

Minute

General Meeting of the Council

Tuesday, 2 July 2019, 10:30.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

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

Clerk

- John W Mundell, Interim Chief Executive.

In Attendance

- Gavin Barr, Executive Director of Development and Infrastructure.
- Gillian Morrison, Executive Director of Corporate Services.
- Sally Shaw, Chief Officer/Executive Director, Orkney Health and Care.
- James Wylie, Head of Education (Curriculum and Community Learning).
- Gareth Waterson, Head of Finance.
- Karen Greaves, Head of Executive Support.
- Gavin Mitchell, Head of Legal Services.
- Hazel Flett, Senior Committees Officer.

Observing

- Peter Diamond, Head of Education (Leisure, Culture and Inclusion).
- Rebecca McAuliffe, Press Officer.

Apology

- Councillor Graham L Sinclair.

Declarations of Interest

- No declarations of interest were intimated.

Chair

- Councillor J Harvey Johnston, Convener.

1. General Meeting of the Council

Minute of Meeting held on 2 May 2019

On the motion of Councillor J Harvey Johnston, seconded by Councillor James W Stockan, the Council resolved to approve the Minute of the General Meeting of the Council held on 2 May 2019 as a true record.

2. General Meeting of the Council

Minute of Special Meeting held on 14 May 2019

On the motion of Councillor J Harvey Johnston, seconded by Councillor James W Stockan, the Council resolved to approve the Minute of the Special General Meeting of the Council held on 14 May 2019 as a true record.

3. Policy and Resources Committee

Minute of Special Meeting held on 14 May 2019

On the motion of Councillor James W Stockan, seconded by Councillor W Leslie Manson, the Council resolved to approve the Minute of the Special Meeting of the Policy and Resources Committee held on 14 May 2019 as a true record.

4. Local Review Body

Minute of Meeting held on 29 May 2019

On the motion of Councillor Owen Tierney, seconded by Councillor Stephen Sankey, the Council resolved to approve the Minute of the Meeting of the Local Review Body held on 29 May 2019 as a true record, with the exception of part of Item 2, which was moved by Councillor Stephen Sankey and seconded by Councillor Robin W Crichton.

5. Planning Committee

Minute of Meeting held on 29 May 2019

On the motion of Councillor Robin W Crichton, seconded by Councillor John A R Scott, the Council resolved to approve the Minute of the Meeting of the Planning Committee held on 29 May 2019 as a true record.

6. Development and Infrastructure Committee

Minute of Meeting held on 4 June 2019

On the motion of Councillor Andrew Drever, seconded by Councillor Rachael A King, the Council resolved to approve the Minute of the Meeting of the Development and Infrastructure Committee held on 4 June 2019 as a true record.

The Council thereafter resolved to approve the recommendations contained in the Minute of the Meeting of the Development and Infrastructure Committee held on 4 June 2019.

7. Education, Leisure and Housing Committee

Minute of Meeting held on 5 June 2019

On the motion of Councillor Gwenda M Shearer, seconded by Councillor Alexander G Cowie, the Council resolved to approve the Minute of the Meeting of the Education, Leisure and Housing Committee held on 5 June 2019 as a true record.

The Council thereafter resolved to approve the recommendations contained in the Minute of the Meeting of the Education, Leisure and Housing Committee held on 5 June 2019.

8. Monitoring and Audit Committee

Minute of Meeting held on 6 June 2019

On the motion of Councillor John T Richards, seconded by Councillor David Dawson, the Council resolved to approve the Minute of the Meeting of the Monitoring and Audit Committee held on 6 June 2019 as a true record.

The Council thereafter resolved to approve the recommendations contained in the Minute of the Meeting of the Monitoring and Audit Committee held on 6 June 2019.

9. Orkney Health and Care Committee

Minute of Meeting held on 6 June 2019

On the motion of Councillor Rachael A King, seconded by Councillor Kevin F Woodbridge, the Council resolved to approve the Minute of the Meeting of the Orkney Health and Care Committee held on 6 June 2019 as a true record.

The Council thereafter resolved to approve the recommendations contained in the Minute of the Meeting of the Orkney Health and Care Committee held on 6 June 2019.

10. Policy and Resources Committee

Minute of Meeting held on 18 June 2019

On the motion of Councillor James W Stockan, seconded by Councillor W Leslie Manson, the Council resolved to approve the Minute of the Meeting of the Policy and Resources Committee held on 18 June 2019 as a true record.

The Council thereafter resolved to approve the recommendations contained in the Minute of the Meeting of the Policy and Resources Committee held on 18 June 2019.

11. Development and Infrastructure Committee

Minute of Special Meeting held on 25 June 2019

On the motion of Councillor Andrew Drever, seconded by Councillor Rachael A King, the Council resolved to approve the Minute of the Special Meeting of the Development and Infrastructure Committee held on 25 June 2019 as a true record.

The Council thereafter resolved to approve the recommendations contained in the Minute of the Special Meeting of the Development and Infrastructure Committee held on 25 June 2019.

12. Policy and Resources Committee

Minute of Special Meeting held on 25 June 2019

On the motion of Councillor James W Stockan, seconded by Councillor W Leslie Manson, the Council resolved to approve the Minute of the Special Meeting of the Policy and Resources Committee held on 25 June 2019 as a true record.

The Council thereafter resolved to approve the recommendations contained in the Minute of the Special Meeting of the Policy and Resources Committee held on 25 June 2019.

13. Community Development Fund Sub-committee

Appointment of Members

After consideration of a report by the Chief Executive, copies of which had been circulated, the Council:

Noted:

13.1. That membership of the Community Development Fund Sub-committee comprised the following:

- Convener.
- Leader.
- Chair, Development and Infrastructure Committee.
- Vice Chair, Development and Infrastructure Committee.
- Chair, Education, Leisure and Housing Committee.
- Vice Chair, Education, Leisure and Housing Committee.
- Two other members.

13.2. That the following appointments had been confirmed:

- Convener – Councillor J Harvey Johnston.
- Leader – Councillor James W Stockan.
- Chair, Development and Infrastructure Committee – Councillor Graham L Sinclair.
- Vice Chair, Development and Infrastructure Committee – Councillor Andrew Drever.
- Chair, Education, Leisure and Housing Committee – Councillor Gwenda M Shearer.
- Vice Chair, Education, Leisure and Housing Committee – Councillor Alexander G Cowie.

13.3. That, consequently, two vacancies remained on the Community Development Fund Sub-committee.

13.4. The proposal that, as the term of this Council was five years, appointments to the Community Development Fund Sub-committee should last for the remainder of the term of this Council, namely for three years until May 2022.

The Council resolved:

13.5. That, in addition to the ex officio appointments referred to at paragraph 13.2 above, the following two members be appointed to the Community Development Fund Sub-committee:

- Councillor Robin W Crichton.
- Councillor Rachael A King.

13.6. That the appointments should be for the remainder of the term of this Council, namely for three years to May 2022.

14. Scottish Hydro Electric Transmission plc

Orkney Transmission Connection and Infrastructure Project

Orkney to Mainland Scotland Cable – Application for Marine Licence

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

Noted:

14.1. That, in terms of Part 4 of the Marine (Scotland) Act 2010, Scottish Hydro Electric Transmission plc had submitted an application for a marine licence in respect of the Orkney to Mainland Scotland cable, which formed part of the Orkney Transmission Connection and Infrastructure project.

14.2. That applications for marine licences were determined by Marine Scotland, following consultation with statutory and non-statutory consultees, including Orkney Islands Council.

The Council resolved:

14.3. That the consultation response, attached as Appendix 1 to this Minute, in relation to the application by Scottish Hydro Electric Transmission plc for a marine licence in respect of the Orkney to Mainland Scotland cable, be approved.

15. Conclusion of Meeting

At 10:50 the Convener declared the meeting concluded.

Signed: Harvey Johnston.

DEVELOPMENT AND INFRASTRUCTURE

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If telephoning or calling, please ask for Gavin Barr, Extension 2301

Our ref: le-362-GB/JSS-03072019

3 July 2019

Marine Scotland
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

Dear Sir/Madam

19/234/MARCON

06889 – Scottish Hydro Electric Transmission Plc - HVAC Cable

Orkney to Mainland Scotland (Warebeth to Dounreay)

Thank you for consulting Orkney Islands Council (the Council) on the application for a Marine Licence for the HVAC cable between Orkney to Mainland Scotland (Warebeth to Dounreay).

The Marine Licence application and supporting information for the laying of the cable is considered to comply with the requirements of Scotland's National Marine Plan and the Pilot Pentland Firth and Orkney Waters Marine Spatial Plan in terms of implementing the presumption in favour of cable burial supported by an appropriate risk assessment.

No significant adverse effects individually or cumulatively to ecological protected sites, benthic and intertidal ecology, marine mammals, ornithology, marine archaeology, commercial fisheries, and other infrastructure and other sea users within the vicinity of the project area have been identified.

I have consulted internally within the Council and no objections have been raised to the principle of the development; however, several key issues and matters have been raised, and I would be grateful if you will take account of these in your determination of this application for a Marine Licence.

Key issues to consider in terms of interactions with other marine users include effects on commercial fishing activity, predominately inshore creel fishing. There is a significant shipping route running from east to west through the Pentland Firth and a lifeline ferry service route from Scrabster to Stromness.

Key issues to consider in terms of impact on amenity is on the recreational use of the area around Warebeth including the beach and footpaths, which include a Core Path and Community Burial Ground. This issue is important both during the construction phase (to ensure where possible that impact on amenity is minimised) and also the long term post construction operational phase. It is assumed and requested that Marine Scotland will ensure that post construction, the permanent works will not be visible from Warebeth beach/amenity areas – taking reference to low tidal conditions etc.

Orkney Harbour Authority has identified conditions that should be met during installation of the cable on the basis it would be laid within the Orkney Harbour Area and would also cross an area which is in the approaches to the Harbour Area.

The Harbour Authority requests that the following conditions and notes be included with any Marine Licence granted:

Any shipping activity within the Orkney Harbour Area must be conducted within the requirements of the Orkney Pilotage Direction 1988 as amended 2007, 2010 & 2016. Vessels over 80m in length associated with the works will require a Pilot unless alternative arrangements to the satisfaction of the Competent Authority (for pilotage) are agreed following appropriate risk assessment.

Harbour Dues may be payable for all operations within the Harbour Area.

Given the proximity of the Loch of Stenness Natura Site, any ballast discharge of over 50 tonnes will require compliance with the Scapa Flow Ballast Water Management Plan.

Any works within the Harbour Area or within the approaches to the Harbour Area, should be such as to minimise any disruption to the lifeline ferry service between Stromness and Scrabster.

The works will involve working inshore at Warebeth, which is a route for small local craft in certain weather conditions. Liaison with the local craft sector must therefore take place in order to minimise the impact on their trade with appropriate arrangements made should any impact affect their ability to go about their normal business.

The cable, when laid, will cross the approaches to Hoy Mouth which is notorious as an area of treacherous water with high seas, overfalls and strong tides. As such, it is an area where vessels approaching or departing will have no option but to drop an anchor as soon as they get into difficulty with there being no real option to wait until drifting clear of any 'no anchoring' zone across the subsea cable. This should be taken into account in designing the construct within the Harbour Area and its approaches.

During any works within the Harbour Area and its approaches, protocols, to be agreed, will require to be followed with regards to communications and warnings with the Orkney Vessel Traffic Service.

It is also requested that the Council be consulted on the Construction Method Statement (CMS) for the marine cable installation and the Cable Burial Plan (CBP) to be produced, including the method statements for and requirements of cable protection for approval by the Regulators and in discussion with fisheries stakeholders.

The Council's internal consultation responses are available to view at the following website address: http://www.orkney.gov.uk/Service-Directory/D/application_search_submission.htm (then enter the application 19/234/MARCON).

In addition, the developer should be aware that works within the Orkney Harbour Area will, in addition to any other consents, require a Works Licence from the Council.

If you wish to discuss this further, please do not hesitate to contact me.

Yours faithfully

Gavin Barr

Executive Director

Encs.