse, Graham A Bevan, P Lindsay Hall, Ivan A Taylor and Heather N Woodbridge.

Present via remote link (Microsoft Teams)

- Councillor Mellissa-Louise Thomson.

Clerk

- Katy Russell-Duff, Committees Officer.

In Attendance

- Karen Bevilacqua, Service Manager (Legal Services).
- Hazel Flett, Service Manager (Governance).
- Shonagh Merriman, Service Manager (Corporate Finance).

In Attendance via remote link (Microsoft Teams)

- Gareth Waterson, Corporate Director for Enterprise and Sustainable Regeneration.

Declaration of Interest

- Councillor Mellissa-Louise Thomson – Item 7.

Chair

- Councillor David Dawson.

1. 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 Service Manager (Corporate Finance), the Sub-committee:

Noted:

1.1. The revenue financial summary statement in respect of the Scapa Flow Oil Port and Miscellaneous Piers and Harbours for the period 1 April to 31 December 2023, attached as Annex 1 to the report by the Head of Finance, indicating a budget deficit position of £970,200.

1.2. The revenue financial detail by Service Area statement in respect of the Scapa Flow Oil Port and Miscellaneous Piers and Harbours for the period 1 April to 31 December 2023, attached as Annex 2 to the report by the Head of Finance

The Sub-committee scrutinised:

1.3. 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.

2. Miscellaneous Piers and Harbours and Scapa Flow Oil Port

Minor Capital Improvement Programmes – 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 Service Manager (Corporate Finance), the Sub-committee:

Noted:

2.1. The summary position of expenditure incurred, as at 31 December 2023, against the approved Miscellaneous Piers and Harbours and Scapa Flow Oil Port minor capital improvement programmes for 2023/24.

The Sub-committee scrutinised:

2.2. The detailed analysis of expenditure figures against the approved programmes, 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 Miscellaneous Piers and Harbours and Scapa Flow Oil Port minor capital improvement programmes.

3. Miscellaneous Piers and Harbours

Revenue Maintenance 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 Service Manager (Corporate Finance), the Sub-committee:

Noted:

3.1. The summary outturn position of expenditure incurred, as at 31 December 2023, against the approved Miscellaneous Piers and Harbours revenue maintenance programme for financial year 2023/24.

The Sub-committee scrutinised:

3.2. 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 Miscellaneous Piers and Harbours revenue maintenance programme.

4. Miscellaneous Piers and Harbours and Scapa Flow Oil Port

Draft Budgets

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

Noted:

4.1. That the respective budgets for Miscellaneous Piers and Harbours and Scapa Flow Oil Port, as trading activities, should normally be based on an assumption that a surplus could be generated from their activities.

4.2. That, after applying inflationary and budgetary assumptions, the draft revenue budget in respect of the Miscellaneous Piers and Harbours for 2024/25 was indicating a net surplus of £3,178,600.

4.3. That provision of £2,765,000 had been made within the revenue budget for Miscellaneous Piers and Harbours in respect of maintenance and repair works.

4.4. That, after applying inflationary and budgetary assumptions, the draft revenue budget in respect of the Scapa Flow Oil Port for 2024/25 was indicating a net surplus of £1,140,500.

The Sub-committee resolved to **recommend to the Council:**

4.5. That the draft revenue budgets for financial year 2024/25 in respect of Miscellaneous Piers and Harbours and the Scapa Flow Oil Port, attached as Annex 1 to the report by the Corporate Director for Enterprise and Sustainable Regeneration, be submitted to the Policy and Resources Committee for consideration through the budget setting process.

Due to connectivity issues, the Corporate Director for Enterprise and Sustainable Regeneration was unable to be present for the full consideration of this item and had left the meeting by this point.

5. Harbour Authority – Annual Performance Report

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

Resolved to defer consideration of the Annual Performance Report for 2022/23 to the next meeting of the Sub-committee.

6. Exclusion of Public

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

7. Proposed Harbour Charges

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

As the Corporate Director for Enterprise and Sustainable Regeneration was unable to be present due to connectivity issues and, after hearing advice from the Service Manager (Governance), the Sub-committee:

Resolved to adjourn the meeting, to a date and time to be confirmed, to enable appropriate officers from Marine Services to attend, in person, to present the proposed harbour charges for 2024/25.

8. Adjournment of Meeting

At 10:35 the Chair adjourned the meeting.

Signed: David Dawson.

Appendix 5.

Archaeology Fund – 2024 Season

Applications approved under delegated powers

Name.	Project.	Assistance Approved.
Nick Card, ORCA, UHI Orkney.	Excavations at Ness of Brodgar.	1.45% = £5,000.
Martin Carruthers, Archaeology Institute, UHI Orkney.	Field project at The Cairns/ Windwick Bay, South Ronaldsay.	18.25% = £7,321.
Professor Vicki Cummings, School of History, Archaeology and Religion, Cardiff University.	Excavations at Blomar, Holm.	18.85% = £4,500.
Paul Clark, ORCA, UHI Orkney.	Geophysical survey at St Mary's Broch.	48.81% = £3,179.
Stephen Dockrill, Swandro Orkney Coastal Archaeology Trust.	Archaeological study of settlement, resource exploitation, sustainability and resilience at Swandro, Rousay.	18.43% = £7,000.
Professor Ingrid Mainland and Dan Lee, Archaeology Institute, UHI Orkney.	Landscapes of Change, Archaeologies of the Rousay clearances and the Westness Estate.	25.84% = £13,000.

Minute

Harbour Authority Sub-committee

Tuesday, 30 January 2024, 14:00.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Councillors David Dawson, Gillian Skuse, Graham A Bevan, P Lindsay Hall, Ivan A Taylor and Heather N Woodbridge.

Present via remote link (Microsoft Teams)

- Councillor Mellissa-Louise Thomson.

Clerk

- Katy Russell-Duff, Committees Officer.

In Attendance

- James Buck, Head of Marine Services, Transportation and Harbour Master.
- Karen Bevilacqua, Service Manager (Legal Services).
- Hazel Flett, Service Manager (Governance).
- Shonagh Merriman, Service Manager (Corporate Finance).

In Attendance via remote link (Microsoft Teams)

- Gareth Waterson, Corporate Director for Enterprise and Sustainable Regeneration.
- Paul Olvhoj, Business Development Manager.

Declarations of Interest

- Councillor Graham Bevan – Item 3.
- Councillor Mellissa-Louise Thomson – Item 3.

Chair

- Councillor David Dawson.

1. Harbour Authority – Annual Performance Report

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 Business Development Manager, the Sub-committee:

Scrutinised the Annual Performance Report in respect of the Harbour Authority for the operating period 1 April 2022 to 31 March 2023, attached as Appendix 1 to the report by the Corporate Director for Enterprise and Sustainable Regeneration, and obtained assurance.

2. Exclusion of Public

On the motion of Councillor David Dawson, seconded by Councillor Heather N Woodbridge, the Sub-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 class described in the relevant paragraph of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 as amended.

3. Proposed Harbour Charges

Councillor Graham A Bevan declared an interest in this item, his connection being that a close family member was employed in an industry which was liable to incur harbour charges, and was not present during discussion thereof.

Councillor Mellissa-Louise Thomson declared an interest in this item, her connection being that her spouse was the owner of a creel fishing boat, and therefore liable to incur harbour charges, 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 paragraph 9 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 Marine Services, Transportation and Harbour Master, the Sub-committee:

Resolved to **recommend to the Council** that the Orkney Islands Council Harbour Authority Schedule of Charges, attached as Appendix 1 to this Minute, be approved, to take effect from 1 April 2024.

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.

4. Conclusion of Meeting

At 14:38 the Chair declared the meeting concluded.

Signed: David Dawson.



SCHEDULE OF CHARGES

As of
01 April 2024

Orkney Harbour Authority Area





Schedule of Charges as from 1 April 2024

Contents

Definitions.....	1
Caveats	1
General Conditions	3
1. Vessels and Goods	4
Ship Dues.....	4
Layby	6
Period Dues	6
Environmental Levy	6
Compound Charges	6
Good Dues	7
Offshore Wind Operations.....	9
Cruise	10
Port Administration.....	10
Harbour Craft Charges.....	11
Terms & Conditions for Vessels and Goods.....	12
2. Pilotage	14
Pilotage Services.....	14
Pilotage Charges	14
Over Carriage.....	15
Pilotage Exemption Certificates, Authorisations & Assessments.....	15
North Sea Pilots.....	15
Terms & Conditions for Pilotage.....	16
3. Towing	17

Towage Charges.....	17
Charter Rates.....	17
Towage Administration.....	17
Terms & Conditions for Towage	18
4. Quay, Slipway and Laydown Charges	19
Laydown Charges.....	19
Slipway Charges.....	19
Laydown Area, Parking Permit and Penalties Charges	19
Penalties.....	19
Terms & Conditions for Quay, Slipway and Laydown Charges	20
5. Sundry Charges	21
Waste Charges	21
Port Security Charges.....	21
Harbour Infrastructure Hire Charges	22
Utility Charges	22
Port Data Services.....	22
Hire of Loadall/Forklift	22
Terms & Conditions for Sundry Charges	23

Definitions

In these terms and conditions and charging provisions, unless the context otherwise requires:

“Device” means any floating, submerged or semi-submerged machine, structure or apparatus used for the generation or production of electricity, hydrogen or any other product, liquid or gas. This includes any unpropelled structure or machine. Self-propelled equipment will be deemed to be a vessel and treated as such for the purposes of these charges.

“Docking” is tied up to, made fast or secured to an OIC jetty or pier, or secured adjacent to or on the seabed in close proximity to any OIC pier.

“Services” means any service or operation of whatsoever nature performed or provided by Marine Services.

“The Harbour” means the Orkney Islands Harbours as defined in the Orkney County Council Act 1974 (including the approaches thereto), bridges, wharves, quays, berths, roads, and other property and works of every description and nature, and the buildings, structures and erections thereon, in the Harbours of Orkney for the time being owned, occupied or managed by Marine Services. The port limits are as defined in the Orkney County Council Act 1974

“Vehicle” means any vehicle, including any motor car, motorcycle, lorry, trailer, tractor, steam roller, excavator, agricultural machine or other machine on wheels or tracks.

“Vessel” means any vessel, including any hovercraft, hydrofoil vessel and anything constructed or used to carry persons, goods or cargo by water.

Caveats

Unless the context otherwise requires, words implying the singular include the plural and vice versa and words importing gender shall include any other gender.

Unless otherwise stipulated in any special conditions relating to services and facilities provided by Marine Services, all vessels may enter or leave the Harbour or use Marine Services equipment or facilities or the service of its employees for or in connection with the loading, discharging or trans-shipping of cargo or in connection with repairing, fitting out, victualing, provisioning or laying-by of the vessel only with the consent of Marine Services and subject to:

- a. payment of the relevant dues or other charges;
- b. such terms and conditions as Marine Services may impose;
- c. the lawful directions of the Harbour Master or other appropriate officers of Marine Services, and
- d. compliance with the Statutes, Byelaws and regulations of Marine Services.

Marine Services notwithstanding any consent given or arrangement made shall be at liberty to vary, postpone or cancel such arrangements for any reason whatsoever without Marine Services thereby incurring to any person any liability whatsoever for loss, damage, injury, delay or expense.

Marine Services does not take any charge of or assume any responsibility whatsoever in respect of any vessel navigating or lying in the Port, or entering, leaving, moving, mooring or unmooring in the Harbour; all craft under such circumstances being at the sole risk of the owner, who alone is responsible for the safety and security of their vessel and moorings and also for any damage done by their vessel or servants to the Harbour, or to vessels or goods in or upon any part of the Harbour.

All goods at the Harbour (whether in transit, laid down or deposited) are at the owner's risk in every respect. Marine Services has no custody of such goods and shall not be responsible for any loss or damage.

Goods are not in the custody of Marine Services unless taken possession of by Marine Services as warehousemen or carriers in accordance with Marine Services relevant terms and conditions from time to time in force.

Marine Services shall be undertaken only in accordance with Marine Services relevant terms and conditions from time to time in force. Marine Services requires the appropriate requisition, together with any other necessary documents, to be lodged before any service is begun.

When an agent for a vessel ceases to act whilst that vessel is still in the Harbour and does not accept responsibility for all charges arising, that agent must at once notify Marine Services so that charges may be correctly debited to the responsible parties.

When discharging or loading a vessel, Marine Services may, on request, furnish to the owner or agent an estimate, to the best of its ability, of the time at which discharging, or loading is likely to finish. In giving this estimate, Marine Services accepts no responsibility for any inaccuracy or for any delay in finishing discharging or loading.

The charges and terms herein are subject to alteration at any time.

Where Marine Services has agreed to provide any services in respect of which no charges have been assigned therein, then the charges applicable to those services shall be as determined from time to time by Marine Services.

General Conditions

Documents to be Furnished by the Customer, Master or Owner

Unless otherwise agreed in advance by Marine Services, the Customer, Master or Owner of every vessel discharging or loading cargo must supply to Marine Services the following documents confirming the quantity of cargo discharged or loaded in the Harbour and the days upon which discharging, or loading took place:

- i) Bills of Lading or Cargo Manifest (indicating the weight of cargo and details of the shippers, consignees and freight payers); and
- ii) Statement of Facts

Where the quantity of cargo discharged does not match that shown on the relevant Bill of Lading, then a certified discrepancy report (including details of supporting surveys etc.) must be provided.

These documents must be supplied by the Customer, Master or Owner, or the appointed Agent, to Marine Services within two working days of the day upon which the vessel completes discharging or loading as appropriate. The documents must be submitted (as PDF-format attachments) via e-mail to

marine.ops@orkney.gov.uk

Audit

Marine Services reserve the right, upon the giving of reasonable notice to the Customer, Master, Owner, Vessel Agent, Operator, Cargo Receiver or Cargo Shipper, to require the production of, and to receive, view and / or copy, any relevant document or material within that party's reasonable control that demonstrates and evidences the quantum or movement of any cargo or other throughput that may be received, loaded, discharged, stored or otherwise handled within the Port. Such documentation and materials shall be provided to Marine Services upon request, without charge and during Marine Service normal working hours.

For the purposes of undertaking periodic audits, Marine Services also reserve the right to review any recordings, data, reports, measurements produced from equipment under the control of any party and used to load, discharge or store and monitor cargo e.g. including but not limited to CCTV / ANPR etc.

Terms and Conditions

All activities undertaken and Services provided by Marine Services are in accordance with these terms and conditions and charging provisions, and all applicable Statutes, Byelaws, Directions and Terms & Conditions for trade or the supply of Services, which shall continue to apply except where varied from time to time by Marine Services.

These terms shall be governed by and construed in accordance with Scottish Law.

Payment

Except where specified herein to the contrary, all charges payable hereunder shall be payable on demand unless otherwise agreed by Marine Services. Marine Services may charge interest on any overdue amount in accordance with the Late Payment of Commercial Debts (Interest) Act 1998.

Value Added Tax (or any other tax required to be levied on Marine Services charges) shall be payable where applicable at the appropriate rate current from time to time on and in addition to the charges specified or referred to herein. Marine Services VAT Registration number is GB 267 7995 83.

Payments should be made payable to Orkney Islands Council.

Remittances should be sent to salesinvoices@orkney.gov.uk

Fuel and Electricity Surcharges may be applicable in addition to the fees within the Schedule of Charges if there are any unforeseen increases.

1. Vessels and Goods

Ship Dues

These rates are chargeable upon entry to our jurisdiction & cover the vessel for a 24 hour period in port or time of stay in port to cover operations (Subject to Confirmation of Classification).

All vessels below are subject to a Minimum Charge of £50.00 per vessel and £25.00 per visiting pleasure craft.

Vessels, Barges and Devices Utilising an Orkney Islands Council Pier

The following will be charged on use of an Orkney Island Council Pier (£ per GT):	
General Cargo Vessels, Tankers & Bulk Carrier	£0.68
Tankers proceeding to Flotta Oil Terminal	£7.20
All vessels engaged operating a regular daily or weekly service between the Orkney Islands*	
Cruise liners and vessels engaged in commercial tourism, including commercial dive vessels*	£0.46
Vessels engaged in the provisions of service and supply of materials for and to vessels at anchor or within the Harbour limits	£0.40
Passenger Launches/Workboats servicing the Flotta Oil Terminal	£0.54
Tugs & Offshore Support Vessels (including those with walk to work technology)	£0.45
Barges & Self-Propelled Jack-up Vessels	£0.68
Vessels engaged in trans-shipping fish, aquaculture and live fish carriers	£0.68
Vessels using port for purposes other than those above	£0.68
All vessels engaged operating a regular daily or weekly service between the Scottish Mainland and Orkney per scheduled trip	
£0.15	
Fishing Vessels & Training Vessels (including tall ships):	
Up to 50 GT	£38.09
Over 50 GT up to 100 GT	£52.38
Over 100 GT up to 200 GT	£65.46
Over 200 GT up to 300 GT	£77.37
Over 300 GT	£89.27
With £1.08 every GT or part thereof over 300 GT	minimum
Vessels, devices and barges not in possession of ITC69 certificate:	
Under 40m in length	£2.49 per m
40m and over in length	£4.52 per m

Recreational and Pleasure Craft (£ per vessel):

Up to 10m in length	£27.38
10m in length and over Plus £1.85 per metre or part thereof	£30.00 minimum
Recreational and Pleasure Craft Vessels only staying in Orkney for 14 days or more, who pay in advance will receive a 40% discount on dues.	

Vessels Entering the Harbour Area but Not Utilising an Orkney Islands Council Pier

Vessels of all types, and in any state entering the Harbour Area for any purpose but who do not enter any dock, or utilise any pier owned by Orkney Islands Council will be charged (£ per GT):

Where a vessel enters for safety by stress of weather or on direct passage no charge will be applied.

All vessels, except recreational vessels	£0.28
--	-------

Vessels Entering the Harbour Area and Utilising an Anchorage or Mooring Point

The following will be charged on use of an anchorage or mooring point (or within the harbour areas) within Orkney Island Council Harbour Area for a vessel in possession of an ITC69 certificate:

Short Term (£ per GT)	
First 6 hours	£0.075
Every additional 24 hours or part thereof	£0.06
Long Term (£ per GT per vessel per 24 hour period or part thereof)	
Vessel up to 10,000 GT	£0.009
Vessels over 10,000 up to 50,000 GT	£0.0075
Vessels over 50,000 up to 100,000 GT	£0.006
Vessels over 100,000 GT	£0.005

Vessels, devices and barges not in possession of ITC69 certificate.

Short Term (price per m per 24 hour period or part thereof):	
Under 40m in length	£1.49
40m and over in length	£2.99
Long Term (price per m per 24 hour period or part thereof)	
Under 40m in length	£1.18
40m and over in length	£1.90

Anchorage occupied in excess of 14 days (336 hours) will be considered a Long Term anchorage and subject to the appropriate charge after this time.

Long Term anchorages are subject to a minimum 92 Day charge.

Her Majesty's Ships and other UK/Scottish Government vessels and charitable sail training vessels will be exempt from berthing and anchorage fees. All other charges for services including pilotage will apply.

UK Border Force or HMRC Inspection and Detention

Any Vessel subject to UK Border Force or HMRC Inspection or Detention, or any by any similar Government agency may be subject to additional charges, at the discretion of the Harbour Authority, for the use of any port facilities.

Layby

Vessels which are off charter (not actively employed) or not under maintenance/repair may be entitled to a reduced Layby rate. Application for this rate would need to be approved in advance by the Harbour Master.

Period Dues

Any Vessel included in 'Ships Dues' above which remains in the harbour for a continuous period greater than 96 hours from entry will be charged quarter of the applicable harbour dues for each successive complete or incomplete period of 24 hours that it remains thereafter.

Any Vessel subject to the Minimum Charge under 'Ships Dues' will be charged for each complete or incomplete period of 96 hours that it remains after the first period.

Environmental Levy

Every vessel which comes into or goes out of the Harbour is liable for the Environmental Levy thereon as set out below:

Per GT of the vessel per Voyage per entry into the harbour area:	
Vessels carrying Hydrocarbons Cargo as cargo (minimum charge)	£866.70
Vessels carrying Hydrocarbons Cargo as cargo	£0.02
All Other Vessels	£0.010
Vessels powered by LNG and classified as such	£0.004
Vessels certified carbon free	No charge

Compound Charges

Consolidated, compound charges, payable in advance for all vessels, devices, barges and pleasure craft.

Vessels up to 50 GT and those not in possession of an ITC 69 Certificate:

Under 10m	£196.40
10m and over but under 12m	£309.47
12m and over but under 15m	£440.40
15m and over but under 18m	£702.26
18m and over but under 21m	£880.80
21m and over but under 24m	£1321.19
24m and over but under 27m	£1666.38
27m and over but under 30m	£2005.60

Over 30m minimum £2,005.60 plus £58.36 per metre or part thereof over 30m.

Vessels over 50 GT and in possession of and ITC 69 Certificate (£ per GT):

Over 50 GT up to 100 GT	£13.92
Over 100 GT up to 200 GT	£15.30
Over 200 GT up to 300 GT	£16.66
Over 300 GT up to 400 GT	£23.64
Over 400 GT up to 500 GT	£33.33
Over 500 GT up to 600 GT	£45.85
Over 600 GT	£62.51

Good Dues

General Cargoes

Price Band A (£ per unit)

Aggregates (per tonne)	£1.69
Unprocessed Timber	£0.89
Animal Feed, Barley, Pulses, Wheat & Grain (per tonne)	£1.12

Price Band B (£ per unit)

Tubulars (pipe work) & Grout (per tonne)	£1.34
Cement	£1.69
Fertiliser (including Basic Slag)	£1.69
Sawn Timber (per cubic metre)	£1.69

Price Band C (£ per unit)

Profiles	£2.51
Scrap Metal	£2.56
Steel Sections (max 8 tonne per section)	£2.56
General Cargo	£3.33
Concrete Mats & Structures (per tonne)	£3.35
Crane Parts/Components (per tonne)	£3.98

Price Band D (£ per unit)

All other Metal Fabrications (per tonne)	£5.38
--	-------

Decommissioning related cargo (per tonne)	£8.21
Turbines, Compressors, Boilers & Pipework (per tonne)	£12.13
Automotive (New/Unregistered) per vehicle	£12.13

Fuels (£ per unit)

Solid Fuels, Coal, coke, logs etc (per tonne)	£1.64
Petroleum Products (Fuel Oil, Diesel, Kersoine etc) (per tonne)	£2.61
Gas (per tonne)	£2.61

Closed Container Units (CCU's) (£ per unit)

Closed Container Units of any size	£6.56
------------------------------------	-------

Passenger Dues

Ferry (External)	
Adult	£2.08
Child (under the age of 12)	£1.05

Vehicles (Ferry - External)

Private owned vehicles, motor homes, caravans, trailers, boats etc not in commercial use:	
Motor Vehicles under 5.5m	£10.80
Motor Vehicles 5.5m up to 7.5m	£12.51
Motor Vehicles 7.5m up to 10m	£22.02
Motor Vehicles over 10m plus £0.87 for each additional half metre	£38.69 minimum
Motor Cycle	£4.38
Motor Cycle with sidecar	£8.84
Pedal Cycle	£1.64
Commercially owned and operated vehicles, motor homes, trailers etc:	
Motor Vehicles under 7.5m	£13.89
Motor Vehicles 7.5m up to 10m	£27.72
Motor Vehicles 10m up to 12.5m	£44.04
Motor Vehicles over 12.5m plus £0.87 for each additional half metre	£60.16 minimum

Aquaculture, Fish, Shellfish and Livestock

Aquaculture (per tonne)	
Fish/Salmon Food	£2.14
Fish, Shellfish and Crustacean (per tonne)	
Fish, Shellfish or Crustacean direct from Sea	£3.44
Fish, Shellfish or Crustacean harvested	£3.44
Smolts	£2.14
Processed Fish, Shellfish or Crustacean	£2.14
Livestock (per head)	
Cattle	£1.04
Horses	£1.04
Sheep	£0.60
Other Livestock/animals	£0.60

Ship to Ship Cargo Transfers within Harbour Limits

Payable on the transshipment of all goods over 10 tonnes in weight or 10 Cubic Metres in volume between vessels, devices barges and all other craft within Harbour limits (Price per Cargo Tonne or Cubic Metre or part thereof):

Oil – All grades	£0.51
LNG (per cubic metre)	£0.51
Fish/Salmon	£1.29
Other goods	£2.57

Hazardous cargos such as Oil and Gas will be subject to a minimum charge of (inclusive of all fees and levies except Environmental Levy).

This charge is based on Fuel prices as of December 2023, any fuel costs over this price will be subject to a fuel surcharge. £46,783

Bunkering Operations

Payable on the trans-shipment of bunkers between vessels. (Price per Cargo Tonne or Cubic Metre or part thereof):

Oil – All grades	£2.61
LNG (per cubic metre)	£2.43

Offshore Wind Operations

Levies for Offshore Wind Operations (in addition to charges in other sections):

Berth Fees

Any vessel involved in Offshore Wind Activity utilising an OIC Pier	£/GT per day	£0.19
---	--------------	-------

Wet Storage Fees

Any vessels, devices and barges not in possession of an ITC69 utilising an OIC Pier	Per metre	£55.00
Any vessels, devices and barges not in possession of an ITC69 at Anchor	Per metre	£5.00
Goods Dues		
Wind Farm Components	£/tonne	£12.00
Anchors, Moorings, Chains	£/tonne	£3.00
Land Fees		
Lease of Land (utilised)	£/m2 per week	£2.00
Lease of Land (unutilised/long term storage)	£/m2 per week	£1.50

Cruise

Levies for Cruise Vessel Operations (in addition to charges in other sections):

Outer Isles Cruise Calls (Vessels calling at locations outwith Orkney Mainland)		
Cruise call charge: Vessel < 5,000GT		£1,250
Cruise call charge: Vessel > 5,000GT		£2,000
Domestic Waste (excluding Category 1 Waste)		
First 2 Tonnes in weight		No charge
Over 2 Tonnes in weight (per tonne or part thereof)		£800.00
Category 1 Waste, hazardous Waste & Other Waste		
Per tonne or part thereof		£400.00
Security		
Cruise vessels extending visit outside normal cruise working hours (First 12 hours)		£500.00
Cruise Passenger Dues		
Per passenger		£5.00

Port Administration

Levy towards the cost of statutory administration of all vessel movements:

All vessel arrivals (except pleasure craft)	£25.24
Visiting pleasure craft	£12.62

Levy towards the administration costs of assessing and completing the following Harbour Authority approvals:

Bunkering Vessel Approval (min 4 weeks prior notice)	£214.25
Bunkering Vessel Annual Renewal	£91.65
Diving Contractor or Commercial Recreational Diving Operator Approval (min 2 weeks prior notice)	£214.25

Diving Contractor or Commercial Recreational Diving Operator Annual Renewal	£91.65
Commercial Diving Deconfliction Approval (min 24 hours prior notice)	£11.90
Recreational Diving Deconfliction Approval – Private/Individual (min 2 weeks prior notice)	£29.77
Harbour Works Approval (min 4 weeks prior notice)	POA
Ship-to-Ship Transfer Approval (min 48 hours prior notice)	£64.27
Compound Charge Application Fee	£38.09
Short Notice Charge for late Approval requests (in addition to the relevant charge)	£61.89
Issue of Cargo Port of Origin Letter	£69.55

Harbour Craft Charges

When using a pilot boat for the purposes of shipping on or shipping off.

The below charges are based on Fuel prices as of December 2023, any fuel costs over this price will be subject to a fuel surcharge.

Hire of Pilot Launches (per hour or part thereof) (Minimum hire of 4 hours)	£528.12
Bareboat Charter (subject to terms and conditions):	
Vessel Hire (per 24 hours or part thereof)	£1,056.92
Fuel and Lubricants	Cost + 15%

Terms & Conditions for Vessels and Goods

Ships Dues, Layby and Period Charges

Vessels measured in accordance with the International Convention on Tonnage Measurement of Ships 1969 and the Merchant Shipping (Tonnage) Regulations 1997 (as amended) will be charged at the appropriate rate on entry.

Vessels not measured under the above, or which cannot produce either an International Tonnage Certificate or a Tonnage Certificate showing the excluded spaces from which a comparable measurement can be made under the 1969 Convention, will be measured, using length overall, breadth, moulded depth and the appropriate conversion factor. The result of this calculation, multiplied by two, will be the rate charged on entry.

Ship Dues charged on segregated ballast oil tankers, will be in accordance with Council Regulation (EC) No. 2978/94 of the European Commission, on presentation of an International Tonnage Certificate for the vessel showing the tonnage figure which results from the deduction of the tonnage measurement for the vessel's segregated ballast tanks.

Ship Dues, Layby and Period Charges are payable on entry and shall commence from the time at which the vessel enters the Harbour Limits.

If at any time, a particular Ship Due is found to be inapplicable, the appropriate Due will be substituted for it and the amount payable will be re-calculated and charged accordingly.

For any Craft with less than 15 GT will be subject to VAT.

Charges within Section 1 marked with * apply per visit of the vessel involved.

Multiple Ship to Ship Transfers will be charged on each individual cargo transfer.

Vessels operating to Scapa Flow Oil Port will be required to pay all additional charges as applicable if they are rejected by Flotta Terminal Operators as being in an unfit state to conduct cargo operations and required to put to sea and leave the Harbour to rectify their condition.

No additional anchorage dues will be raised for any vessels which anchors within the Port Limits either prior to or post a chargeable operation, providing the overall stay, including the operation does not exceed 14 calendar days overall. Any additional time at anchor over and above the 14 calendar days will be charged at the appropriate anchorage rate for the vessel.

Recreational and pleasure craft using Orkney Marinas at Kirkwall, Stromness and Westray will be charged in accordance with the charging arrangements set and published on www.orkneymarinas.com. These charges incorporate the harbour dues paid to the Harbour Authority unless commercial.

Dinghies with oars or sails, canoes, paddle boards, jet skis and Personal Watercraft are exempt from all fees.

Compound Dues

Agreed by prior written application to the Harbour Master.

To be eligible for consideration for Compound Dues vessels, devices, barges and pleasure craft should be:

- locally owned by a commercial entity based in Orkney and operated from any OIC pier;
- or locally owned by a commercial entity based in Orkney engaged in trading and commercial operations within Harbour Water;
- or privately owned by an Orkney resident and based, regularly moored, berthed or used within Harbour limits,
- or any other privately-owned craft based, regularly moored, berthed or used within Harbour limits.

Vessels applying for or wishing to renew compound charges must be in possession of and must produce written evidence to the Harbour Authority Building, Scapa, in advance of approval/renewal or payment:

- Ownership.
- Valid vessel insurance certificate (exempt if vessel is under 6 metres).
- Valid class certificate, where applicable.
- Third Party liability insurance to a minimum of £3,000,000.

In addition to this the owner of the craft must complete the annual declaration of the craft's anticipated use during the period.

Compound Dues are payable in advance, in full, for the year commencing on the 1st April from which this Port Tariff becomes effective, by the person who owns the vessel on that date. No apportionment or refund of this rate for periods of less than the calendar year is permitted and is non-transferable to another craft or owner.

Compound charges shall cease to be applicable to:

- Any vessel, except for a pleasure craft, which has not moved berth in excess of 28 days.
- Any pleasure craft which has not moved berth between 1 May and 31 October.
- Any vessel deemed unfit for sea by the Harbour Master.

Recreational and pleasure craft paying compound dues, who do not utilise or make use of any pier, quay or mooring owned, operated or provided by Orkney Islands Council or Orkney Marinas will receive a 50% discount on receipt of proof of private mooring or berth. Any subsequent use of any pier, quay or mooring owned, operated or provided by Orkney Islands Council or Orkney Marinas will result in payment of the full compound charge, irrespective of charge period remaining.

These charges are at the sole discretion of Marine Services and require prior approval prior to the vessel entering the Harbour Limits.

Goods Dues

Foodstuffs, Domestic Fuels and Manufactured Goods, imported or exported into or out of Orkney that require further trans-shipment to or from the Outer Isles will pay wharfage only at the point of trans-shipment.

Marine Services

Provision of the shipping on/off service is dependent on weather conditions and vessel availability.

Users of the shipping on/off service are responsible for ensuring that any person to be transported is capable of transferring between vessels. Marine Services reserves the right not to transport any person who is considered to be unfit to travel, but the full charge will still apply.

Embarkation and disembarkation must be agreed in advance.

The shipping on/off service is regulated by safety procedures and is under the control of the launch coxswain, whose instructions must be complied with at all times.

The maximum carrying capacity is governed by the load-line requirements of the launch.

All hand luggage and packages must be secure and properly packaged for transfer and no item exceeding 20 kg will be permitted.

Embarkation/disembarkation is subject to immediate turn-round at the vessel.

The Excess Time Charge will apply to the duration of any delay, whether occurring at the boarding/landing point or (except for normal operating requirements) caused at the vessel.

2. Pilotage

Pilotage Services

Pilotage Direction

In accordance with Section 7 of the Pilotage Act 1987 and The Orkney Pilotage Direction 1988 (as amended 2007, 2010 and 2016), the Orkney Harbour Authority, the Competent Harbour Authority, has directed that pilotage be compulsory throughout the Pilotage Area for:

1. All passenger vessels of 65m or greater length overall.
2. All other vessels of 80 metres or greater length overall.
3. All vessels under tow where the combined overall length of the towing vessel and the tow is over 65m length overall.
4. All vessels using Orkney Island Council tugs for berthing, unberthing or any other reason where tugs need to be operated under control of the vessel.
5. All vessels over 300 GT carrying persistent oils.

Provision of Service

The Provision of the Pilotage Service is subject to Pilotage Directions published by The Harbour Authority (or any notice that supersedes it).

Charges

Pilotage and associated charges are made pursuant to Section 10 of the Pilotage Act 1987 and are based on Gross Tonnage (GT) as shown on an ITC69 certificate in accordance with the attached Schedule of Charges.

Pilotage Exemption Certificates

Pilotage Exemption Certificates may be granted to appropriately qualified mariners by application, pursuant to Section 8 of the Pilotage Act 1987, as amended by the Marine Navigation Act 2013 & subsequent Pilotage Directions promulgated by Harbour Authority.

Liability

The provision of pilotage services is subject to availability and Marine Services accepts no liability for any delay, loss or damage, directly or indirectly arising out of, or caused or contributed to by an inability to supply or continue to supply such services or for any charges or expenses incurred in such circumstances.

Limitation of Liability in respect of Pilots is covered under Section 22 of the Pilotage Act 1987

Performance of Services

The charges and tariffs contained in Sections 1 to 5 hereof shall apply to all quotations, orders, agreements and contracts entered into by Marine Services for the performance or provision of Services at the Port unless otherwise expressly agreed in writing by the Harbour Master.

Pilotage Charges

Charges are the sole charges for the use of an Authorised Pilot for a vessel movement, inclusive of attendance. The below charges are based on fuel prices as of December 2022, any fuel costs over this price will be subject to a fuel surcharge.

Pilotage per single vessel movement:

Vessels up to 4,000 GT	£614.32
For each 100 GT or part thereof in excess of 4,000 GT	£4.21

Pilotage per single tow movement:	
Length of tow up to 65m	£614.32
Length of tow 65m and over	£756.14
Pilotage Exemption Certificate Surcharge Charged as single vessel movement x 7.5% (water & pier)	
Pilotage Exemption Certificate Surcharge as single vessel movement x 5.5% (waters only)	
Cancellation Fee (less than 2 hours notice received)	£209.06
Detention Fees:	
First 30 minute period	£209.06
Each successive 30 minute period or part thereof	£278.49

Over Carriage

Pilots should embark and disembark at the nominated Pilot Boarding Area. If due to unavoidable circumstances the Pilot is over carried, then the following will apply:

1. The Pilot must embark and disembark at the earliest opportunity in the range of 500 nautical miles from Orkney. In addition to the normal pilotage charge a charge will be levied at the rate of £126 per hour or part thereof for the first 12 hours of Overcarry, any other hours in the 24 hour period will be charged at a standby rate of £75 per hour or part thereof, commencing from the time of the departure from the Pilotage District until repatriation to Orkney.
2. The vessel will also be required to reimburse all travel and subsistence expenses involved in repatriating the Pilot to Orkney.

Pilotage Exemption Certificates, Authorisations & Assessments

The following charges are applicable with regards to Pilotage Exemption Certificates for Orkney Pilotage Area (please note also content of Pilotage Directions).

Oral Examination	£324.49
Issue of New Certificate (including one main and one sub area)	£324.49
Issue of Replacement Certificate, Part 1 - areas	£204.31
Issue of Replace Certificate Part 2 - vessels	£204.31
Annual Renewal of Certificate	£324.49
Addition of Vessel Name to Part 2 (per submission)	£ 92.54
Change of Vessel Name	£ 50.48
Addition of Main Operating Area or Harbour Sub Area	£ 92.54

North Sea Pilots

Boarding and landing of North Sea Pilots, subject to launch availability.

Per embarkation/disembarkation per pilot	£1,802.74
--	-----------

Terms & Conditions for Pilotage

A “vessel movement” means any of the following single acts of navigation:

- outside the compulsory area (i.e. to or from sea).
- within the compulsory area (i.e. to or from a berth, jetty, mooring or anchorage).

Charges for use of Orkney Island Council Marine Service Pilots includes the boarding and landing fee.

The Authority reserves the right to make a charge for any vessel movement by the holder of a valid Pilotage Exemption Certificate. This charge is currently set at 5.00% of the single vessel movement. Charge capped at 1000 acts per vessel into a single port.

A full Pilotage charge will be levied when a vessel subject to compulsory pilotage is moved without the use of an authorised Pilot or Pilotage Exemption Certificate holder.

Where a vessel movement is a tow involving two or more vessels, the charge for pilotage for a single vessel movement will be regulated by the overall distance between the extreme ends of the vessels concerned and by the draught of the deepest vessel.

At least two hours’ notice is required for orders for Pilotage.

Detention Fees will apply to any occasion that a Pilot is kept on board a vessel over and above the period of time for a normal act of pilotage, currently assessed as 4 hours, whether or not actively engaged in pilotage duties during that extended period, unless otherwise agreed by the Harbour Master.

A Deck Officer (as defined in the Marine Navigation Act 2013) may obtain Pilotage Exemption Certificates from the Authority, as the Competent Harbour Authority, subject to certain conditions and requirements. All applicants must complete an oral examination. Pilotage Exemption Certificates are valid for a maximum of one year at a time and, subject to conditions, may also be renewed. Full details of the conditions, requirements and examination process for the grant of a Pilotage Exemption Certificate are obtainable from the Harbour Office.

Pilotage Exemption Certificates are split into 2 parts, Part One being the areas of validity and Part Two the vessels for which the certificate is valid. Part One is further subdivided into the main operating Area e.g. Scapa Flow, Kirkwall and the Sub Area detailing the individual port or quay e.g. Lyness, Stromness, Hatston Pier.

3. Towage

Towage Charges

These rates are chargeable per vessel and per tug requested irrespective of tug power and bollard pull. The below charges are based on fuel prices as at December 2022, any fuel costs over this price will be subject to a fuel surcharge.

Scapa Flow, Stromness and Southern Isles:	
Assisting a vessel on or off a berth, pier, mooring or anchorage or Towage Escort Services (minimum 2 hours rate).	£2,354.00
thereafter per hour or any part thereof.	£1,016.50
Kirkwall and Northern Isles (per act, per tug):	
Assisting a vessel on or off a berth, pier, mooring or anchorage or Towage Escort Services (minimum 2 hours rate).	£2,354.00
thereafter per hour or any part thereof.	£1,016.50
Transfer costs for Tug from Scapa to Kirkwall (one act).	£2,140.00

Charter Rates

The following rates apply to tugs taken on charter, where the charter is within 10 miles of Orkney Harbour area limits. Rates are chargeable per vessel and per tug requested irrespective of tug power and bollard pull (per hour or any part thereof) at discretion of the Harbour Master:

Base to Base	TBC
--------------	-----

The following rates apply to tugs taken on charter, where the charter is out with Orkney. Rates are chargeable requested irrespective of tug power and bollard pull (per 24 hour period or any part thereof):

First 24 hours	POA
Subsequent 24 hours or part thereof	POA
Fuel and Lubricants	Cost + 15%

Towage Administration

The following charges will be applied to all towage conducted with the Harbour Area, irrespective of towage company utilised or by the discretion of the Harbour Master:

Towage Assessment Approval (min 2 weeks prior notice):	£214.00
--	---------

Terms & Conditions for Towage

Provision of the towage service is dependent on weather conditions and vessel availability.

Mobilisation and demobilisation charges are included in the fees unless otherwise specified.

Short notice will incur additional charges, refer to towage assessment approval.

4. Quay, Slipway and Laydown Charges

Laydown Charges

Quay Sterilisation - When vehicles or equipment such as cranes are mobilised on the Port's quays or where the quay is sterilised or access is restricted for use by others, then a charge of £500 per 24-hour period or part thereof will be made.

Laydown – Within 25m of quay side (Per Sq M per 24-hour period)	£0.29
Project / Working / Storage – areas excluding above (Per Sq M per 24-hour period)	£0.22

Slipway Charges

Use of slipways (Per Sq M per 24 hour period):	
First 24 Hours	£0.11
Subsequent 24 hours or part thereof	£0.29

Laydown Area, Parking Permit and Penalties Charges

Marshalling Areas:	
Vehicles/Trailers for immediate embarkation (within 6 hours)	No Charge
Vehicles/Trailers not for immediate embarkation (per day or part thereof)	£122.36

Parking Permit for Pier Areas (per vehicle, per year):	
Private Vehicle	£73.80
Commercial Vehicle under 7m in length	£97.60
Commercial Vehicle over 7m in length	£178.54

Penalties

Where quay, pier, slipway, laydown and parking agreements are exceeded by individuals and companies the following penalty charges will apply:

Storage in excess of agreed areas (per Sq M per 24-hour period)	£23.81
Removal of vehicle, equipment, goods, chattles in breach of agreement or on abandonment.	Cost + 15%

Terms & Conditions for Quay, Slipway and Laydown Charges

The use of quays, slipways, piers, laydown areas, parking areas or any other similar area under the control of Orkney Islands Council's Marine Services must be agreed by prior written application to the Harbour Master.

Applications should include:

- the period of requirement.
- the size of area required.
- the type, nature, sizes and dangerous substances and hazards of all equipment's, vehicles, goods, chattels and other items to be stored.

Where such storage or areas are required over a period of 12 calendar months those intending to use such areas, must complete an annual declaration of the anticipated use during the 12 month period.

Dues are payable, in full, prior to the start of the requested period unless the period exceeds 6 months when the dues will be payable one month in advance.

For dues where the period extends over a period greater than 12 months, dues are payable the year commencing on the 1st April from which the Harbour Dues becomes effective, by the person who owns said goods.

No apportionment or refund of this rate for periods of less than that agreed is permitted and is non-transferable to any other person or company.

Any equipment, vehicles, stores, gear or other items in pier laydown, must be stored in allocated areas.

No goods, stores, equipment, vehicles or any other items are to be stored or left unattended within 2m of an exposed pier or quay edge.

Marine Services reserves the right to remove and dispose of any goods, chattels, vehicles, equipment or any other items stored outwith the boundaries of agreed storage areas.

Parking Area Charge – no guaranteed space and must be parked in a designated parking space.

Those paying compound harbour dues will get the first 24 hours free.

5. Sundry Charges

Waste Charges

Waste Charges, in accordance with Merchant Shipping & Fishing Vessels (Port Waste Reception Facilities) Regulations 2003 and Animal By-Products Regulation (EC) 1774/2002. These rates apply regardless of waste contractor appointed by the ship or agent.

Domestic Waste (excluding Category 1 Waste)

Waste Charge when no harbour dues payable	Cost + 15%
Over 2 Tonnes in weight (per tonne or part thereof)	£714.16
Supply of tonne bag	£6.84

Oil - The following charges apply in relation to the disposal of oils in the Harbour.

Hire of 1,000 litre portable tank (per fill)	£22.65
Hire of 2,000 litre bowser (per fill)	£36.90
With Operator (per hour)	£55.17
Testing and disposal (per CuM landed or part thereof)	
Quantities below 2000L	£245.19
Quantities above 2000L	Cost + 15%
SEPA Form	£65.46
Oil Disposal Administration Charge	£357.08

Category 1 Waste, Hazardous Waste & Other Waste

For details contact Marine Services.	Cost +15%
--------------------------------------	-----------

Port Security Charges

Security Charges in accordance with the International Ship and Port Facility Security Code (ISPS) where not included in the Orkney Mainland security charges.

Security Level 1: Sweep & patrol if requested	
First 6 Hours	£183.30
Each Subsequent 12 hour period or part thereof	£366.60
Security Level 2: Access Control/Security Guards	Cost +15%
Security Level 3: As directed by the security services	Cost +15%
Off Mainland security charges (where applicable): First 12 hours	£907.20
Each subsequent 6 hour period or part thereof	£173.34
To include cost for guards, fencing and set up.	

Harbour Infrastructure Hire Charges

The use of port infrastructure is chargeable at the following rates:

Linkspans (per hour our part thereof)	£113.08
Hard Ramps (per hour or part thereof)	£51.18
Drying out areas:	
First 24 hours	£47.62
Per additional 24 period or part thereof	£94.03
Weigh bridges and machines:	
For goods (per tonne or part thereof)	£0.83
Vehicles for shipment or taxation (per tonne or part thereof)	£3.76
Marine Headquarters Conference Room (per 4 hours or part thereof):	
without conference/presentation facilities	£95.22
with conference/presentation facilities	£142.83

Utility Charges

The following utility service charges are applicable within the Harbour:

Water (per tonne or part thereof)	£3.50
Electricity (per unit)	£0.48

Port Data Services

The following data is available:

Meteorological Data (per calendar month per site)	£47.62
Tide Tables (Per Copy)	£5.00

Hire of Loadall/Forklift

Hire of Loadall/Forklift with Operator (per hour)	£55.17
---	--------

Terms & Conditions for Sundry Charges

Waste Charges

In accordance with the Port Waste Reception Facilities Regulations 2003, Marine Services provide waste reception facilities to meet the needs of ships normally using the Harbour. In order to cover the costs of the provision of port waste reception facilities, Marine Services has a mandatory charge of 0.8% of Harbour Dues. This charge allows vessels to deliver waste in the form of garbage up to a weight of 2.0 tonne free of additional charge to the ship. Where garbage delivered is in excess of these quantities the additional volume or weight will be charged as prescribed in section 1.

“Category 1 Waste” means all domestic waste whose origin is not within the European Union, and, for a vessel whose last port of call was not in the European Union, all domestic waste on board will be treated as Category 1 Waste.

“Special Waste” means hazardous or dangerous waste as defined by the Special Waste Regulations 1996 (as amended).

“Other Waste” means all waste that is not Domestic Waste or Special Waste and includes waste oils, cargo-associated waste and cargo residues.

Vessels are required to give advance notification, via their agents, of all waste to be landed.

Vessels are only permitted to land waste that has been declared.

Domestic Waste, Category 1 Waste and Other Waste must each be declared separately.

Domestic Waste must be contained in double-wrapped plastic bags and all other waste must be adequately packaged or sorted for disposal.

Only Domestic Waste is to be deposited in the receptacles provided.

Category 1 Waste must be deposited in the special receptacles which will be provided as required.

Irrespective of quantity, any additional work required for organising waste will be charged for, and any waste which is not properly deposited in the appropriate receptacles will be charged for as Other Waste.

Waste Charges covers the same four day period (96 hours) as the Ship Dues. If Period Dues of Chapter 1 is applied, a further Domestic Waste Charge will also be applied for each subsequent four day period or part thereof.

Hire charges apply from departing the Harbour Authority Building, Scapa until return to the same location.

Port Security Charges

Under the ISPS Code, the berths operated by the Authority are subject to the Port Facility Security Plan for Orkney, as approved by the Department for Transport.

Under the ISPS Code, the Security Level for the Port is set at Security level one unless MSD (DfT) instruct otherwise.

The manned security services are in compliance with the specifications set by the Department for Transport.

Labour

“Normal Time” means 0800-1700 hours, Monday to Friday, “Overtime” all hours outside of this.

1652



ORKNEY ISLANDS COUNCIL
Harbour Authority

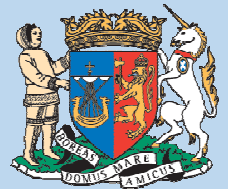
Enquiries to:

Marine Services and Transportation
Orkney Islands Council
Harbour Authority Building
Scapa
Orkney, KW15 1SD

Tel: +44 (0) 1856 873636

Email: harbours@orkney.gov.uk

Web: www.orkneyharbours.com



ORKNEY
ISLANDS COUNCIL

Appendix 7.

Sustainable and Green Transport Fund.

Breakdown of funding for 2024/25.

Resolved that, under section 50A(4) of the Local Government (Scotland) Act 1973, the public were excluded from the meeting for this item on the grounds that it involved the disclosure of exempt information as defined in paragraph 4 of Part I of Schedule 7A of the Act.

This constitutes a summary of the Appendix in terms of the Local Government (Scotland) Act 1973 section 50C(2) as amended by the Local Government (Access to Information) Act 1985.

Local Government (Scotland) Act 1973 – Schedule 7A

Access to Information: Descriptions of Exempt Information

Paragraph 4. Information relating to any particular applicant for, or recipient or former recipient of, any financial assistance provided by the authority.