

The Highland Council

Minutes of Meeting of the **Planning, Development and Infrastructure Committee** held in the Council Chamber, Council Headquarters, Glenurquhart Road, Inverness, on Wednesday, 17 February 2016, at 10.30 a.m.

Present

Mrs H Carmichael	Mr T MacLennan
Mr B Clark	Mrs I McCallum
Dr I Cockburn	Mr T Prag
Mr J Crawford	Mr M Rattray
Mr G Farlow	Mr I Renwick
Mr C Fraser (substitute)	Mr M Reiss
Mr J Gray	Mr G Rimell
Mr M Green	Mr R Saxon
Mr R Greene	Dr A Sinclair
Mr B Lobban	Mr H Wood
Mr D Mackay	

Non-Members also present:

Mr R Balfour	Mr D Fallows
Mrs J Barclay	Mr B Fernie
Mrs I Campbell	Mrs L MacDonald
Mrs M Davidson	Mr D Millar

Officials in attendance:

Mr S Black, Director of Development and Infrastructure
Mr M MacLeod, Head of Planning and Building Standards
Mr G Hamilton, Head of Environment and Development
Mr C Howell, Head of Infrastructure
Ms N Wallace, Environment Manager
Mr M Mitchell, Service Finance Manager
Dr S Turnbull, Coastal Planning Officer
Mr G Robb, Trading Standards Manager
Mr M Fraser, Finance Manager
Mr A Maguire, Head of Housing Development and Estates
Mr P Wheelan, Planner
Miss J MacLennan, Democratic Services Manager
Mr S Taylor, Administrative Assistant
Mr A MacInnes, Administrative Assistant

An asterisk in the margin denotes a recommendation to the Council. All decisions with no marking in the margin are delegated to the Committee.

Dr A Sinclair in the Chair

Business

1. Apologies for Absence Liesgeulan

Apologies for absence were intimated on behalf of Mr J Gordon and Mr G Phillips.

2. Declarations of Interest Foillseachaidhean Com-pàirt

The Committee **NOTED** the following declarations of interest:-

- Item 6 – Mr D Fallows, Mr D Mackay, Mr T Prag and Dr A Sinclair (all non-financial)
- Item 7 – Mr D Fallows, Mr D Mackay, Mr T Prag and Dr A Sinclair (all non-financial)
- Item 11 – Mr R Greene (non-financial)
- Item 12 – Mr G Farlow, Mr J Gray, Mr R Greene and Dr A Sinclair (all non-financial)
- Item 15 – Mr C Fraser and Mrs L MacDonald (non-financial) and Mr M Rattray (financial)
- Item 17 – Mr G Farlow (non-financial)
- Item 22 – Mr G Farlow (financial)

3. Revenue Budget Monitoring Statement to 31 December 2015 Aithris Sgrùdadh Buidseat Teachd-a-steach gu 31 Dùbhlachd 2015

There had been circulated Report No. PDI/01/16 by the Director of Development and Infrastructure providing information on the revenue monitoring position for the Development and Infrastructure Service for the period to the end of December 2015 and the projected year end position.

The Committee **APPROVED** the report and the attached monitoring statement which showed the revenue position for the period to 31 December 2015.

4. Capital Expenditure Monitoring to 31 December 2015 Sgrùdadh Caiteachais Chalpa gu 31 Dùbhlachd 2015

There had been circulated Report No. PDI/02/16 by the Director of Development and Infrastructure inviting Members to approve the capital expenditure monitoring position for the period from 1 April 2015 to 31 December 2015 and to approve the continuation of work on the B9091 Clephanton Bends Improvement scheme.

During discussion, the following comments were made:-

- the ongoing development of the Portree Link to the A855 was highlighted;
- whilst it was acknowledged that there had been an overspend in the accelerated works expenditure, the work undertaken in relation to these projects was welcomed;
- whilst welcoming the 80% intervention rate for Flood Alleviation schemes, concern was expressed that the schemes in Highland could be delayed due to a requirement for further information and costings;

- reassurance was sought that any further work undertaken to identify potential risks on the B9091 Clephanton Bends Improvement project would not delay the project;
- with regard to Newhall Bridge, it was suggested that barriers should be included within the design brief;
- a request was made for Resolis Community Council to be consulted on the design brief for Newhall Bridge;
- the completion of construction work on the River Ness Flood Scheme was welcomed; and
- whilst the importance of listening to concerns raised by the local community regarding Clephanton Bends was acknowledged, the need to take a decision as soon as possible on the final design of the project would be in the wider public interest.

The Committee **APPROVED**:-

- i. the capital expenditure monitoring position for the period 1 April 2015 to 31 December 2015; and
- ii. the continuation of work on the B9091 Clephanton Bends Improvement scheme.

5. Planning Performance Framework and Quarter 3 Performance Review Frèam Dèanadas Dealbhaidh agus Ath-bhreithneachadh Dèanadais Cairteil 3

There had been circulated Report No. PDI/03/16 by the Director of Development and Infrastructure advising Members on the delivery of the Development Management, Building Standards, and the Development Plan services for the 3rd Quarter of 2015/2016. The report also sought homologation of the Council's response to the ongoing Scottish Government Review of the Planning System.

During discussion, the following comments were made:-

- whilst welcoming the report, concern was expressed regarding that any reduction in staff resources could have an effect on future performance levels;
- the Council's response to the Scottish Government Review of the Planning System was welcomed, in particular, comment regarding the simplification of the development plan process;
- concern was expressed at the repetitiveness of some public consultations and that the public could gradually lose interest in the process; and
- whilst it was acknowledged that there could be a legal requirement for using ambiguous terms in planning application notifications, a request was made for greater use of Plain English within these types of documents.

The Committee:-

- i. **NOTED** the performance updates across the Development Management, Building Standards and Development Plans teams; and
- ii. **AGREED** to homologate the Council's response to the Scottish Government Review of the Planning System.

6. Business Gateway Slighe Gnothachais

Declarations of Interest – As Directors of the Board of Highland Opportunity Ltd, Mr D Fallows, Mr D Mackay, Mr T Prag and Dr A Sinclair each declared a non-financial interest in this item but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors’ Code of Conduct, each concluded that their interest did not preclude them from taking part in the discussion.

There had been circulated Report No PDI/04/16 by the Director of Development and Infrastructure updating Members on performance with the Business Gateway contract for Quarter 3, 2015/16, and seeking Members agreement on the Council’s representative on Business Loans Scotland Limited.

During discussion, the following comments were made:-

- in complementing Business Gateway for the delivery of its training in the Sutherland area, the potential inclusion of this item on the Sutherland County Committee agenda was raised; and
- in acknowledging concerns raised regarding the delivery of Business Gateway in some areas, it was highlighted that any issues which had been identified should be brought to the attention of the organisation.

The Committee:

- i. **NOTED** performance for the Third Quarter of the Operational Year 2015/16; and
- ii. **AGREED** to appoint a senior officer from the Development and Infrastructure Service as the Council’s representative on Business Loans Scotland Limited’s Highlands and Islands Regional Group.

7. Highland Opportunity Limited Review Ath-sgrùdadh air Cothroman na Gàidhealtachd Earranta

Declarations of Interest – As Directors of the Board of Highland Opportunity Ltd, Mr D Fallows, Mr D Mackay, Mr T Prag and Dr A Sinclair each declared a non-financial interest in this item but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors’ Code of Conduct, each concluded that their interest did not preclude them from taking part in the discussion.

There had been circulated Joint Report No. PDI/05/16 by the Director of Development and Infrastructure and the Highland Opportunity Ltd (HOL) Company Secretary advising that, on 4 November 2015, the Committee had considered the Financial Statements of Highland Opportunity Ltd for the year 2014/15.

Prior to discussion, the Chair of the HOL Board commended the Chief Executive of the organisation and her staff for the work undertaken in delivering the services provided by the company. He emphasised that every aspect of the Council’s business operations required full consideration and that every efficiency measure should be implemented where possible. Therefore, given the circumstances, he

acknowledged that the review was the appropriate course of action and highlighted the potential savings to be made from transferring the core functions of HOL back into the Council. He was satisfied that there would result in no loss or diminishing of services within rural areas and that the Business Gateway and Loan Scheme would continue to offer an attractive option to new and developing small business in Highland.

During discussion, the following comments were made:-

- the staff and Board of Directors of HOL were commended for delivering what had been asked of them as a service;
- the continuity of service delivery during the transfer to the Council was emphasised;
- the importance of the HOL Loan Fund to businesses across Highland was highlighted;
- the amalgamation of HOL back into the Council was a sensible move and the Directors of the Board were complemented on making this decision; and
- the continuation of providing funding support and opportunities to small businesses in Highland was emphasised.

The Director of Development and Infrastructure also advised that future scrutiny of HOL's activities would be undertaken by a sub-committee of the Committee and it was emphasised that the opportunity for small businesses to apply for funding from the Loans Scheme would still be available during the transition.

Thereafter, the Committee:

- i. **NOTED** the outcome and recommendation of the HOL Board regarding the voluntary winding up of the organisation;
- ii. **AGREED** that the Business Gateway, Opportunity Loan Fund and Princes Trust services be transferred to Highland Council for future management and delivery; and
- iii. **AGREED** that further updates on progress should be received during 2016.

8. Employability Update Seirbheisean

There had been circulated Report No. PDI/06/16 by the Director of Development and Infrastructure providing an update on the 2014-2020 European Programmes for employability related activity and seeking delegated decision making authority linked to the 2016/17 Deprived Area Fund.

During discussion, the following comments were made:-

- disappointment was expressed at the continued delays with the 2014-20 European Programmes for employability;
- in acknowledging that this was a Scotland-wide issue, it was highlighted that the delays had been given high priority on Executive and Leader group agendas and that it was for all organisations to keep pushing for a satisfactory outcome; and

- concern was expressed that potential funding opportunities would be lost if the delays to the programme continued.

In response to a question, the Chair highlighted a misprint in the recommendation within the report and advised that the Committee was asked to agree to delegate authority to the Director of Development and Infrastructure, in consultation with the appropriate Local Committee Chair, to make decisions, if required, on the allocation of the Deprived Area Fund 2016/17 ahead of the appropriate Local Committee meeting to enable activity to commence early in April 2016.

Thereafter, the Committee:

- i. **NOTED** the ongoing delays with European Social Fund (ESF) funds for employability and role of the Council in supporting this activity; and
- ii. **AGREED** to delegate authority to the Director of Development and Infrastructure, in consultation with the appropriate Local Committee Chair, to make decisions, if required, on the allocation of the Deprived Area Fund 2016/17 ahead of the appropriate Local Committee meeting to enable activity to commence early in April 2016.

9. **Stromeferry Bypass Route Option Appraisal - Update** **Deas Measadh Roghainnean Seach-Shlighe Aiseag an t-Sròim – Cunntas às Ùr**

There had been circulated Report No. PDI/07/16 by the Director of Development and Infrastructure advising that the original Scottish Transport Appraisal Guidance (STAG) reports had been prepared for the Stromeferry Bypass project following extensive public and statutory consultations and submitted to Transport Scotland for consideration of a possible Scottish Government funding contribution.

The STAG reports submitted to Transport Scotland had included corridor improvement to the local road network which went beyond solving the problem of the immediate area prone to landslides and rock falls and Transport Scotland had indicated that if any Scottish Government assistance were to be considered for the scheme, it would only include those parts which satisfied the more targeted Transport Planning Objectives to overcome the rockfall area.

The STAG was therefore being re-drafted to address only those areas which achieved these revised Transport Planning Objectives. Greater emphasis would also be placed on the social and economic context for the scheme and its impacts on a fragile rural area.

In order to satisfy Transport Scotland's request, the northern route (Bridge) option would no longer consider a bypass of Lochcarron as part of the proposal and the southern route would terminate at Attadale thus reducing costs. The comparison of costs and benefits therefore would be between the competing options which solved the rock fall problem. The revised STAG would be submitted, following Committee approval, at the end of February. The Leader of the Council had sought a meeting with Derek Mackay, Minister for Transport and Islands, to discuss the possibility of a Government funding contribution following the targeted STAG submission to Transport Scotland.

During discussion, the following comments were made:-

- the possibility of funding for the project from the Scottish Government was welcomed, particularly in light of the significant cost of the project;
- it was suggested that the Leader of the Opposition should also be invited to attend the proposed meeting with the Minister for Transport and Islands;
- in welcoming the update, it was highlighted that community councils in the area would also have appreciated a meeting to discuss concerns raised regarding the option appraisal;
- there were concerns regarding the possibility of increased traffic through Lochcarron;
- the bridge option could have an economic and community benefit to the whole of the west coast and could add another link to the area;
- concerns were raised regarding the long term future of the community in Lochcarron if a bypass was built as this could have an effect on potential business and passing trade;
- the submission of the STAG represented a move forward and was welcomed;
- landslips could become an increasing aspect of life over the coming decades and the Scottish Government should assist in funding of this project so as to avoid further costs in relation to rock safety work in the future; and
- the importance of listening to local views and developing a strategy to achieve socio economic retention of communities in the west coast was emphasised.

The Committee:

- i. **APPROVED** the submission of the targeted Scottish Transport Appraisal Guidance (STAG) to Transport Scotland; and
- ii. **NOTED** that a meeting with Derek Mackay, Minister for Transport and Islands, would be sought to discuss potential Scottish Government funding assistance for the Stromeferry Bypass.

10. Development Plan Scheme 2016 Sgeama Plana Leasachaidh 2016

There had been circulated Report No. PDI/08/16 by the Director of Development and Infrastructure outlining the content of the annual Development Plan Scheme (DPS) which provided an up to date position on progress in preparing and reviewing the Development Plan for Highland, and advised people how and when they could get involved. The 'Newsletter' format had been retained for this document following its introduction in the previous year and aimed to make it more useful and appealing to communities and stakeholders.

During discussion, the following comments were made:-

- the extension of the Caithness and Sutherland Local Development Plan consultation period and the opportunity to engage in the process had been welcomed by the new Community Councils in the area;
- the Newsletter format was a step forward and could help to provide information during various stages of the development plans process; and

- providing clearer descriptions and simplified language in the documentation would help to achieve meaningful engagement between planners and the public.

The Committee **APPROVED** the Development Plans Newsletter as the 2016 DPS for submission to Scottish Ministers and publication on the Council's Website.

11. Pilot Pentland Firth and Orkney Waters Marine Spatial Plan: Update on Final Plan
Plana Pìolatach Farsaingeachd Mara Uisgeachan a' Chaoil Arcaich agus Arcaibh

As a member of KIMO, the North West Highland Fisheries Local Action Group (FLAG) and the North Sea Commission (NSC), Mr R Greene declared a non-financial interest in this item but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that his interest did not preclude his involvement in the discussion.

There had been circulated Report No. PDI/09/16 by the Director of Development and Infrastructure introducing the final Pilot Pentland Firth and Orkney Waters Marine Spatial Plan.

In this regard, the report was supported by the draft Consultation Analysis and Modifications Report following consultation on the draft Plan and it was confirmed that the documents had been jointly prepared by Marine Scotland, Orkney Islands Council and Highland Council.

During discussion, the following comments were made:-

- the importance of maintaining environmental resources whilst achieving economic benefit was emphasised;
- the Plan would be useful for developers and could be used to measure potential impact on the environment;
- the North Sea Commission would shortly be asking for views on the potential for a North Sea grid, therefore the importance of highlighting any potential major issues regarding marine special planning was important;
- reference within the Plan to invasive non-native species and ballast water issues was welcomed;
- with regard to ScotMap, concern was expressed that a number of smaller vessels tended not to provide details of their activities to this scheme;
- the Plan provided an opportunity to integrate marine environment issues and coastal issues and to develop tourism in harbours, piers and slipways; and
- the need for greater clarity on the Ministry of Defence's presence in Durness and the impact of transporting of nuclear or exotic fuels by sea was highlighted.

The Committee **AGREED**:

- i. the final Pilot Pentland Firth and Orkney Waters Marine Spatial Plan, prior to approval by Scottish Ministers;

- ii. that minor changes made to the Plan be delegated to the Director of Development and Infrastructure in consultation with the Chair of the Planning, Development and Infrastructure Committee; and
- iii. subject to approval by Scottish Ministers in March 2016, that the Pilot Pentland Firth and Orkney Waters Marine Spatial Plan be adopted as non-statutory planning guidance.

12. European Engagement 2016 Com-pàirteachas Eòrpach 2016

Declarations of Interest

As a member of Euromontana, Dr A Sinclair declared a non-financial interest in this item but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that her interest did not preclude her involvement in the discussion.

As a member of KIMO, the North West Highland Fisheries Local Action Group (FLAG) and the North Sea Commission (NSC), Mr R Greene declared a non-financial interest in this item but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that his interest did not preclude his involvement in the discussion.

As a member of KIMO, Mr G Farlow declared a non-financial interest in this item but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that his interest did not preclude his involvement in the discussion.

As a member of the North Sea Commission (NSC), Mr J Gray declared a non-financial interest in this item but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that his interest did not preclude his involvement in the discussion.

There had been circulated Report No. PDI/10/16 by the Director of Development and Infrastructure which provided a brief review of the activities undertaken by the European Team in 2015 and the proposals for 2016, including membership of European networks.

The report also noted the review of the Highlands and Islands European Partnership which would see the closure of the Brussels Office, European engagement being delivered via membership of Scotland Europa and a locally based officer and ended by proposing a review of activity to reflect future Council structures and resourcing.

In this regard, and in a change to the recommendation within the report, the Director of Development and Infrastructure advised that, following discussion, it was now proposed that the Council's membership of KIMO should be retained for a further year on the basis that this would be reviewed in due course.

During discussion, the following comments were made:-

- the stakeholder meeting with the Maritime and Coastguard Agency (MCA) in Edinburgh was welcomed and in particular the strong messages arising from the meeting which had been included in a press release;
- the opportunity for partnership working between Highland Council, Highlands and Islands Enterprise and the University of Highlands and Islands to highlight the difficulties which remote and rural areas of Highland experienced in relation to economic development and social working was highlighted;
- disappointed was expressed at the delay in the 2014-20 European Structural Investment Fund (ESIF), particularly in relation to the effect on both people and organisations, and this should be raised with the Finance Secretary at the earliest opportunity;
- the Council's positive engagement with Europe and the various funding programme schemes it could benefit from were highlighted;
- the re-organisation of the Highlands and Islands European Partnership would provide an opportunity for more of the Partnership's work to be undertaken locally and would generate a saving;
- the recommendation to retain membership of KIMO was welcomed, particularly as the organisation had been extremely supportive of the Council's efforts to retain emergency towing vessels in the Minch and the Northern Isles and had also provided support on a number of other issues, including marine litter; and
- organisation of a review into the Council's ambitions in Europe with fellow Council representatives on European networks should be explored.

Thereafter, the Committee **APPROVED**:-

- i. the continued engagement with the Scottish Government to expedite the implementation of the ESIF programmes as set out at Paragraph 3.3 in the report;
- ii. the restructuring of the Highlands & Islands European Partnership (HIEP) as set out at Paragraph 6.2;
- iii. the Council acting as host for the local Highlands & Islands European Partnership officer as set out at Paragraph 6.7;
- iv. the retention of membership of European networks as set out at Paragraph 7.3, with the exception of 7.3.4 (membership of KIMO) which would be retained for a period of one year; and
- v. the revision of Council priorities regarding European engagement to reflect the Council budget and resourcing as set out at Paragraph 9.1 of the report.

13. Review of Trading Standards Services – Update and Implications Ath-sgrùdadh air Seirbheisean Inbhean Malairt – Cunntas às Ùr agus Buaidhean

Declarations of Interest – Mr G Farlow and Mr G Phillips declared non-financial interests in this item as Directors of the Sutherland Partnership but having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that their interest did not preclude them from taking part in the discussion.

There had been circulated Report No. PDI/11/16 by the Director of Development and Infrastructure providing an overview of recent and ongoing reviews by CoSLA, and both the Scottish and UK Governments, of Trading Standards' service provision and providing an opportunity for Members to consider and take a view on some of the potential implications for future service provision in Highland.

During discussion, Members expressed their appreciation for the work done by the Trading Standards Service in Highland which was much valued in terms of the local service provision it provided, particularly in rural areas, and it was stressed that it was essential that this should be continued following any review. This was not just a Council issue but involved working in partnerships with other public agencies. As such, and if the Service was unified across Scotland with national standards, there was a concern that Highland issues and solutions would be lost. Therefore, there was a need to ensure that local autonomy and strong local partnerships were maintained.

It was also suggested that a Workshop should be arranged in order to consider the wider issues of the review of Trading Standards Services and how to protect this much valued local service.

Thereafter, the Committee:-

- i. **NOTED** the detail and progress of the various reviews;
- ii. **NOTED** comments at the meeting on the potential implications of the reviews on Trading Standards service provision in Highland;
- iii. **NOTED** comments made at the meeting on how best to ensure future Trading Standards provision to satisfy the needs of Highland communities and businesses;
- iv. **AGREED** that consideration should be given to arranging a Workshop to consider the wider issues of the review of Trading Standards Services and how to protect local services; and
- v. **AGREED** that the needs of Highland consumers and businesses would be best addressed by maintaining effective operational trading standards capacity and capability in more remote rural communities, ensuring that specific consumer issues and business needs were highlighted in the development of any future service delivery solution, the setting of service standards and priorities and engagement with neighbouring Local Authorities on future service delivery goals and potential service sharing opportunities.

**14. Consultation on the Draft Land Use Strategy for Scotland 2016-2021:
Highland Council Response
Co-chomhairle mu Dhreachd Ro-innleachd Cleachdadh Fearainn airson
Alba 2016-2021: Freagairt Chomhairle na Gàidhealtachd**

There had been circulated Report No. PDI/12/16 by the Director of Development and Infrastructure summarising the Council's response to the Scottish Governments' draft Land Use Strategy for Scotland 2016 – 2021.

The Committee **HOMOLOGATED** the response submitted on behalf of Highland Council on 29th January 2016 as detailed in the report.

**15. Cromarty Firth Port Authority – Ship to Ship Oil Transfer Application
Ùghdarras Puirt Linne Chromba – Iarrtas airson Ola a Ghluasad bho
Shoitheach gu Soitheach**

Declarations of Interest -

As an employee of Port of Cromarty Firth Services, Mr M Rattray declared a financial interest in this item and left the room during discussion.

As objectors to the proposed ship to ship oil transfers application, Mr C Fraser and Mrs L MacDonald each declared non-financial interests in this item but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that their interests did not preclude them from taking part in the discussion.

There had been circulated Report No. PDI/13/16 by the Director of Development and Infrastructure which provided information in regard to an application made by the Port of Cromarty Firth to permit ship to ship oil transfers from moorings close by the Sutors of Cromarty, within the Port Authority area.

During discussion, the following comments were made:-

- the Maritime and Coastguard Agency had agreed to take comments from Members following the closure of the consultation period and this was welcomed;
- local residents and Community Councils, particularly in Cromarty and Nairnshire, had raised significant concerns in regard to these proposals and it was concerning that there appeared to be little evidence of local consultation by the applicant;
- it had been highlighted that there could be a detrimental impact on tourism and the environment in an area which had been designated as a site of special scientific interest;
- in their response to the application, Scottish Natural Heritage believed that whilst the risks associated with the ship to ship oil transfer could be reduced, they could not be eliminated and this was a serious concern for both the environment and the local wildlife;
- there had also been objections from other statutory consultees, such as SEPA who, in their response, had stated that the Cromarty Firth Port Authority should seriously consider the potential risk and impact of an oil spillage in the area;
- the application had not contained any information on the rationale of ship to ship oil transfer in the face of declining demand for oil;
- the Cromarty Firth Port Authority had not included a comprehensive financial statement to support the application;
- it had been stated that there was unlikely to be any full-time job creation from this activity;
- the Cromarty Firth Port Authority should have undertaken an economic impact study, particularly in relation to the impact on local businesses which were involved in the tourist industry;
- the Council had allocated £300k for improvement works at Chanonry Point Dolphin viewpoint and the impact on the dolphin population from ship to ship transfer of oil had to be considered;

- there had been oil spillage disasters elsewhere and the potential consequences of any such incidents happening in the Cromarty Firth had to be taken into account;
- it had to be noted that the Port Authority had in their Trust Deed a specific duty to protect the environment in the Cromarty Firth and this should be raised with them, as well as their duty of care to stakeholders;
- there were currently ship to ship transfers of other kinds in the Cromarty Firth and rig to ship transfers in the North Sea so this activity was already happening and oil transfers took place on a daily basis worldwide;
- a condition of such transfers should be that account was taken of the prevailing weather conditions as bad weather could increase the risk of accidents;
- the importance of emergency towing vessels also had to be highlighted; and
- in regard to the Council response (which stated that 'in the event of a collision, the proximity and limited availability of emergency towing vessels and tugs requires careful consideration'), the word 'collision' should be replaced by 'incident or accident'.

Thereafter, the Committee **HOMOLOGATED** the response submitted on behalf of Highland Council to the Cromarty Firth Port Authority Ship to Ship Oil Transfer application, on the basis that the additional comments made by Members at the meeting would also be forwarded to the Maritime and Coastguard Agency.

(At this point, the meeting adjourned for lunch and resumed at 2.05pm).

16. Tornagrain Conservation Trust – Appointment of Directors Urras Glèidhteachais Thòrr na Grèine – Cur Stiùirichean an Dreuchd

There had been circulated Report No. PDI/14/16 by the Director of Development and Infrastructure advising that, on 18 February 2015, the Committee had agreed to support the establishment of a proposed Conservation Body (Tornagrain Conservation Trust) to oversee the future development of Tornagrain in partnership with Highland Council and the community at Tornagrain.

It had also been agreed that the Council should become a member of the Trust on the approval of the Conservation Body by Scottish Ministers.

At that time, the proposal was being developed for submission to the Scottish Government by Moray Estates Development Company (MEDCO) and it was confirmed that it had now received a positive response from the Scottish Government and MEDCO had been asked to incorporate the company. In line with the original proposal, MEDCO had requested the nomination of two Highland Council Directors to the Board of the Trust and Articles of Association for the Trust had been attached for reference as Appendix 1 to the report.

The Committee **AGREED** to appoint the Chair and Mr R Balfour to the Board of Tornagrain Conservation Trust as detailed.

**17. Caithness and North Sutherland Regeneration Forum – Minutes
Fòram Ath-bheothachaidh Ghallaibh agus Chataibh a Tuath – Geàrr-
chunntas**

Declaration of Interest – Mr G Farlow declared a non-financial interest in this item as a Member of the Caithness and North Sutherland Regeneration Partnership Advisory Board but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors’ Code of Conduct, concluded that his interest did not preclude him from taking part in the discussion.

There had been circulated for information the Minutes of Meeting of the Caithness and North Sutherland Regeneration Forum held on 25 September 2015 - the terms of which were **NOTED**.

**18. Minutes
Geàrr-chunntas**

There had been circulated for information Minutes of the Planning Applications Committees (PAC) for:-

- i. South PAC – 29 September 2015
- ii. North PAC – 27 October 2015
- iii. South PAC – 10 November 2015
- iv. South PAC – 14 December 2015

The Committee **NOTED** the terms of the Minutes as presented.

**19. Exclusion of the Public
Às-dùnadh a’ Phobail**

The Committee **RESOLVED** that, under Section 50A(4) of the Local Government (Scotland) Act 1973, the public should be excluded from the meeting for the following items on the grounds that they involved the likely disclosure of exempt information as defined in Part 1 of Schedule 7A of the Act, the relevant Paragraphs being shown.

**20. Request from Nevis Partnership for the Council to provide a Financial
Guarantee
Iarrtas bho Chom-pàirteachas Nibheis airson Barantas Ionmhasail bhon a’
Chomhairle**

Paragraph 6

There had been circulated to Members only Joint Report No. PDI/15/16 by the Director of Finance and the Director of Development and Infrastructure updating Members on a request received for a Council Guarantee from Nevis Partnership.

Following consideration of an issue relating to the term of the guarantee, and having heard from Officers in this respect, the Committee **AGREED** the recommendations outlined in the report.

**21. Property Transactions Monitoring Report
Aithisg Sgrùdaidh Ghnothachasan Seilbhe**

Paragraphs 6 and 9

There had been circulated to Members only Report No. PDI/16/16 by the Director of Development and Infrastructure providing Members with details of the General Fund and Property Account transactions approved by the Head of Property Partnerships and Corporate Property Asset Manager under delegated authority.

The report also advised of sales concluded in 2015/16, sales targeted for completion within the financial year 2015/16 and future years.

The Committee **APPROVED** the monitoring statements for the General Fund and Property Account transactions approved by the Head of Property Partnerships and Corporate Property Asset Manager under delegated authority, Budgeted Sales for 2015/16, and Future Years Sales.

**22. Housing Development Investment
Tasgadh ann an Leasachadh Taigheadais**

Paragraphs 6 and 9

Declaration of Interest – Mr G Farlow declared a financial interest in this item as a Council house tenant but, in terms of the dispensation granted by the Standards Commission, remained to participate in the discussion.

There had been circulated to Members only Report No. PDI/17/16 by the Director of Development and Infrastructure seeking approval for land transactions which would enable further development of affordable housing.

The Committee **APPROVED** the recommendations as detailed in the report.

**23. River Ness Flood Alleviation Scheme Update
Cunntas às Ùr mu Sgeama Casg Thuiltean Abhainn Nis**

Paragraph 6

There had been circulated to Members only Report No. PDI/18/16 by the Director of Development and Infrastructure providing an update in respect of the River Ness Flood Alleviation Project.

The Committee **NOTED** the terms of the report as presented.

24. Notification of Compensation payable for losses under the terms of The Flood Prevention Order and Flood Prevention (Scotland) Act 1961 concerning South West Inverness Flood Relief Channel Flood Prevention Scheme 2006

Clàradh Fiosrachaidh mu Airgead-dìolaidh ri phàigheadh airson call fo theirmean Òrdugh Casg Thuiltean agus Achd Casg Thuiltean (Alba) 1961 a thaobh Sgeama Casg Thuiltean Amar-uisge Faochadh Thuiltean Inbhir Nis an Iar-dheas

Paragraph 9

There had been circulated to Members only Report No. PDI/19/16 by the Director of Development and Infrastructure informing Members of valuations by the District Valuer Services.

The Committee **NOTED** the terms of the report as presented.

**25. Inverness City/ Region Deal Update
Cunntas às Ùr mu Chùmhnant Baile/Sgìre Inbhir Nis**

Paragraph 9

There had been circulated to Members only Report No. PDI/20/16 by the Director of Development and Infrastructure providing an update on progress with developments in relation to the City/Region Deal since the last update to Council on 3 September 2015.

In this regard, and in view of an accelerated timetable for the City/Region Deal, it was recommended that authority should be delegated to the Chief Executive, in consultation with the Leader of the Administration and Leader of the Opposition, to approve the heads of terms agreement.

The Committee **NOTED** the terms of the report as presented and **AGREED** to delegate authority to the Chief Executive, in consultation with the Leader of the Administration and Leader of the Opposition, to approve the heads of terms agreement as detailed.

The meeting concluded at 2.45 p.m.