Minute

Development and Infrastructure Committee
Tuesday, 14 November 2017, 10:30.
Council Chamber, Council Offices, School Place, Kirkwall.

Present
Councillors Graham L Sinclair, Andrew Drever, Norman R Craigie, David Dawson, J Harvey Johnston, Rachael A King, W Leslie Manson, Gwenda M Shearer, James W Stockan, Magnus O Thomson, Duncan A Tullock and Kevin F Woodbridge.

Councillor Robin W Crichton, who had been invited for Items 5 to 7 and 16.

Councillor Stephen Sankey, who had been invited for Items 5 and 8 to 11.

Councillor Owen Tierney, who had been invited for Items 10 and 11.

Clerk
• Angela Kingston, Committees Officer.

In Attendance
• Gavin Barr, Executive Director of Development and Infrastructure.
• Brian Archibald, Head of Marine Services, Engineering and Transportation.
• Roddy Mackay, Head of Planning, Development and Regulatory Services.
• Darren Richardson, Head of Infrastructure and Strategic Projects (for Items 1 to 6).
• Colin Kemp, Corporate Finance Senior Manager.
• Karen Bevilacqua, Solicitor.
• Stuart Allison, Economic Development Manager (for Items 10 to 17).
• David Brown, Environmental Health Manager (for Items 1 to 7).
• Jamie Macvie, Planning Manager (Development Management) (for Items 1 to 7 and 9 to 11).
• Jackie Thomson, Development and Regeneration Manager (for Items 12 to 17).
• Stuart West, Planning Manager (Development and Marine Planning) (for Items 1 to 10).
• James Green, Senior Policy Planner (Development and Marine Planning) (for Items 1 to 10).
• Kenneth Roy, Team Leader Roads Support (for Items 5 and 6).
• Gavin Cameron, Funding Development Officer (for Items 9 to 17).

Observing
• Louise Cutler, Executive Support Manager (for Items 1 to 7).
• David Hartley, Communications Team Leader (for Items 12 to 17).
• Christie Hartley, Marine Tourism Officer (for Items 1 to 10).
• Ross Irvine, Access Officer (Development and Marine Planning) (for Items 1 to 9).
• Eileen Summers, Policy Officer (Environment), (Development and Marine Planning) (for Items 1 to 9).
• Rebecca McAuliffe, Press Officer (for Items 1 to 6).

Declarations of Interest
• Councillor Norman R Craigie – Item 16.
• Councillor Rachael A King – Item 15.
• Councillor Kevin F Woodbridge – Item 16.

Chair
• Councillor Graham L Sinclair.

1. Disclosure of Exempt Information
The Committee noted the proposal that the public be excluded from the meeting for consideration of Items 15 to 17, as the business to be discussed involved the potential disclosure of exempt information of the classes described in the relevant paragraphs of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 as amended.

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

Noted the performance of Development and Infrastructure for the reporting period 1 April to 30 September 2017, as set out in sections 5 to 7 and Annexes 1 and 2 of the report by the Executive Director of Development and Infrastructure.

3. Revenue Expenditure Monitoring
After consideration of a joint report by the Executive Director of Development and Infrastructure and the Head of Finance, copies of which had been circulated, and after hearing a report from the Corporate Finance Senior Manager, the Committee:

Noted:

3.1. The revenue financial summary statement in respect of Development and Infrastructure for the period 1 April to 30 September 2017, attached as Annex 1 to the joint report by the Executive Director of Development and Infrastructure and the Head of Finance, which indicated an underspend of £398,400.

3.2. The revenue financial detail by Service Area statement in respect of Development and Infrastructure for the period 1 April to 30 September 2017, attached as Annex 2 to the joint report by the Executive Director of Development and Infrastructure and the Head of Finance.
3.3. The explanations given and actions proposed in respect of significant budget variances as outlined in the Budget Action Plan, attached as Annex 3 to the joint report by the Executive Director of Development and Infrastructure and the Head of Finance.

4. Road Asset Improvement Programme
After consideration of a report by the Head of Finance, copies of which had been circulated, and after hearing a report from the Corporate Finance Senior Manager, the Committee:

Noted:

4.1. The summary position of expenditure incurred, as at 30 September 2017, against the approved Road Asset Replacement Programme for financial year 2017 to 2018, as detailed in section 5.1 of the report by the Head of Finance.

4.2. The detailed analysis of expenditure figures and programme updates, attached as Appendix 1 to the report by the Head of Finance.

5. Orkney’s Electric Vehicle Strategy
After consideration of a report by the Executive Director of Development and Infrastructure, copies of which had been circulated, the Committee:

Noted:

5.1. That, in October 2014, the Council approved an Electric Vehicle Infrastructure Strategy as the basis for further consultation in respect of specific projects and initiatives noted therein.

5.2. That Orkney Renewable Energy Forum had complimented the Council’s approach to date in championing Electric Vehicle infrastructure, in particular installation and provision of a public charger network.

5.3. That Orkney Renewable Energy Forum believed an updated Strategy and focussed set of actions was now required and, accordingly, had prepared a draft Electric Vehicle Strategy 2017 to 2022, including an Action Plan, attached as Appendix 1 to the report by the Executive Director of Development and Infrastructure.

5.4. The key issues and actions included within the Electric Vehicle Strategy, as outlined in section 5 of the report by the Executive Director of Development and Infrastructure.

5.5. That Orkney Renewable Energy Forum intended to undertake consultation on the draft Electric Vehicle Strategy 2017 to 2022 and had asked the Council to endorse this approach.

5.6. The draft consultation response, attached as Appendix 2 to the report by the Executive Director of Development and Infrastructure.

The Committee resolved to recommend to the Council:

5.7. That the Council endorse the approach being taken by Orkney Renewable Energy Forum to develop an Electric Vehicle Strategy for the period 2017 to 2022.
5.8. That the Executive Director of Development and Infrastructure, in consultation with the Chair and Vice Chair of the Committee, should submit representations to Orkney Renewable Energy Forum, on behalf of the Council, in respect of the draft Orkney Electric Vehicle Strategy 2017 to 2022 and the associated Action Plan.

6. Review of On-street Parking, Stromness

After consideration of a report by the Executive Director of Development and Infrastructure, together with an Equality Impact Assessment, copies of which had been circulated, and after hearing a report from the Head of Infrastructure and Strategic Projects, the Committee:

Noted:

6.1. That there were currently three prohibition of waiting orders in place which covered on-street parking in Stromness, as detailed in section 5.1 of the report by the Executive Director of Development and Infrastructure.

6.2. That, following redevelopment of the Pierhead area, the Orkney Islands Council (Stromness) (Prohibition of Waiting) Order 2000 required to be reviewed.

6.3. That the Council’s Parking Strategy, adopted in May 2014, recommended a long term review of existing traffic regulation orders pertaining to on-street parking.

6.4. That a review of the current signage and lining associated with on-street parking in Stromness was carried out in 2016 to establish where those were not representative of the current orders.

6.5. The proposal to review and amend the existing on-street parking orders, referred to at paragraph 6.1 above, and consolidate into a single order for Stromness.

6.6. That Stromness Community Council had been consulted on the proposals, with officers also undertaking public engagement, the feedback from which was attached as Appendix 1 to the report by the Executive Director of Development and Infrastructure.

The Committee resolved, in terms of delegated powers:

6.7. That the three existing prohibition of waiting orders covering on-street parking in Stromness be reviewed and consolidated into a single order.

6.8. That powers be delegated to the Executive Director of Development and Infrastructure to make the new order, referred to at paragraph 6.7 above, should no adverse comments be received during the statutory consultation process in respect of the proposal.

7. Policy on Intentional Balloon and Sky Lantern Releases

After consideration of a report by the Executive Director of Development and Infrastructure, copies of which had been circulated, and after hearing a report from the Environmental Health Manager, the Committee:
Noted:

7.1. That, in July 2015, the Council approved a policy statement in respect of Intentional Balloon and Sky Lantern Releases.

7.2. That minor amendments had been made to the Policy Statement in respect of Intentional Balloon and Sky Lantern Releases in order to reflect recent statistical changes, with the updated Statement attached as Appendix 1 to the report by the Executive Director of Development and Infrastructure.

7.3. That, since approval of the Policy Statement in 2015, there had been one incidence where advice was provided to prohibit the intentional release of balloons at a Council endorsed event, resulting in the balloon release not going ahead.

7.4. That Orkney did not have a problem in respect of intentional balloon and sky lantern releases, as detailed in section 6 of the report by the Executive Director of Development and Infrastructure.

The Committee resolved to recommend to the Council:

7.5. That, given the lack of evidence showing that intentional balloon and sky lantern releases were a significant problem in Orkney, a byelaw prohibiting releases should not be developed at this time.

8. Scotland’s Geodiversity Charter

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

Noted:

8.1. That, in June 2012, the Scottish Geodiversity Forum launched Scotland’s Geodiversity Charter, attracting the support of 61 signatory organisations, with the vision of recognising Scotland’s geodiversity as an integral and vital part of the environment, economy and heritage and future sustainable development.

8.2. That, during 2017, the Scottish Geodiversity Forum had worked with partners to revise and update Scotland’s Geodiversity Charter, attached as Appendix 1 to the report by the Executive Director of Development and Infrastructure.

8.3. That geodiversity was integrated in the Orkney Local Development Plan 2017, as detailed in section 6 of the report by the Executive Director of Development and Infrastructure.

8.4. That the Council had been invited to sign up to Scotland’s Geodiversity Charter.

8.5. That, although Scotland’s Geodiversity Charter encouraged the Council to continue to take action to promote geodiversity where possible, there were no financial or legal implications associated with signing up to the Charter.
The Committee resolved to **recommend to the Council**:

**8.6.** That the Council should sign up to Scotland’s Geodiversity Charter 2018 to 2023.


After consideration of a report by the Executive Director of Development and Infrastructure, copies of which had been circulated, and after hearing a report from the Senior Policy Planner (Development and Marine Planning), the Committee:

Noted:

**9.1.** That, in March 2017, the Council approved the Orkney Outdoor Access Strategy.

**9.2.** That, in order to ensure successful implementation of the Orkney Outdoor Access Strategy, an Action Plan, attached as Appendix 1 to the report by the Executive Director of Development and Infrastructure, had been developed.

**9.3.** That, if approved, the Action Plan would be presented to the Orkney Local Access Forum and Countryside Committee on a regular basis to monitor progress.

**9.4.** Progress in respect of the review of the Core Paths Plan, as detailed in section 5 of the report by the Executive Director of Development and Infrastructure.

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

**9.5.** That the Orkney Outdoor Access Strategy Action Plan, attached as Appendix 1 to this Minute, be approved.

**10. Aquaculture Capacity Study for Scapa Flow**

After consideration of a report by the Executive Director of Development and Infrastructure, copies of which had been circulated, and after hearing a report from the Senior Policy Planner (Development and Marine Planning), with reference to the Minute of the Meeting of the Development and Infrastructure Committee held on 6 June 2017, paragraph 7, the Committee:

Noted:

**10.1.** That Supplementary Guidance: Aquaculture, adopted as statutory Supplementary Guidance to the Orkney Local Development Plan 2017, highlighted the importance of assessing the cumulative impacts from proposed aquaculture developments in Scapa Flow.

**10.2.** That, prior to adoption, public consultation undertaken in respect of the draft Supplementary Guidance: Aquaculture highlighted stakeholders’ concerns regarding the capacity for Scapa Flow to accommodate further aquaculture development and the potential requirement for a development capacity study to be undertaken.

**10.3.** That development of an Orkney Harbours Master Plan, which would assess current and future port infrastructure use demands and plan future investment, was currently ongoing.
10.4. That Marine Scotland Science was currently undertaking a study to improve its Locational Guidelines for Marine Fish Farms in Scottish Waters, which was due to be published in March 2018.

10.5. That the Marine Sub-Group of the Orkney Local Biodiversity Action Plan Steering Group, which included representation from the local fish farming industry, was currently considering ways to improve knowledge of local sea trout populations and interactions with fish farming.

Councillor Graham L Sinclair, seconded by Councillor Andrew Drever, moved that, given existing available information and the ongoing relevant work streams, a capacity study for aquaculture development in Scapa Flow should not be taken forward at this stage.

Councillor Kevin F Woodbridge, seconded by Councillor James W Stockan, moved an amendment that (1) prior to undertaking further work on a capacity study for aquaculture development in Scapa Flow, the results of the ongoing relevant work streams be reported to the first available meeting of the Committee; and (2) the existing Scapa Flow hydrodynamic model be developed to model nutrient inputs to establish an upper biomass limit for farmed fish in Scapa Flow, at a cost not exceeding £25,000, to be met from existing planning revenue budgets.

On a vote being taken 10 members voted for the amendment and 2 for the motion, and the Committee:

Resolved to recommend to the Council:

10.6. That the existing Scapa Flow hydrodynamic model be developed to model nutrient inputs to establish an upper biomass limit for farmed fish in Scapa Flow, at a cost not exceeding £25,000, to be met from existing Planning Services’ revenue budgets for 2017 to 2018.

10.7. That, prior to undertaking further work on a capacity study for aquaculture development in Scapa Flow, the results of the ongoing relevant work streams identified in paragraphs 10.3 to 10.6 above be reported to the first available meeting of the Development and Infrastructure Committee.

10.8. That an assessment of the impact of future fish farm development on harbour infrastructure and operations be progressed as part of the Orkney Harbours Master Plan, referred to at paragraph 10.3 above.

10.9. That, following publication of the Marine Scotland Science study referred to at paragraph 10.4 above, the Council should work with partners to consider the potential scope to improve current knowledge of the wild sea trout population in Orkney and any risks to wild salmonids associated with fish farm development.

11. Planning Enforcement Charter

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

11.1. 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.

11.2. That, although the existing Enforcement Charter, approved by Council in September 2015, was still current with respect to legislation, minor changes were required in order to reflect staffing changes within the Development Management function.

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

11.3. That the Enforcement Charter, attached as Appendix 2 to this Minute, be approved.

11.4. That powers be delegated to the Executive Director of Development and Infrastructure, in consultation with the Solicitor to the Council, to determine and issue all notices and orders in respect of all planning enforcement provisions.

12. **Support for New Entrant Farmers**

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

Noted:

12.1. That, in December 2016, the Council resolved that, in order to support New Entrant Farmers across Orkney, the principle of creating a scheme to establish short to medium term starter units be approved, subject to no loss of revenue to the Council.

12.2. That subsequent investigations identified a number of likely inhibitors to developing a New Entrant Farmer scheme, including property improvement costs, reduced income from rents and uncertainties regarding new tenant legislation.

12.3. That, in March 2017, the Council deferred consideration of developing a New Entrant Farmer scheme pending clarification of the restrictions which implementation of Modern Limited Duration Tenancies would place on the Council.

12.4. The update in respect of Modern Limited Duration Tenancies legislation, as detailed in section 7 of the report by the Executive Director of Development and Infrastructure.

12.5. The options appraisal in respect of continued development of a New Entrant Farmer scheme within the terms of the Council’s existing decision, as detailed in section 9 of the report by the Executive Director of Development and Infrastructure.

12.6. That, on 10 October 2017, the Agricultural Development Member/Officer Working Group considered the information detailed in sections 6 to 9 of the report by the Executive Director of Development and Infrastructure and expressed the view that the Council should take no further action to establish a New Entrant Farmer scheme at this time.
The Committee resolved to **recommend to the Council**: 

12.7. That the Council should take no further action to establish a New Entrant Farmer scheme at this time.

**13. Economic Development Grants**

**Budget Monitoring Statement and Delegated Approvals**

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

**Noted:**

13.1. That, for financial year 2017 to 2018, the approved budget in respect of Economic Development Grants amounted to £558,840.

13.2. Spending to 30 September 2017, in relation to Economic Development Grants, totalling £198,253, of which £155,533 related to grant commitments made in previous financial years and £42,720 to current year commitments.

13.3. Grant approvals made in the period 1 April to 30 September 2017, totalling £473,958, as detailed in Annex B to the report by the Executive Director of Development and Infrastructure.

13.4. That, as at 30 September 2017, the Budget Available for Approval from the Economic Development Grants budget amounted to £84,882.

**14. Exclusion of the Public**

On the motion of Councillor Graham L Sinclair, seconded by Councillor Andrew Drever, the Committee resolved that the public be excluded for the remainder of the meeting, as the business to be considered involved the disclosure of exempt information of the classes described in Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 as amended.

**15. Economic Development Grants**

**Budget Monitoring Statement and Delegated Approvals**

Councillor Rachael A King declared a non-financial interest in this item, in that a family member was employed by an organisation which had received economic development grant funding, however, as the specific application was not discussed, she did not leave the meeting.

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.

With reference to paragraph 13 above, Councillor Rachael A King intimated that she wished to seek clarification in respect of matters contained within Annex B to the report by the Executive Director of Development and Infrastructure, however, following legal advice, she withdrew her request.
16. Provision of Abattoir Services in Orkney

Councillor Norman R Craigie declared a non-financial interest in this item, in that a close family member was part of the consortium involved in operations at the facility, and left the meeting at this point.

Councillor Kevin F Woodbridge declared a financial interest in this item, in that he was a mutton producer and utilised the facility, and left the meeting at this point.

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

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

Resolved to recommend to the Council what action should be taken with regard to the provision of abattoir services in Orkney.

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.
17. 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 Meeting of the Harbour Authority Sub-committee held on 19 September 2017, copies of which had been circulated, the Committee:
Resolved:

17.1. On the motion of Councillor Andrew Drever, seconded by Councillor Graham L Sinclair, to approve the Minute of the Meeting of the Harbour Authority Sub-committee held on 19 September 2017 as a true record.

The Committee resolved to recommend to the Council:

17.2. That the recommendations at paragraphs 7.4, 8.8 and 9.7 of the Minute of the Meeting of the Harbour Authority Sub-committee held on 19 September 2017, attached as Appendix 3 to this Minute, be approved.

The Committee noted:

17.3. That the recommendations at paragraphs 8.5 to 8.7 of the Minute of the Meeting of the Harbour Authority Sub-committee held on 19 September 2017, attached as Appendix 3 to this Minute, had been considered by the Policy and Resources Committee on 26 September 2017.

18. Conclusion of Meeting

At 15:55 the Chair declared the meeting concluded

Signed: Graham L Sinclair.