

## Minute

### Special General Meeting of the Council

Tuesday, 1 October 2019, 09:30.

Council Chamber, Council Offices, School Place, Kirkwall.



### Present

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

### Clerk

- John W Mundell, Interim Chief Executive – for Items 1 to 5.
- Hazel Flett, Senior Committees Officer – for Items 6 and 7.

### In Attendance

- John W Mundell, Interim Chief Executive.
- Gavin Barr, Executive Director of Development and Infrastructure.
- Gavin Mitchell, Head of Legal Services.
- Roddy MacKay, Head of Planning, Development and Regulatory Services.
- Jamie Macvie, Planning Manager (Development Management).
- Stuart West, Planning Manager (Development and Marine Planning).
- Hazel Flett, Senior Committees Officer.
- Angela Kingston, Committees Officer.

### Observing

- Kenneth Roy, Team Leader Roads Support.
- Kirsty Groundwater, Press Officer.

### Apologies

- Councillor Stephen G Clackson.
- Councillor W Leslie Manson.
- Councillor Kevin F Woodbridge.

### Declarations of Interest

- Councillor Alexander G Cowie – Item 6.
- Councillor David Dawson – Item 6.

## **Chair**

- Councillor J Harvey Johnston, Convener – for Items 1 to 5.
- Councillor Robin W Crichton – for Items 6 and 7.

### **1. Introduction**

The Convener welcomed everyone to the meeting which had been called to determine the planning application relating to the proposed erection of a substation and associated works at land near Stymilders/Heddle Hill, Firth.

Prior to proceeding to the main item of business, the Convener advised of several procedural matters which required to be addressed.

In accordance with the Scheme of Administration, planning applications defined as being National, namely developments listed in the National Planning Framework, required to be determined by the Council, and could not be determined by officers or the Planning Committee.

### **2. Audio-casting**

As it was proposed to follow the same hearings process operated by the Planning Committee, this meeting was not audio-cast live.

### **3. Standing when Speaking**

As the meeting was to operate like a Planning Committee, it was proposed that Standing Order 52, which stated “At General Meetings of the Council, Members shall stand when speaking, and shall address the Convener”, be suspended.

The Council **suspended Standing Order 52** thereby foregoing the requirement to stand when speaking, which only applied at General Meetings of the Council.

### **4. Voting**

Standing Order 108 provided that the usual method of voting at Council and Service Committee meetings shall be by recorded vote. At meetings of the Planning Committee, which was not a Service Committee, voting was by a show of hands.

The Council resolved that voting should be by a show of hands.

### **5. Chairing of Meeting**

As the meeting was to operate like a Planning Committee, in terms of Standing Order 44, the Convener proposed to depart the Chair in “other circumstances”. In this case, the “other circumstances” were that, because of the nature of the business to be conducted, it was the Convener’s view that it would be entirely appropriate for the Chair of the Planning Committee to chair the remainder of the proceedings.

On the motion of the Convener, seconded by Councillor Owen Tierney, the Council:

Resolved that the Chair of the Planning Committee should Chair the remainder of the proceedings.

The Convener left the Chair at this point and Councillor Robin W Crichton, Chair of the Planning Committee, took the Chair for the remainder of the meeting.

Signed: Harvey Johnston.

## **6. Planning Application 19/113/NATEIA**

### **Proposed Erection of Substation, Associated Infrastructure, Landscaping and Temporary Construction Compound Areas on land near Stymilders/Heddle Hill, Firth**

Councillor Alexander G Cowie declared a non-financial interest in this item, in that a close family member was employed by the company and was a member of the shadow board, and was not present during discussion thereof.

Councillor David Dawson declared a financial interest in this item, being a shareholder in a commercial undertaking related to the applicant company, and was not present during discussion thereof.

Simon Hall, Tommy Hart and Max Aremia, representing the applicant, Scottish Hydro Electric Transmission plc; Spencer Rosie and David Murdoch, representing Orkney Heritage Society, objectors; and Jim Leitch and Eric Goodyer, objectors, were present during consideration of this item.

#### **6.1. Pre-Determination Hearing**

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 Management), the Council:

Noted:

**6.1.1.** That letters of objection relating to the application for planning permission in respect of the proposal for the erection of a substation, comprising a platform area, electrical infrastructure and buildings and associated plant, together with ancillary infrastructure, drainage, landscaping, an access road and temporary construction compound areas, on land near Stymilders/Heddle Hill, Firth, had been received from the following:

- Margaret Rinder, Hall of Cara, Grimness, St Margaret's Hope.
- David Lynn, 4 Lawrence Street, Glasgow.
- Eric Goodyer, Craiglands, Birsay.
- Rose Grimond, Howberry Wood Farm, Henley-on-Thames.
- Stuart Gray, Vakkerrygg, Ireland Road, Stenness.
- Kate Grimond, The Old Manse, Grimbister.
- John Grimond, Old Manse of Firth, Grimbister.

- Neil Kermod, Quarry House, Stymilders Road, Stenness.
- Angela Barnett, Garaber, Heddle Road, Finstown.
- Jim and Maureen Leitch, Feolquoy, Evie.
- Orkney Heritage Society.

**6.1.2.** That, on 19 February 2019, the Policy and Resources Committee recommended that, prior to the pre-determination hearing, the Council should undertake an unaccompanied site visit to the proposed substation site at Finstown.

**6.1.3.** That the site visit, referred to at paragraph 6.1.2 above, had taken place at 13:30 on 30 September 2019.

After hearing representations from Spencer Rosie, on behalf of Orkney Heritage Society, Jim Leitch and Eric Goodyer, objectors, and after hearing a statement from David Lynn, 4 Lawrence Street, Glasgow, objector, which was read out by the Clerk, and after hearing representations from Tommy Hart, representing the applicant, Scottish Hydro Electric Transmission plc, the Council:

Noted:

**6.1.4.** The representations from the objectors present, the statement from an objector read out by the Clerk and representations from the applicant, together with questions from members and responses from the objectors and the applicant, where applicable.

Councillors John T Richards and Magnus O Thomson left the meeting and rejoined the meeting during discussion of this part of the meeting.

## **6.2. Adjournment**

The Chair adjourned the meeting at 12:25, thereby completing the pre-determination hearing.

The meeting reconvened at 12:30.

## **6.3. Determination of Planning Application 19/113/NATEIA**

Following representations from the Chair, the Council:

Noted:

**6.3.1.** Standing Order 31, which stated that, if a Committee had a hearing on a matter where the decision may affect the interest or rights of any person as an individual, or a commercial undertaking and where the person had a right to be heard in person or through a representative, a Member of the Committee may only participate and/or vote on the matter if s/he had been present through consideration of the whole item of business.

**6.3.2.** That the applicant, Scottish Hydro Electric Transmission plc, had requested that the time limit on any planning permission be five years, rather than the standard three years, to allow for changes in the timescales for project delivery.

Councillor Robin W Crichton, seconded by Councillor Owen Tierney, moved that planning application 19/113/NATEIA be refused, as, in their opinion:

(1) The siting, scale and design of the proposed development would introduce several very large structures into a rural environment and was not considered to be appropriate for the location and would result in an unacceptable adverse landscape and visual impact.

(2) The siting, scale and design of the proposed development would have an unacceptable adverse impact on the quality of life and amenity of residents of properties located closest to the development.

(3) The proposed development was partially located within the Hill of Heddle Local Nature Conservation Site and would result in the loss of natural and semi-natural habitat.

(4) There was a lack of detailed information provided on the type and amount of construction waste arising from the proposed development and, in particular, the opportunity to re-use stone quarried whilst excavating the site.

(5) The site of the proposed development lay within the Heart of Neolithic Orkney World Heritage Site Sensitive Area and would be visible at a distance resulting in an adverse visual impact when viewed from a number of its component parts, including Maeshowe and the Stones of Stenness, to the detriment of the landscape setting of the World Heritage Site.

And, accordingly, the proposed development was contrary to the following policies within the Orkney Local Development Plan 2017:

- Policy 1 – Criteria for All Development, parts i, iv, vii, viii, ix and x.
- Policy 2 – Design, parts i and ii.
- Policy 8 – Historic Environment and Cultural Heritage, Section A, parts i and ii.
- Policy 9 – Natural Heritage and Landscape, Section G, parts i and ii.

Councillor John A R Scott, seconded by Councillor James W Stockan, moved an amendment that planning application 19/113/NATEIA be approved, subject to conditions as proposed by officers.

On a vote being taken 10 members voted for the amendment and 4 for the motion, and the Council:

Resolved:

**6.3.3.** That planning permission be granted in respect of the proposal to erect a substation, comprising a platform area, electrical infrastructure and buildings and associated plant, together with ancillary infrastructure, drainage, landscaping, an access road and temporary construction compound areas, on land near Stymilders/Heddle Hill, Firth, subject to the conditions attached as Appendix 1 to this Minute.

## **7. Conclusion of Meeting**

At 13:05 the Chair declared the meeting concluded.

Signed: Rob Crichton.