

Item: 14

General Meeting of the Council: 1 July 2025.

Notice of Motion.

Report by Director of Infrastructure and Organisational Development.

1. Overview

- 1.1. This report considers the implications of the suggested course of action contained in the Notice of Motion lodged by Councillor James Moar, as detailed on the agenda for this meeting.
- 1.2. The Notice of Motion requests that the Verge Maintenance Plan, attached as Appendix 1 to this paper, is amended to state that the annual cut of the verges is to take place in late July, rather than in September and October.
- 1.3. The Verge Maintenance Plan was last discussed at the Development and Infrastructure Committee on 10 September 2024 and subsequently approved by Council on 8 October 2024.
- 1.4. This report considers the implications of changing the time of the annual cut, noting that the requested timescale is not operationally feasible.

2. Recommendations

- 2.1. It is recommended that members of the Council:
 - i. Consider whether to support the Notice of Motion.
- 2.2. Should the Notice of Motion be supported, it is recommended that members of the Council:
 - i. Amend the Verge Maintenance Plan by changing the timing of the annual cut from September/October to late July.
 - ii. Instruct the Director of Infrastructure and Organisational Development to arrange for the annual cut of the verges to take place from late July 2025.

3. Notice of Motion

- 3.1. The Notice of Motion, detailed on the agenda for this meeting, lodged on 4 June 2025 in accordance with Standing Order 17.6, requests that the timing of the annual verge cut, as detailed in the Verge Maintenance Plan is changed from September / October to late July. The full text of the Notice of Motion is provided below:

“I Councillor James Moar would like to put forward a Notice of Motion to the next general meeting to change the timing of the verge cutting from the end of September and October as went through D and I on the 10 of September 2024 to sometime in late July, the reason being mainly for the safety of pedestrians and drivers on Orkney’s roads. I do not believe that there will be the savings for the council with this policy of safety cuts being carried out all through the summer after complaints from members of the public and a final cut probably into October. As for the flowers on the verges our council staff are very good at lifting the cutters on these areas.”.

- 3.2. Standing Order 17.2 provides that a Notice of Motion must be received by the Chief Executive at least 14 Clear Days prior to the date of any Meeting of the Council, in order for the Notice of Motion to be included within the business of that Meeting.
- 3.3. Standing Order 17.3 states that a Notice of Motion shall be accompanied by a report by the Chief Executive or the relevant Corporate Director on the implications of any suggested course of action.
- 3.4. As the Notice of Motion is contradictory of a previous Decision of the Council that was made within the last 12 months, it has been countersigned by at least six other Members in accordance with Standing Order 17.6 to enable its acceptance by the Chief Executive for inclusion in the agenda.
- 3.5. Before the Motion can be substantively considered at this Meeting, Standing Order 23.1 requires to be suspended since the terms of the Motion are contradictory of a previous Decision made by the Council within the last 12 months. Standing Order 23.1 may only be suspended if two-thirds of the Members present, rounded up to the nearest whole number, so agree.

4. Background

- 4.1. On 10 September 2024, the Development and Infrastructure Committee noted:
- i. The proposal that the annual Verge Maintenance Plan be replaced by a five year plan.

- ii. That annual consultation would continue and would focus on areas of safety concern and injurious weeds.
- iii. That Yellow Rattle was being explored to suppress growth.
- iv. That safety cuts would still be undertaken where required.

4.2. The Committee recommended:

- i. That the Verge Maintenance Plan 2025 – 2030, attached as Appendix 1 to the paper, be approved.

5. Verge Cutting Process

- 5.1. The Verge Maintenance Plan, as approved, sets out the frequency of verge cuts to be annual, in September / October, with visibility splays at junctions and bends on all A roads to be cut in May / June.
- 5.2. In addition, safety cuts will be carried out as required in order to maintain appropriate sight lines. Locations of required safety cuts will be identified via standard inspection processes and following reports of concerns from members of the public.

6. Implications of suggested amendment

- 6.1. The longer growth period between a cut in July and the end of the growing season is likely to lead to vegetation that is extremely difficult to cut the following year, causing further disruption and cost to the programme.
- 6.2. The biodiversity benefits associated with an annual cut towards the end of the growing season are fully explored in the paper of 4 September 2024. The intention of a cut later on in the season was to allow the grass and other vegetation to grow and set seed and so create a nature network, benefiting the whole of Orkney. This is in compliance with National Planning Framework 4 and the Scottish Biodiversity Strategy, which require local authorities to define and strengthen nature networks as a mechanism for protecting and enhancing biodiversity.
- 6.3. The end of season cut would also directly support the Species on the Edge project which is a partnership project of 8 nature conservation agencies which aims to support communities to connect and take action for local biodiversity in 7 project areas across Scotland. Orkney has been chosen as one of the project areas which includes work to highlight the threat to the Great Yellow Bumblebee. The Species on the Edge project aims to protect and enhance the environment that these rare species call home.

- 6.4. Orkney has already received widespread attention around the adopted Verge Maintenance Plan, with positive media coverage from the local media and supportive comments on social media and is leading the way in investigating and adopting innovative ways of managing road verges in order to balance safety, the impact of reducing resources and the enhancement of biodiversity.
- 6.5. Moving the annual cut to July would lose the intended biodiversity benefits described above.
- 6.6. However, notwithstanding the loss of biodiversity benefit and the increased budgetary costs, it is, in practical, operational terms, impossible to carry out a cut in July without the use of additional, external resource for which there is no budget and no capacity within the local market.
- 6.7. The deployment of the small Roads team has to be managed carefully to ensure that available resource is matched to the demands of the work programme. July is one of the busiest months for the team, given the longer days and likelihood of better weather and so is the key time for carrying out surface dressing, surfacing and other major improvements. Surface dressing alone requires 17 operatives, noting that the entire team consists of 25 operatives.
- 6.8. As a result, carrying out verge cutting in July is impossible for the team to arrange and so it is not possible to meet the stated requirements of the Notice of Motion without significant disruption to other critical work relating to the management and maintenance of the network. There is no budget for the procurement of external resource and no capacity in the local market to meet this demand.
- 6.9. It should be noted that, whilst the Verge Maintenance Plan specified September / October for the annual cut, this is subject to operational necessity and so the exact timing of this cut will depend on other planned and reactive work.
- 6.10. For example, in 2025 it is planned to cut some areas in mid August, to ensure that the programme is complete and the equipment serviced and ready for the start of the winter maintenance period.

For Further Information please contact:

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Implications of Report

1. **Financial.** The cost of the single annual cut is estimated to be £68,000, compared to the cost of two cuts of £109,000. This will assist with bringing the cost of the verge management more in line with the allocated budget.
2. **Legal.** None arising directly from the recommendations in this report.
3. **Corporate Governance.** As the Notice of Motion is contradictory of a Decision made by the Council within the last 12 months, Standing Order 23.1 will require to be suspended to enable the Motion to be considered by Members.
4. **Human Resources.** None arising directly from the recommendations in this report.
5. **Equalities.** N/A
6. **Island Communities Impact.** The Verge Maintenance Plan applies the same standards across all Orkney islands.
7. **Links to Council Plan.** The proposals in this report support and contribute to improved outcomes for communities as outlined in the following Council Plan strategic priorities:
 - ☒ Growing our economy.
 - ☐ Strengthening our Communities.
 - ☒ Developing our Infrastructure.
 - ☐ Transforming our Council.
8. **Links to Local Outcomes Improvement Plan.** The proposals in this report support and contribute to improved outcomes for communities as outlined in the following Local Outcomes Improvement Plan priorities:
 - ☐ Cost of Living.
 - ☒ Sustainable Development.
 - ☐ Local Equality.
9. **Environmental and Climate Risk.** The single annual cut will reduce emissions associated with travel and assist with creating a more biodiverse ecosystem.
10. **Risk.** The Verge Maintenance Plan applies a risk based approach to verge maintenance which focuses resource on the areas most likely to pose a risk to road users.
11. **Procurement.** N/A. All works are carried out by Council operatives.
12. **Health and Safety.** Visibility splays continue to be cut on A roads with safety cuts undertaken elsewhere as required. Therefore no negative impacts on Health and Safety are anticipated.
13. **Property and Assets.** N/A.
14. **Information Technology.** N/A.
15. **Cost of Living.** N/A.

List of Background Papers

Development and Infrastructure Committee: 10 September 2024, Item 7 – Verge Maintenance Plan.

Appendix

Appendix 1 - Verge Maintenance Plan 2025 – 2030.



Verge Maintenance Plan 2025-2030

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Document Control and Council Approval

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| Version Number/Date. | V1/July 2024. |
| Approved by Council | General Meeting of the Council 08 October 2024 |
| Next Update Due. | July 2030. |

1. Objectives

Orkney Islands Council as Roads Authority has a duty to maintain the public roads and ensure as far as possible that they are safe for road users, this includes the roadside verge.

Vegetation on either the roadside verge or private land should not restrict visibility at junctions, access points or bends. In addition, sightlines and minimum stopping distances should be kept clear and signs, lights, and marker posts clearly visible.

The Roads Management and Maintenance Plan 2023-2028 which is based on the good practice contained within the Code of Practice entitled “Well-managed Highway Infrastructure”, recognises that the cutting of verges is done primarily for road safety, however the Council also has a duty under the Nature Conservation (Scotland) Act 2004 to conserve and enhance biodiversity.

The Verge Maintenance Plan recognises these aims and will contribute to the wider corporate objectives by managing the maintenance of the roadside verges in such a way as to provide a safe environment for all road users and enhance biodiversity.

The primary objectives of the verge cutting regime will be:

- To maintain safety.
- To prevent obstruction of sight lines, road traffic signs, barriers, and other structures.
- To inhibit the growth of injurious weeds (in accordance with the Weeds Act 1959).
- To prevent encroachment of vegetation onto the carriageway.
- To manage the roadside verges in a manner that promotes biodiversity by conserving, wherever possible, special wildlife habitats and wildflowers.

2. Specification for Annual Roadside Verge Cutting

2.1. Verge Cuts

All verges outside the 30mph limits will be cut.

The first swathe (up to 1.2m wide) from the edge of the carriageway will be cut.

Where an open ditch lies adjacent to the carriageway the area up to the ditch only will be cut.

Verges adjacent to open heathland or moorland will not be cut unless vegetation obstructs visibility.

Verges in dune areas will be carefully cut to ensure that erosion does not occur.

2.2. Frequency

All roads will be cut once per year in September/October. In addition to this, visibility splays at junctions and bends will be cut on all A-roads in May/June.

2.3. Safety Cuts

These cuts are primarily to maintain sight lines at road junctions and bends. All vegetation will be cut for a safe distance applicable to the character of the road and will include vegetation growing alongside adjacent walls and fences which may obstruct visibility. Vegetation unable to be cut by machine mounted mower will be strimmed by hand. Safety cuts will be undertaken throughout the season as required.

2.4. Strimming

Brig parapet walls, safety railings, verge markers and chevron signage will be strimmed as required throughout the season, normally once around mid-summer. This is done to maintain visibility of these assets. If these assets are highlighted by other means, for example by brig warning signage, this work will not be required.

3. Dealing with Injurious Weeds

3.1. Responsibility

The control of injurious weeds is a statutory responsibility under The Weeds Act 1959. We will continue to work in accordance with this Act and with adjacent landowners to control and prevent the spread of injurious weeds.

3.2. Prescribed Weeds

The prescribed weeds in the Act are:

- Ragwort.
- Broad leaved dock.
- Curled dock.
- Creeping or field thistle.
- Spear thistle.

3.3. Action

Action will be taken to reduce/remove these weeds, either by hand by the end of June, or by spraying prior to the end of September.

Areas requiring treatment will be compiled from various sources, including routine safety inspections and public reports, throughout the year.