

MINUTE

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Infrastructure Committee
Council Chamber, Town Hall, Lerwick
Tuesday 2 February 2010 at 10.00am

Present:

I J Hawkins	L F Baisley
J Budge	A J Cluness
A T J Cooper	A T Doull
A G L Duncan	E L Fullerton
F B Grains	R S Henderson
J H Henry	A J Hughson
W H Manson	F A Robertson
G Robinson	J G Simpson
C L Smith	J W G Wills
A S Wishart	

In Attendance (Officers):

G Greenhill, Executive Director Infrastructure Services
S Cooper, Head of Environment and Building Services
I Halcrow, Head of Roads
M Craigie, Head of Transport
R Sinclair, Senior Contract Manager
J Williamson, Design Manager
B Robb, Management Accountant
J Grant, Waste Services Manager
C Reeves, Marine Superintendent
K Duerden, Ferry Services Manager
D Marsh, Trading Standards Manager
J Rosie, Marine Development Officer
R Moore, Head of Ports and Harbours Operations
A McDairmid, Head of Planning
D Williamson, Building Services Manager
D Macnae, Network and Design Manager
P Wishart, Solicitor
C Nicolson, Senior Project Manager
J Simpson, Energy Manager
W Spence, Energy Recovery Plant Manager
L Gair, Committee Officer

Also

Prof. A Sloan, Donaldson Associates.
Mr S Juggins, Scottish and Southern Energy
Mr Brice, Scottish and Southern Energy
Mr R Chandler, Scottish and Southern Energy
Mr J Goddard, Shetland Charitable Trust
Mr N Martin, SHEAP

Apologies

L Angus
C H J Miller
R C Nickerson

F A Robertson (for lateness)

Chairperson:

Mrs I J Hawkins, Chairperson of the Committee, presided.

Circular:

The circular calling the meeting was held as read.

Declarations of Interests

Mrs I J Hawkins declared an interest in item 4 and said she would leave the Chamber.

Mr J H Henry, Mrs F B Grains, Mr A S Wishart, Mr J Budge declared an interest in item 14.

Dr J W G Wills declared an interest in item 14 as a Bressay Resident.

Minutes of Meeting

The minutes of the Infrastructure Meeting held on 24 November 2009, having been circulated, was confirmed.

Attendance at External Meetings

None

01/10 **Zero Waste Fund**

The Committee considered a report by the Waste Services Manager, attached as Appendix 1.

The Waste Services Manager introduced the report. Mr A G L Duncan referred to the unallocated figure stated in paragraph 4.7 and asked if some money could be used for collection and recycling of agricultural waste. The Waste Services Manager said that this was one off funding and if a scheme were set up for agricultural waste, it would need to be funded as a growth item. He said that other options were being looked into.

Mr J H Henry moved that the Committee approve the recommendations contained in the report, seconded by Mrs L F Baisley.

02/10 **Proposed Lerwick Allotment Site**

The Committee considered a report by the Head of Environment and Building Services, attached as Appendix 2.

Dr J W G Wills commented that this was an exposed site and queried whether there was a possibility of acquiring a low-lying site. Mrs L F Baisley said that adequate shelters being provided would help this site and said that the quality of the land could also be improved. Mrs Baisley moved that the Committee approve the recommendations contained in the report, seconded by Dr Wills.

The Waste Services Manager said that the site was not ideal but it was the only site available for allotments. He said that remedial works would be carried out with funding from the Climate Challenge Fund.

In response to a query from Mr A T J Cooper regarding the current use of the land as lairage by the Marts, the Executive Director referred to paragraph 5.2 and advised that discussions would continue with the Marts.

The Waste Services Manager confirmed that a full survey would be carried out to ensure that the site was clear from munitions.

03/10 **Fireworks (Scotland) Regulations Display Dispensations**

The Committee considered a report by the Service Manager – Trading Standards, attached as Appendix 3.

In response to queries, the Service Manager – Trading Standards advised that setting off fireworks at midnight on specific dates such as New Year was permitted. He also confirmed that the Service had intended to impose a charge, however legal advice found that there was no provision within the legislation to do so, therefore it would have been illegal to charge.

Mrs E L Fullerton said that the public should take responsibility when setting off rockets as they can be mistaken as flares which can result in air and sea rescue alerts. She asked that the public be advised to contact the coastguard agency within the advice provided by the service.

Dr J W G Wills added that Chinese lanterns had recently caused such an alert and queried whether they were included within this legislation. The Service Manager – Trading Standards advised that lanterns were not part of the legislation as it was not a firework.

Mrs E L Fullerton moved that the Committee approve the recommendations contained in the report, seconded by Mr A T J Cooper.

Mrs I J Hawkins declared an interest in the following item and left the Chamber. Mr A S Wishart, Vice Chairperson, took the Chair.

04/10 **Monitoring of Marine Developments**

The Committee considered a report by the Executive Director - Infrastructure, attached as Appendix 4.

Mr W H Manson moved that the Committee approve the recommendations contained in the report, seconded by Mrs L F Baisley.

Mr A T J Cooper advised that there would be implication into the future as a result of the Marine (Scotland) Bill. The Head of Planning advised that the amendments to the Bill would be reported to a future meeting, on the implication to the Council and the processes to be followed. Mr A J Cluness advised that the Council were currently lobbying the Labour Party and Conveners of the relevant Councils had written and would be phoning today to ensure maximum support for the Island views.

Dr J W G Wills commented that it was ironic that Labour would take away powers that they imposed in the ZCC Act and hoped that they would see reason. He said it was not good for other areas and stressed the importance of local powers. With regard to the Marine Service, Dr Wills advised that were Mr Angus present he would be opposing the recommendations. He explained that Mr Angus main concern was that the function remains independent and that the college seemed to be best placed to retain that independence. Dr Wills said that monitoring was important as some salmon farms were still not adequately lit and some were derelict, and suggested that more staff may be needed in that area. Dr Wills said that he hoped Mr Angus would be available to attend the Council meeting where he could express his views.

A Member commented that there was no real argument for not having the service within the Council but said monitoring had to be done properly. The terms of the

Planning Act had been accepted because it retained granting permission for aquaculture sites and modified the ZCC Act to that extent. If powers were now to be removed from the Local Authority, the ZCC Act should be reinstated at the same time.

Mr J G Simpson said that monitoring had to be kept in place for navigation and safety reasons.

Mr W H Manson moved that the Committee approve the recommendations contained in the report, seconded by Mrs F B Grains.

(Mrs I J Hawkins returned to the Chamber and resumed the Chair)

05/10 **Whalsay Transport Link – Choice of Site for Whalsay Ferry Terminal**

The Committee considered a report by the Head of Transport, attached as Appendix 5.

(Mr F A Robertson attended the meeting)

The Head of Transport introduced the report and Prof. Andrew Sloan of Donaldson Associates who would provide a detailed presentation on the subject of tunnels. (Slides attached as Appendix 5A). The Head of Transport then provided a presentation on the current position with regard to the ferry terminal and the outcome of the appraisals.

Following the Head of Transport's presentation, the Chairperson invited Members to ask questions on the technical detail before undertaking the debate.

The Head of Transport confirmed to Mr F A Robertson, that there would be no disruption to the current service or harbour users if the decision were made to construct a new Terminal in the North Voe.

In response to queries from Members regarding the dredging and the removal of the Baa in the North Voe the Head of Transport advised that, within constraints, the contractor would ultimately decide on the method of removing the Baa. He confirmed that techniques could be adopted to take account of the Salmon Farm in the area. Dr J W G Wills said that there was a need to know that blasting would not be used. The Design Manager advised that the Baa was certain to be rock and indications from the site investigation were that there were a lot of fractures and it was likely to be able to be removed mechanically.

Following Prof. Sloan's presentation, the Chairperson invited questions from Members.

Mrs E L Fullerton said that she and other Members had representations on the cost of tunnels and had concerns about how the Council would pay for the ferry services in a shrinking budget. She advised that she had spent time with the Head of Transport on the same areas and commented that she would have liked to have seen experts from Norway here today in order to have all the information put before Members before making a decision on Whalsay and the sustainability of Shetland. She questioned Prof. Sloan's remark that the Norwegian's had not worked extensively around the world and that she was aware of one individual who would have been willing to come here today who had experience in many countries including Russia, China and Hong Kong. Mrs Fullerton questioned Prof. Sloan's experience in sub sea tunnelling and asked him to explain the difference between sub sea and mountain tunnelling.

Prof. Sloan said that he had been careful in the words he had used, and stated that he had said that “contracting organisations” had not worked extensively around the world and that he was not criticising individuals in Norway. He went on to explain that essentially there was no difference between tunnelling in a mountain and tunnelling under the sea and that the risk was in ensuring there was sufficient rock cover between the sea bed and the tunnel. Following further explanation, Prof. Sloan advised that there were similar difficulties present in relation to collecting data in mountain ranges and sub sea. In response to Mrs Fullerton’s query regarding his own experience, Prof. Sloan advised that he had been involved in tunnelling projects all over the world including a sub sea tunnel under the St Clair River in America and crossing a stretch of water in Abu Dhabi. He added that he would be happy to provide more detail by way of his CV. Prof. Sloan concluded by saying that he was being criticised by the Norwegians for presenting figures that are too expensive and by the UK for figures that are too cheap.

Prof. Sloan provided responses to Members on several technical queries regarding tunnel construction, maintenance, costs and tunnel lifespan.

Mr J G Simpson advised the Committee that he had previously made a decision based on the feedback from the consultations. He said that the last two consultations found that the best site would be North Voe and that was the recommendation within the report. Mr Simpson expressed his view that tunnels were the way forward but worried that it would too far in the future before it could be delivered and was unsure that the project could wait that long. He referred to the current feeling and controversy within the community and felt that he was now in an impossible position. Mr Simpson said that he had never shied away from making a decision but on this occasion he would take no part in the debate and would not vote, but would support any decision made to move the matter forward.

Mr A T J Cooper commented that he respected Prof. Sloan’s views but there was nothing wrong with getting a second opinion. He said that it was important to get information on the design, topography and geology. Mr Cooper said that he respected the time constraints highlighted in paragraphs 2.5 to 2.7 in the report. Mr Cooper stated the financial situation over the next 10 years was to reduce the cost of services and who could say it would be possible to maintain services into Whalsay. He added that the carbon footprint of the large ferry and the Linga was likely to be more than the construction of the tunnel and the cars going through it.

Mr Cooper moved that the Committee note, for the time being, recommendations 16.1, 16.2 and 16.3 and approve a new paragraph 16.4 in the following terms:

- 16.4.1 the Infrastructure Committee seeks a report from an expert Scandinavian sub-sea tunnelling consultant, with a proven track record in this field, which would, after initial ground and seabed investigation, set out indicative capital and revenue costs for a fixed link to Whalsay;
- 16.4.2 the report will show clearly the level of risk built into the calculations and the extent to which they might be mitigated;
- 16.4.3 the report will show a realistic timescale for the completion of a fixed link, recognising the frailty of the existing infrastructure;

- 16.4.4 the report will recognise the UK consent process and show that initial discussion with appropriate officials does not present insurmountable barriers to the project;
- 16.4.5 the Head of Finance provides comment on the financial implications and confirms whether the fixed link option provides best value;
- 16.4.6 the report be presented by the chosen expert in the first cycle after the summer recess in 2010 or sooner if possible recognising the urgency in replacing the existing infrastructure; and
- 16.4.7 the capital identified at 14.2 in the report for 2010/11 be used in the first instance for the works identified in 16.4.1 to 16.4.4.

Mrs E L Fullerton seconded.

Mrs L F Baisley expressed the view that a decision should be made for the people of Whalsay adding that it was not possible to please everyone. Mrs Baisley referred to the Yell Sound service, which had provided a huge benefit for the community. Mrs Baisley said that this was now an urgent matter but it did not stop the Council exploring fixed links. She stated that the Council could not justify a fixed link to Whalsay and leave out other communities such as Bressay, Bluemull and Yell Sound.

Mrs Baisley moved as an amendment that the Committee approve the recommendations contained in the report with the addition that the Council carry out a detailed investigation into a Whalsay Fixed Link when the opportunity arose for a plan for fixed links within Shetland, seconded by Mr A S Wishart.

Members spoke in support of the motion highlighting the demand on the service at a time of reduced resources. They considered the lifespan of a tunnel versus the ferries and terminals as well as the sustainability of the community and Shetland as a whole. Members also considered the initial costs and the ongoing revenue maintenance and operational costs. Some Members agreed that there was an opportunity that should be taken to ensure that the right decision for the future was made and that a second opinion was necessary.

Some Members spoke in support of the amendment and were concerned about the condition of the existing terminals and that the seabed investigations, by a new Consultant, could take 18 months to 2 years and that there would also be considerable costs in carrying out the work. Members agreed the need for tunnels, but reminded the Committee that a strategy had been approved by the Council and the Government on a path for tunnels and fixed links. Concern was also raised with regard to the possibility of reducing reserves to fund the additional capital required.

Dr J W G Wills gave notice of a further amendment.

During further discussion, consideration was given to the possibility of funding from the Scottish Government and Westminster as well as from Europe providing assistance to peripheral areas. The timescale suggested for carrying out the investigation was also considered excessive and that indications received by a Member had been much shorter.

Mr A G L Duncan requested that a roll call vote be taken. This was agreed with a majority vote.

Mr F A Robertson advised that when visiting Faroe to view tunnels, he was advised of a tunnel that had been carried out under the auspices of an independent company with a remit to raise finances to construct a tunnel. He advised that the company had to raise 50% of the funding before the Government provided the remainder. He advised that the cost was recouped through a toll system over a 50year period. Mr Robertson also advised that the design, consents and various agreements took 3-5 years before construction could begin.

In response to a query from Mr A S Wishart regarding recommendation 16.4.7, Mr Cooper confirmed that the investigations could not go ahead without funding but it would be possible to take sufficient funds from the budget without affecting Laxo too much.

The Chairperson referred to paragraph 3.4 and noted that the tunnel option had not been taken forward as it could not be delivered within the timeframe to address the urgency of the failing infrastructure. She pointed out that the Bressay Tunnel had been put on hold until funding from the Government becomes available in the future, Bluemull Sound would follow therefore Whalsay would not be considered for some time. The Chairperson also raised concerns regarding the capital programme and that if a decision could not be made, it was likely that the project would miss the 5 year capital programme.

Mr G Robinson referred to Prof Sloan's figures for yearly maintenance of a tunnel and referred to agenda item 6 and highlighted the cost of operating the ferry service and maintaining the 3 Whalsay terminals year on year.

Following summing up, voting took place by roll call vote and the results were as follows:

Motion (Mr A T J Cooper)	Amendment (Mrs L F Baisley)	Abstention
Mr A T J Cooper Mr A T Doull Mr A G L Duncan Mrs E L Fullerton Mrs F B Grains Mr R S Henderson Mr W H Manson Mr F A Robertson Mr G Robinson Mr C L Smith Dr J W G Wills Mr J Budge Mr A J Cluness	Mrs I J Hawkins Mr J H Henry Mr A J Hughson Mr A S Wishart Mrs L F Baisley	Mr J G Simpson
13	5	1

At the request of Mr A S Wishart, Mr A T J Cooper agreed that the report by consultants be provided by August/September concerning the timeframe, initial costs

and level of risk. Mr Wishart said that a decision had to be made knowingly and Members needed to be able to show that they checked and double-checked the options. The Committee concurred.

06/07 **Infrastructure Revenue Management Accounts**
General Ledger and Reserve Fund
For the Period 1 April 2009 to 31 December 2009

The Committee noted a report by the Head of Finance, attached as Appendix 6.

In response to a query from Mr R S Henderson, the Management Accountant advised that the figures relating to ferry operations did not include salaries. Members noted that the combined figures for the Whalsay service would be approx £2.8m for 2009/10.

Mr A G L Duncan was advised that the dry dock costs were included within the figures provided, and the Head of Transport explained that due to the different surveys carried out on the vessels, there was a peak in costs every 5 years when the most robust survey on the vessels are carried out.

07/10 **LEAN**

The Committee noted a report by the Head of Environment and Building Services, attached as Appendix 7.

The Building Services Manager briefly introduced the report and drew attention to the Executive Summary and identified improvements.

Members commended the success of the LEAN system, congratulated the staff involved and hoped that it would be rolled out to other departments with support given to other managers.

The Committee were advised that the Short Courses Manager within Train Shetland had been trained on how to facilitate the course.

08/10 **Traffic Regulation Orders, etc. Progress Report**

The Committee noted a report by the Network and Design Manager, attached as Appendix 8.

Mr A J Hughson raised concerns regarding the snow clearing in relation to speed bumps. The Network and Design Manager advised that the drivers were experienced in their routes and that the plough blades have a rubber footing, which does not damage the hump.

The Chairperson drew attention to the Traffic Order in Scalloway and the Network and Design Manager advised that in addition to the usual consultees, the consultation would be held as widely as the local opinion felt it should.

Mr C L Smith advised that there was some concern in the community that the road between Gressy Loan and Breiwick Road would not be included in the permanent 20mph limit. The Network and Design Manager advised that this area would be within the speed limit but that there would be no road humps covering that length.

Mr J H Henry referred to parking at Oversund Road and said that problems were being created for children in that area. The Network and Design Manager noted this.

09/10 **A971 Haggersta to Cova – Report on Progress, January 2010**

The Committee noted a report by the Network and Design Manager, attached as Appendix 9.

The Network and Design Manager confirmed to Mrs F B Grains that the works on the rock face at Haggersta would be funded from the Capital scheme.

10/10 **20 MPH Speed Limit at Schools – Progress Report, February 2010**

The Committee noted a report by the Network and Design Manager, attached as Appendix 10.

Mr A G L Duncan referred to Sandwich Junior High School and Dunrossness and commented on the faulty units and said that, for the safety of the children, the manufacturer should send up personnel to resolve the problem. The Network and Design Manager advised that the Council's own electricians had worked on the units and they were now working and would soon be in place.

Mr A T J Cooper referred to Lunnasting School and was concerned about the safety of children and was aware that the landowner affected by the proposed project to build new footways, etc was happy with the District Valuer's land valuation. He said that something should be done to resolve the matter. The Network and Design Manager reminded Members that the committee had postponed the introduction of the 20mph limit in the hope that the lighting and footway scheme on the shore road would be constructed soon. He advised however that the 1-year capital programme had been set without that scheme on it. The Network and Design Manager confirmed that following consultation, the Community had decided not to accept an alternative proposal to install a permanent 20mph limit with only lighting and road humps meantime, and wait for the full scheme to be carried out. The Network and Design Manager agreed to approach the Community Council again on the subject of the alternative proposal.

The Network and Design Manager explained to Mr A G L Duncan that the shore road scheme would cost approximately £600,000 and therefore could not be met from slippage. The Network and Design Manager advised that a list of schemes with a proposed prioritisation scheme would be presented to the Member/Officer Working Group Roads and would then be reported to the next Infrastructure Committee.

(Mrs E L Fullerton left the Chamber)

11/10 **Minutes of Inter Island Ferries Board – 22 January 2010**

The Committee noted the minutes of the Inter Island Ferries Board held on 22 January 2010, attached as Appendix 11.

Mr J G Simpson advised that the Board supported the reduction in fares for 16 to 18 year olds, however he moved, at that meeting, that the cost of this reduction should be found within budget. The Committee agreed that as Council approval was required on this matter, Mr Simpson should raise this again at the next Council meeting.

Mr W H Manson, Chair of Shetland Charitable Trust, declared an interest in item 12 stating that SHEAP is a potential customer of the Shetland Charitable Trust, but he was happy to take part in the debate.

Mr J H Henry, Mr G Robinson, Mr A G L Duncan and Mr R S Henderson declared an interest in item 12 as Directors of SHEAP

In order to avoid the disclosure of exempt information, Mrs I J Hawkins moved, and Mr A S Wishart seconded, to exclude the public in terms of the relevant legislation during consideration of agenda items 12 to 14.

The Chairperson asked that all non essential officers leave the Chamber, during item 12, with the exception of the Executive Director – Infrastructure, Head of Environment and Building Services, Waste Services Manager, Energy Manager, Energy Recovery Plant Manager, Management Accountant, J Goddard, Shetland Charitable Trust, N Martin, SHEAP, Mr S Juggins, Scottish and Southern Energy, Mr Brice, Scottish and Southern Energy, Mr R Chandler, Scottish and Southern Energy and the Committee Officer.

12/10 Gremista Wind to Heat Scheme

The Committee noted a report by the Head of Environment and Building Services.

A presentation was provided by the representatives of Scottish and Southern Energy, followed by a question and answer session.

All Officers left the Chamber with the exception of the Executive Director – Infrastructure, Management Accountant, Energy Manager and the Committee Officer.

13/10 Liquid Fuels Contract

The Committee considered a report by the Energy Manager.

Mr A S Wishart moved that the Committee approve the recommendations contained in the report, seconded by Mr A T J Cooper.

The following Members declared an interest in Item 14 and left the Chamber: Mr A S Wishart, Mr J Budge, Mr J H Henry and Mrs F B Grains.

The following officers were present for Item 14: Executive Director – Infrastructure, Solicitor, Senior Project Manager, Head of Transport, Management Accountant and the Committee Officer.

14/10 Bressay Bridge – Lerwick Port Authority (LPA) Action – Update

The Committee considered a report by the Head of Legal & Administration.

Members approved the recommendations contained in the report on the motion of Mr A J Cluness, seconded by Mr W H Manson.

The meeting concluded at 1.40pm.

I J Hawkins
Chairperson

A S Wishart
Vice-Chairperson