

MINUTE

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Infrastructure Committee
Council Chamber, Town Hall, Lerwick
Tuesday 29 August 2006 at 10.30am

Present:

J C Irvine	L Angus
A J Cluness	C B Eunson
R G Feather	F B Grains
B P Gregson	L G Groat
I J Hawkins	J H Henry
J A Inkster	E J Knight
W H Manson	Capt G G Mitchell
J P Nicolson	F A Robertson
J G Simpson	W Tait

Apologies:

B J Cheyne	T W Stove
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In Attendance (Officers):

G Spall, Executive Director, Infrastructure Services
A Hamilton, Head of Planning
I McDiarmid, Development Manager
A Taylor, Heritage Manager
B Barron, Planning Officer (Development Plans)
S Cooper, Head of Environment and Building Services
M Grains, Trading Standards Officer
K Duerden, Transport Development Manager
I Bruce, Service Manager, Transport
M Craigie, Capital Projects Unit Manager
C Nicolson, Capital Projects Manager
D Macnae, Network Manager
I Millar, Projects Manager
P Wishart, Solicitor
L Adamson, Committee Officer

Chairperson:

Mr J C Irvine, Chairperson of the Committee, presided.

Circular:

The circular calling the meeting was held as read.

Minutes

The minute of meeting held on 13 June 2006, having been circulated, was confirmed.

The Chairman welcomed the recent appointments of Mr M Craigie as the SIC's Head of Transport and Mr I McDiarmid as the Head of Planning, with the Officers taking

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up their posts on 1 September. He added that this would be Mr A Hamilton's final Infrastructure Committee as Head of Planning, as Mr Hamilton was transferring to the Economic Development Unit. The Chairman wished the Officers good luck in their new posts, and the Committee concurred.

Members' Attendance at External Meetings

The following Members provided brief synopsis of their attendance at the following meetings:

I J Hawkins Brussels	Community Waste Management (COWAM),
F A Robertson	CoSLA Economic Development and Planning Executive Group, Edinburgh
J A Inkster	National Transport Awards, London
J C Irvine	ROSPA Scottish Accident Prevention Committee, Glasgow

Further information can be obtained from the Members concerned.

37/06 **Formation of a Member Officer Working Group – Coast Protection and Flooding**

The Committee considered a report by the Head of Planning (Appendix 1).

Mr W H Manson referred to Appendix 2, and advised that the previous coast protection works at the "Manse, Sullom" and "Sullom Burial Ground" should be included in the Northmavine Community Council area, instead of Delting Community Council.

The Chairman referred to the recommendations in the report and moved that the number of Members on the Working Group be increased from 4 to 7, and that the Group report back to Committee within the next 2 cycles of meetings. Mr F A Robertson seconded.

The Committee agreed that the following Members be appointed to the Member Officer Working Group: L Angus, C B Eunson, J G Simpson, B J Cheyne (subject to acceptance), F A Robertson, I J Hawkins and Capt G G Mitchell.

38/06 **Shetland Islands Council, Sycamore Avenue and Ingaville House, Scalloway – Tree Preservation Order 2006**

The Committee considered a report by the Heritage Manager (Appendix 2) and, on the motion of Mrs I J Hawkins, seconded by Mr B P Gregson, approved the recommendation contained therein.

39/06 **Shetland Local Plan Housing Zone Review**

The Committee considered a report by the Development Plan Manager (Appendix 3).

The Head of Planning introduced the report and advised that the housing review process was taking longer than anticipated, however it was envisaged that a report would be presented before the end of the present Council, setting out the revised zone boundaries as interim policy. That report and the plans contained within it could be adopted as interim policy which would be a material consideration in the determination of planning applications. There would not be time to pursue a formal amendment to the Local Plan before the end of this Council, but in any event it would make more sense to feed the findings into the new Local Development Plan.

Mrs I J Hawkins said that the Community Councils should be assisted wherever possible to complete their housing zone reviews, and be asked to submit their reviews by the end of September. Mrs Hawkins referred to the proposed revisions to the Shetland Local Plan policy LP HOU4, intended to encourage redevelopment of void and derelict houses. Mrs Hawkins expressed the view that it might in due course be possible to extend the policy further, but that this was a useful start.

Mr F A Robertson said that having visited various Community Councils, it was encouraging to note how well the zoning system was working in certain areas. The information received from the Community Councils would be used as a basis for inclusion in the new Local Development Plan, which would be prepared as the replacement for the Local Plan and Structure Plan once the Planning Bill presently before Parliament had been enacted. It was anticipated that the Review would identify pressure areas, and it would be essential to develop properly structured plans for those areas.

Mr A J Cluness referred to the proposal that a Master Plan be prepared for Gulberwick, and moved that as Gulberwick was a suburb of Lerwick that the Master Plan be prepared for Lerwick, and Gulberwick. Mr L Angus seconded.

Mr R G Feather said that he welcomed the proposals in the report and the overall plans for Gulberwick. He added that it was important that the people of Gulberwick were consulted during the preparation of the Master Plan.

Mr J A Inkster explained that the zoning system had raised some concerns in Burra and Trondra and there appeared to be a deadlock situation between the community, Community Council, Grazings Committee and the Planning Service. The Head of Planning said he believed that the situation could be worked out

and the Working Group would investigate and come up with a solution.

Mr W H Manson moved the recommendations in the report, with the amendment proposed by Mr A J Cluness, that the Master Plan include Lerwick and Gulberwick. Referring to Appendix 1, general requirements for all dwellinghouses, and to the requirement that, "the proposed development should, as appropriate, provide each unit with a minimum of 100m² of private amenity space, usually at the rear", Mr Manson said he hoped this would be taken into consideration during the preparation of the Master Plan for Lerwick. Mr B P Gregson seconded.

Mrs F B Grains referred to the main classes of Good Agricultural Land as grade 4.2 or 5.1, and suggested that as the land in Shetland was mainly much poorer quality, the criteria relating to land quality be changed to read "Best agricultural land in the area". The Chairman asked that the Working Group consider this suggestion.

Following further discussion, the Head of Planning observed that the Council had sought to balance flexibility and certainty and these were not easy to reconcile. The requirement around Lerwick seemed to be for more specific allocation of development land in order to provide more certainty for both communities and applicants. He suggested that the best way of tackling this matter in the other pressure areas was to refer the matter back to the Working Group.

40/06

Shetland as a No Cold Calling Zone

The Committee considered a report by the Service Manager – Trading Standards (Appendix 4).

Mr J A Inkster advised that the proposal for a No Cold Calling Zone for Shetland had been discussed at some length at the Environment and Transport Forum, and moved that the Committee approve the recommendations in the report. Mr B P Gregson seconded.

In response to a query from Mrs I J Hawkins, the Head of Environment advised that 15 Community Councils had responded to the consultation exercise.

Mr A J Cluness moved as an amendment, that the Committee reject the proposals in the report. Mr C B Eunson seconded.

Mr B P Gregson advised that it would be up to the individual whether they displayed the sticker on their door or window, however it may give comfort to the elderly and more vulnerable members of the community. He added that should Shetland be established as a No Cold Calling Zone this might deter bogus salespeople from visiting Shetland.

Some discussion took place on whether displaying the sticker “No Uninvited Salespeople” would deter local charity collectors from calling. However Members noted that this had been the most popular wording from respondents to the consultation.

In response to a query from Mr R G Feather, the Head of Environment advised that £3,000 of national funding could be available for this project.

After summing up, voting took place by a show of hands, and the result was as follows:

Amendment (Mr A J Cluness)	5
Motion (Mr J A Inkster)	10

41/06 **SIC (Old School Road, Trondra) (Stopping Up) Order 2006**

The Committee considered a report by the Network Manager, Roads (Appendix 5) and, on the motion of Mr J A Inkster, seconded by Mr J P Nicolson, approved the recommendation contained therein.

The Network Manager referred to the sizeable appendices to this report, and advised that for future reports the literature would be placed in the Members’ room. He added that some detail of the Order still had to be finalised, and gates may have to be installed as horse riders use this section of the Old School Road.

42/06 **Gilbertson Road, Lerwick – Proposed Reconstruction**

The Committee considered a report by the Network Manager, Roads (Appendix 6).

Mr A J Cluness said he agreed with the proposals in the report as Gilbertson Road was in a very poor condition, and accordingly moved that the Committee approve the recommendation in the report. Mr L Angus seconded.

43/06 **Papa Stour Road – Proposed Reconstruction**

The Committee considered a report by the Network Manager, Roads (Appendix 7).

Mr F A Robertson, Member for the Area, advised that the introduction of the new roll-on-roll-off ferry service had encouraged more vehicles to visit Papa Stour, however the road in its present form cannot cope with heavier vehicles. Mr F A Robertson accordingly moved that the Committee approve the recommendation in the report. Mr E J Knight seconded.

Mr C B Eunson referred to the estimated cost for the project and questioned whether the reconstruction of this road, for a small number of vehicles, would be value for money. Mr C B Eunson

moved as an amendment that the Committee reject the recommendation. However, this did not receive a seconder.

In response to a query from Mr R G Feather, Mr F A Robertson advised that the West Burrafirth road was presently being reconstructed. In response to a further question from Mr Feather, Mr L Angus confirmed that no external capital funding was available for the reconstruction of the Papa Stour road.

44/06 **Review of Scottish Ports Policy**

The Committee considered a report by the Transport Development Manager (Appendix 8).

Mr R G Feather referred to the first sentence in paragraph 2.5, "The two main commercial ports in Shetland (excluding Sullom Voe which is purely for oil industry use) are Lerwick and Scalloway..." and advised that the sentence was not entirely accurate, as other cargos were landed at the port of Sullom Voe. Following discussion, the Committee agreed that the word 'purely' should be changed to 'mainly'. Captain G G Mitchell moved that the Committee approve Recommendation 6.1.1 in the report, and to include the amendment to paragraph 2.5. Mr J P Nicolson seconded.

Mr W Tait advised that he had been involved with the Lerwick Port Authority and Sullom Voe Terminal, and the port operators endeavour to do their best for the whole of Shetland, and said that any changes would have to be considered carefully. Mr J G Simpson said that in addition to the ports of Sullom Voe and Scalloway, the SIC owns many smaller ports scattered throughout Shetland. He added that an immense amount of work would be required to examine the concept of a single port authority for Shetland. Mr L G Groat said it would be necessary for proper guidelines to be set and for the port authorities to work together. Mr L Angus advised that the draft letter, attached as Appendix 2, would address some of the queries raised by Members.

45/06 **Progress Report on Development of Shetland Transport Strategy**

The Committee considered a report by the Acting Head of Transport (Appendix 9).

The Capital Projects Units Manager summarised the main terms of the report and advised that the Draft Strategy would be presented to the Transport Strategy Member Officer Working Group and Infrastructure Committee during the next cycle of meetings.

Mr J G Simpson said he had concerns regarding the timescale for completion of the Strategy. However, the Executive Director

clarified that the final date for submission was the end of March, and Shetland was on target to complete by December.

Mr L Angus said he had concerns regarding the external lifeline links. The Chairman advised that representatives of Loganair had been invited to attend the Environment and Transport Forum in November, however no response had been received. The Executive Director advised that the Transport Strategy would address external transport links.

46/06

Bressay Bridge Progress Report

The Committee considered a report by the Projects Unit Manager, Capital Programme Service (Appendix 10).

The Executive Director advised that the figures in the report had been agreed at the final workshop in June, and said that any Member would be welcome to call along his office to view the papers from that meeting. The only change between the figures agreed at that workshop and the report presented to Committee was that the stakeholder costs had been moved below the line, as they were not included in the proposed bridge costs.

The Executive Director said that although the facilitation process had not been finalised, the overall project costs for the alternatives demonstrate that it is no longer a debate between a tunnel and a bridge, but between a bridge and keeping the ferry service. The Executive Director pointed out that this was a progress report and he had been under pressure to report the figures to Members for some time.

Mr L G Groat, Chairman of Lerwick Port Authority, stated that as there were no decision or financial implications in this report he would take part in the discussion. Mr Groat said that the Council had been told time and time again that it must re-establish trust with the LPA, for the good of Shetland. The LPA and the SIC had previously agreed to carry out a joint study and to enter into a facilitation process to examine alternatives to the proposed bridge. Mr Groat explained that at the most recent LPA Board meeting details of the facilitation process had been presented and it had been agreed that the process was still ongoing and that further meetings had to take place to agree the comparative costs; therefore many of the figures in the report to Committee must have been pulled out of the air. Mr Groat stated that the figures quoted today had not been agreed and were therefore giving Members a false account of the costs. Mr Groat expressed concern that the figures have been made public. Mr Groat explained that following LPA's receipt of the report, LPA had sent a letter to Members, to endeavour to put forward the argument that the figures had not been agreed. Mr Groat explained that it had also previously been agreed that the General Manger of LPA, the Executive Director,

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Infrastructure Services and the facilitators would meet to review and agree a process for completion of the costs prior to the figures being made public. Mr Groat said that should the report be accepted today, the trust and co-operation, between the LPA and SIC would be broken, particularly at senior officer level, and the process would need to start again.

(Mr L Groat left the meeting).

Mr A J Cluness reported that the SIC's external legal advisers had advised that the draft Private Bill was in preparation, and the intention is to have the whole debate before an independent body so that the LPA and SIC can put forward their individual cases, and for a decision to be agreed. With regard to the ongoing court action, the Solicitor advised that the Court of Session meets on 4 and 5 September to agree the final submission and a decision would be expected by the end of the year.

Mr Cluness said that Mr Groat had been elected as a Member of the Council, therefore he should aid a solution, along with his fellow elected Members on the LPA.

(Mr J G Simpson left the meeting).

In response to a question from Mr J P Nicolson, the Executive Director clarified that the proposed meeting between the LPA, facilitators, and himself had not taken place, as he had wanted guidance from Members on the scale of costs, before proceeding any further. The Chairman advised that the Executive Director had been requested to prepare the report to Committee, for information and noting by Members.

Mr B P Gregson said that the Bressay Bridge proposal was probably the single most notable debate of this Council and appealed that an early resolution could be found. Mr Gregson questioned whether the project should have been subject to a STAG appraisal.

Mr E J Knight, Member of LPA, reported that the LPA had formed a separate Committee to discuss the Bridge Project, and he had not been included in the Group. Mr L Angus said that he had concerns that a SIC Member, nominated to be a Member of the LPA, and being the SIC Member representing Lerwick Harbour and Bressay had been excluded from discussions on the Bridge.

Mr J C Irvine moved that the Committee note the report, with the caveat that a further report on the costs of the tunnel is presented to the next Committee meeting. Mr J A Inkster seconded.

The Committee adjourned at 1.10pm

The Committee re-convened at 2.15pm

Present:

J C Irvine L Angus
A J Cluness R G Feather
F B Grains B P Gregson
I J Hawkins J H Henry
J A Inkster E J Knight
Capt G G Mitchell J P Nicolson
F A Robertson

Apologies:

B J Cheyne C B Eunson
L G Groat W H Manson
J G Simpson T W Stove
W Tait

In Attendance (Officers):

G Spall, Executive Director, Infrastructure Services
A Hamilton, Head of Planning
A Taylor, Heritage Manager
A Drummond-Hunt, Asset and Properties Manager
I Millar, Projects Manager
L Adamson, Committee Officer

46/06 **Bressay Bridge Progress Report** (continued)

Mr L Angus said that he had been astonished that Mr E J Knight had been excluded by the LPA from taking part in any discussions relating to the bridge at LPA meetings. Mr Angus suggested that the Council write to the LPA to request that the SIC elected Member for Lerwick Harbour and Bressay be allowed to participate fully in discussions regarding the Bressay Bridge. The Committee agreed with this suggestion, and that the letter be sent from the Executive Director.

47/06 **Local Plan Monitoring**

The Committee noted a report by the Head of Planning (Appendix 11).

Mr L Angus referred to Page 3 of Appendix 1 and pointed out that Nesting and Fladdabister should not be excluded from the list of Pressure Areas. The Head of Planning advised that Fladdabister would be included under Cunningsburgh. He added that any Member who wished to follow up a particular decision on an application should contact the Head of Planning.

In response to a query from Mrs F B Grains, the Head of Planning advised that the reasons for refusal of applications could be viewed in the Council's website.

48/06 **Note of Environment and Transport Forum – 15 August 2006**

The Committee noted the aforementioned minutes (Appendix 12).

On the motion of Mr J C Irvine, seconded by Mr B P Gregson, the Committee resolved, in terms of the relevant legislation, to exclude the public during consideration of the following items of business.

49/06 **Potential Outstanding Liability – Demolition Works**

The Committee considered a report by the Head of Planning and on the motion of Mr L Angus, seconded by Mr J P Nicolson, approved the recommendation contained therein.

Mr B P Gregson advised that the former Fraser Peterson Centre building was also rapidly deteriorating into a state of disrepair and becoming an eyesore. The Executive Director agreed to instruct the appropriate Officer to follow this up.

50/06 **Building at Risk**

The Committee considered a report by the Heritage Manager.

Mr B P Gregson, Member for the Area, said that the recommendations in the report should resolve the land ownership issue, then it would be possible to start to preserve the building and work towards a successful project to help the community of Fetlar to secure economic activity to the island.

Mr J H Henry said it was important to preserve the older buildings in Shetland that were of particular historical interest, for the benefit of the younger generation. Mr F A Robertson explained that Brough Lodge has its own character and forms part of the fabric of the history of Shetland.

Mr B P Gregson moved that the Committee approve the recommendation in the report. In seconding, Mr J P Nicolson added that the Council should bear in mind the commitment by the Head of Planning, to examine possible uses for the renovated building, and to acknowledge the Committee's concern on the proposed cost for restoration of Brough Lodge. Mr Gregson agreed to incorporate this into his motion.

51/06 **Inter-Island Air Service**

The Committee considered a report by the Service Manager, Transport Operations.

Captain G G Mitchell explained the options to provide back up services at Tingwall Airport when the primary aircraft was unavailable; to continue with the present proposed contract and to source a back up aircraft from the mainland when required, or alternatively to purchase a second aircraft to be based at Tingwall Airport. Captain Mitchell advised that the cost of purchasing an

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additional aircraft could be recouped by chartering the aircraft, particularly during the summer months. Captain G G Mitchell accordingly moved that the Committee approve recommendation 7.1(a) in the report. Mr B P Gregson seconded.

Mr B P Gregson noted that the recommendation in the report included acknowledging the input from the CPMT, and added that the additional aircraft at Tingwall would generate tremendous potential value for Shetland.

CHAIRPERSON