

Minute

Development and Infrastructure Committee

Tuesday, 26 March 2024, 09:30.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

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

Councillor James R Moar, who had been invited for Item 10.

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 7 to 13).
- Roddy Mackay, Head of Planning and Community Protection (for Items 1 to 5).
- Lorna Richardson, Head of Neighbourhood Services (for Items 1 to 3).
- Stuart Allison, Service Manager (Enterprise) (for Items 7 to 13).
- Karen Bevilacqua, Service Manager (Legal Services).
- Laura Cromarty, Service Manager (Transportation) (for Items 2 to 9).
- Hazel Flett, Service Manager (Governance).
- Shonagh Merriman, Service Manager (Corporate Finance).
- Kenny Roy, Service Manager (Roads and Grounds) (for Items 1 to 3).
- Susan Shearer, Service Manager (Development and Marine Planning) (for Items 1 to 5).
- Christie Hartley, Team Manager (Sustainable Tourism) (for Items 7 to 10).
- Derek Manson, Team Manager (Development Planning) (for Items 1 to 5).
- Nina Caudrey, Environmental Planner (for Items 1 to 5).

Observing

- Kenny MacPherson, Head of Property, Asset Management and Facilities (for Items 1 and 2).
- Gavin Barr, Economic Development Manager (for Items 7 to 13).

Declarations of Interest

- No declarations of interest were intimated.

Chair

- Councillor David Dawson.

1. Road Asset Replacement Programme

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 Neighbourhood Services, the Committee:

Noted:

1.1. That, on 28 March 2023, the Development and Infrastructure Committee approved the Road Asset Replacement Programme for 2023/24, together with indicative programmes for 2024/25 and 2025/26.

1.2. That a multi-year approach to the replacement of road assets allowed for greater flexibility to vary the timing of individual projects where constraints and/or pressures emerged.

1.3. That, although approval was sought for a multi-year programme in respect of Road Asset Replacement, the Corporate Director for Neighbourhood Services and Infrastructure would continue to submit reports, on an annual basis.

1.4. The proposed Road Asset Replacement Programme for 2024/25, together with indicative programmes for 2025/26 and 2026/27, attached as Appendix 1 to the report by the Corporate Director for Neighbourhood Services and Infrastructure.

1.5. That Transport Scotland had notified the Council that the Cycling, Walking and Safer Routes funding would now form part of a tiered approach to Active Travel Transformation and accessing the funding source would also change.

1.6. That, as the methodology for receiving Cycling, Walking and Safer Routes funding was still to be finalised, it would no longer be reported through the Road Asset Replacement Programme.

The Committee resolved, in terms of delegated powers:

1.7. That the Road Asset Replacement Programme for 2024/25, together with indicative programmes for 2025/26 and 2026/27, attached as Appendix 1 to this Minute, be approved.

1.8. That powers be delegated to the Corporate Director for Neighbourhood Services and Infrastructure, in consultation with the Head of Finance, to adjust the Road Asset Replacement Programmes referred to at paragraph 1.7 above, as variations arose and in order to maximise use of budget allocations.

2. Orkney Road Safety Strategy

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 Neighbourhood Services, the Committee:

Noted:

2.1. That, on 19 April 2016, the Policy and Resources Committee recommended approval of the Road Safety Strategy 2016-20.

2.2. That Orkney's Road Safety Forum, a multi-agency group, was committed to working together to improve safety on the roads throughout the islands thus reducing the number of road crashes and road casualties in Orkney.

2.3. The draft Road Safety Strategy to 2030, attached as Appendix 1 to the report by the Corporate Director for Neighbourhood Services and Infrastructure, which had been developed by the Road Safety Forum, in consultation with local partners who had an interest in road safety in Orkney.

2.4. That the draft Delivery Plan 2024-25, attached as Appendix 2 to the report by the Corporate Director for Neighbourhood Services and Infrastructure, which complemented and supported Orkney's Road Safety Strategy to 2030, would be reviewed on an annual basis to assist the Council to achieve significant reductions and meet all its targets.

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

2.5. That Orkney's Road Safety Strategy to 2030 and Delivery Plan 2024-25, attached as Appendices 2 and 3 respectively to this Minute, be approved in so far as they related to the remit of the Council.

2.6. That the Corporate Director for Neighbourhood Services and Infrastructure should submit to the Development and Infrastructure Committee, on an annual basis, the review of Orkney's Road Safety Strategy Delivery Plan.

3. Muddisdale Road, Kirkwall – Proposed Traffic Calming Measures

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 Neighbourhood Services, the Committee:

Noted:

3.1. That planning permission was granted on 30 March 2022 in respect of infrastructure associated with 139 house sites on land near Corse West, Kirkwall, including access roads.

3.2. That, to address concerns raised through the planning process, one of the conditions of the planning permission related to the construction of build outs and crossing points along a section of Muddisdale Road, Kirkwall.

3.3. That the Council, as developer, proposed to install three build-outs with associated signage on Muddisdale Road, Kirkwall, as shown on the drawing attached as Appendix 1 to the report by the Corporate Director for Neighbourhood Services and Infrastructure.

3.4. That, in terms of the Roads (Traffic Calming) (Scotland) Regulations 1994, the Council was required to undertake statutory consultation in relation to traffic calming measures, however a traffic order and public notices were not required.

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

3.5. That the Council should carry out statutory consultation, as set out in the Roads (Traffic Calming) (Scotland) Regulations 1994, in respect of proposed traffic calming measures on Muddisdale Road, Kirkwall, to include the following additional consultees:

- Affected properties on Muddisdale Road, Kirkwall.
- Hauliers, including local delivery companies, coal and oil providers.
- Kirkwall and St Ola Community Council.

4. 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 Service Manager (Development and Marine Planning), the Committee:

Noted:

4.1. That, on 6 February 2024, the Development and Infrastructure Committee recommended 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 and any other relevant local authority regarding how they were dealing with the potential incompatibility between the Policy 17 Rural Homes of NPF4 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.

4.2. That correspondence had been received from Aberdeenshire Council and the Cairngorms National Park, as detailed in section 3.4 of the report by the Corporate Director for Neighbourhood Services and Infrastructure.

4.3. That, as a result of the publication of NPF4, Development Management Guidance in respect of Housing in the Countryside had been revised to provide additional clarification when assessing planning applications for housing in the countryside in the context of Policy 17 Rural Homes of NPF4.

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

4.4. That the Development Management Guidance – Housing in the Countryside following publication of NPF4, attached as Appendix 4 to this Minute, be approved.

Councillor Mellissa-Louise Thomson left the meeting during discussion of this item.

5. Nature Networks

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 Service Manager (Development and Marine Planning), the Committee:

Noted:

5.1. That the Council was required by statute to identify nature networks as part of the Local Development Plan process to meet the requirements of National Planning Framework 4.

5.2. That policy frameworks associated with the Scottish Biodiversity Strategy would also require public bodies to support the delivery of nature networks on their land.

5.3. That, while the Council currently led and participated in the Local Biodiversity Action Plan partnership, that work was not required by statute.

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

5.4. That the Council should withdraw from the Local Biodiversity Action Plan partnership to enable staff to focus on statutory work streams to deliver positively on nature networks, which would also contribute to the Council's statutory biodiversity duty.

6. Harbour Authority Sub-committee

After consideration of the draft Minute of the Meeting of the Harbour Authority Sub-committee held on 19 March 2024, copies of which had been circulated, the Committee:

Resolved:

6.1. 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 19 March 2024, as a true record.

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

6.2. That the recommendation at paragraph 4.2 of the Minute of the Meeting of the Harbour Authority Sub-committee held on 19 March 2024, attached as Appendix 5 to this Minute, be approved.

Councillor Mellissa-Louise Thomson rejoined the meeting at this point.

7. Enterprise and Sustainable Regeneration

Directorate Delivery Plan and Risk Register

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

Resolved to **recommend to the Council** that the Directorate Delivery Plan for Enterprise and Sustainable Regeneration for 2023 to 2028 and associated Risk Register, attached as Appendices 6 and 7 to this Minute, be approved.

8. Inter-Island Ferry Services – Proposed Winter 2024/25 Timetables

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:

8.1. That the inter-island ferry services timetables for winter 2024/25 were scheduled to operate from 30 September 2024 until 3 May 2025 inclusive.

8.2. That draft timetables in respect of ferry services to be operated by Orkney Ferries Limited during winter 2024/25 were presented to the Ferry Services Consultative Forum for consideration on 31 January 2024, with the main comments and representations outlined in section 4 of the report by the Corporate Director for Enterprise and Sustainable Regeneration.

8.3. That, on 29 February 2024, the proposed timetables, together with feedback from the Ferry Services Consultative Forum, were considered by the Board of Orkney Ferries Limited and recommended to the Council for implementation.

8.4. That the proposed timetables for winter 2024/25, attached as Appendix 1 to the report by the Corporate Director for Enterprise and Sustainable Regeneration, were consistent with that operated during winter 2023/24.

8.5. That, in advance of the Council's budget setting process for 2024/25 being concluded, any decision on the proposed timetables in respect of inter-island ferry services would be subject to an adequate service revenue budget being established.

The Committee resolved, in terms of delegated powers:

8.6. That, subject to an adequate service revenue budget being established for 2024/25, the timetables in respect of inter-island ferry services, to be operated by Orkney Ferries Limited during winter 2024/25, attached as Appendix 8 to this report, be approved.

9. Inter-Island Air Services – Proposed Winter 2024/25 Timetable

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:

9.1. That the inter-island air services timetable for winter 2024/25 was scheduled to operate from 27 October 2024 to 16 February 2025 inclusive.

9.2. That the draft timetable in respect of air services to be operated by Loganair Limited during winter 2024/25 was presented to the Air Services Consultative Forum for consideration on 31 January 2024, with main comments and representations from transport representatives outlined in section 4 of the report by the Corporate Director for Enterprise and Sustainable Regeneration.

9.3. The proposed timetable for winter 2024/25, attached as Appendix 1 to the report by the Corporate Director for Enterprise and Regeneration, which was consistent with that operated in previous years.

9.4. That, in advance of the Council's budget setting process for 2024/25 being concluded, any decision on the proposed timetable in respect of inter-island air services would be 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, the timetable in respect of inter-island air services, to be operated by Loganair Limited during winter 2024/25, attached as Appendix 9 to this report, be approved.

10. Provision of Public Toilets in Brodgar Area

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 Enterprise and Economic Growth, the Committee:

Noted:

10.1. That the Heart of Neolithic World Heritage Site was a place of Outstanding Universal Value to humanity, which attracted more visitors than it could sustainably accommodate.

10.2. That the combination of unrestrained tourism growth and unmanaged footfall has had detrimental impacts on the World Heritage Site's natural and cultural heritage as well as community and visitor safety and wellbeing.

10.3. That the increasing volume of visitors to the Ring of Brodgar and lack of toilet provision had led to undesirable toileting behaviour near the car park, which had been highlighted as a key concern by local stakeholders.

10.4. That, although the Orkney World Heritage Site Gateway Programme sought to address the various issues and had been allocated £6.5 million of Islands Growth Deal funding from the Scottish and UK Governments, it would be years before the projects were completed.

10.5. That, while there was an urgent need for decisive action, the Brodgar-Stenness area was one of the most fragile landscapes in Scotland and, consequently, resolving an issue such as toilet provision was significantly more complex than it would be elsewhere.

10.6. That, on 30 November 2023, when considering resource provision to enhance responsible tourism management in Orkney, the Policy and Resources Committee recommended that the provision of toilet facilities within the Heart of Neolithic Orkney World Heritage Site be further considered by the Development and Infrastructure Committee no later than March 2024.

10.7. That, since 30 November 2023, constructive discussions had been held with Historic Environment Scotland, Highlands and Islands Enterprise and Council officers, reconfirming and demonstrating a partnership approach and commitment to addressing the issues affecting the World Heritage Site.

10.8. That, accordingly, an options appraisal for toilet provision in the Brodgar-Stenness area of the World Heritage Site had been undertaken and was attached as Appendix 1 to the report by the Corporate Director for Enterprise and Sustainable Regeneration.

10.9. That each of the short-listed options, as outlined in section 4.3 of the report by the Corporate Director for Enterprise and Sustainable Regeneration and fully detailed in the Options Appraisal attached as Appendix 1 to the report, proposed a combination of physical and digital elements to improve visitor management in the World Heritage Site.

10.10. That the preferred option, Option 3, which comprised physical and digital elements as detailed in section 4.5 of the report by the Corporate Director for Enterprise and Sustainable Regeneration, offered a permanent solution for toilets at the Brodgar car park.

10.11. That, given the complexity of the proposed development and that Option 3 was unlikely to be completed before 2027, Option 1 could be actioned immediately as interim mitigation to reduce impacts, with the following measures in place for the 2024 tourism season:

- Monthly Brodgar car park cleaning between May and September.
- Toilet access for cruise ship passengers at Hatston Pier.
- Directional signage to nearest toilet facilities.
- Online directions and navigation to nearest toilet facilities (also included in Option 3).
- Promotion of responsible enjoyment of the World Heritage Site (also included in Option 3).

On the motion of Councillor David Dawson, seconded by Councillor Gillian Skuse, the Committee resolved to **recommend to the Council:**

10.12. That Option 3, namely the provision of permanent toilet facilities at the Brodgar car park and accompanying infrastructure improvements, be approved, with the digital elements progressed through the Islands Growth Deal on an accelerated timetable, subject to Orkney World Heritage Site Gateway Programme Board approval and Islands Growth Deal change process.

10.13. That, subject to a match contribution from Historic Environment Scotland, provision not exceeding £40,000 be made, from the Strategies, Studies and Project Initiation budget for 2024/25, to progress Phase 1 development of the physical elements of Option 3.

10.14. That Option 1 be approved for immediate progression, with the following elements funded from existing Enterprise and Economic Growth Service revenue budgets:

- Monthly Brodgar car park cleaning between May and September in 2024, 2025 and 2026.
- Directional signage to nearest toilet facilities.

11. 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:

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

11.2. Spending to 31 January 2024, in relation to Economic Development Grants, totalling £160,599, of which £137,009 related to grant commitments made in previous financial years and £23,590 to current year commitments.

11.3. That, as at 31 January 2024, the budget available for approval from the Economic Development Grants budget amounted to £116,057, as detailed in Annex A to the report by the Corporate Director for Enterprise and Sustainable Regeneration.

11.4. Grant approvals made in the period 1 April 2023 to 31 January 2024, totalling £190,243 including grants approved under delegated schemes for the same period, totalling £93,443 as detailed in Annex B to the report by the Corporate Director for Enterprise and Sustainable Regeneration.

11.5. 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.

11.6. Approvals made in the period to 31 January 2024, totalling £120,000, 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.

12. Kirkwall Town Centre Regeneration

On the motion of Councillor David Dawson, seconded by Councillor Gillian Skuse, the Committee resolved that the public be 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 Local Government (Scotland) Act 1973 as amended.

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:

Resolved to **recommend to the Council** what action should be taken with regard to a Kirkwall Town Centre Regeneration project.

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.

13. Conclusion of Meeting

At 12:18 the Chair declared the meeting concluded.

Signed: David Dawson.