



COMHAIRLE NAN EILEAN SIAR SUSTAINABLE DEVELOPMENT COMMITTEE

Minute of Meeting held via MS Teams and in Council Chamber, Council Offices, Stornoway on Wednesday, 22 September 2021 at 2.00pm.

PRESENT

Mr Donald Crichton (Chair)	Mr Alasdair Macleod
Mr Norman MacDonald (Vice-Chair)	Mr Angus McCormack
Mr Calum Macmillan	Mr Iain M Macaulay
Mr Iain A MacNeil	Mr Gordon Murray
Mr Roddy Mackay	Mr John A Maciver
Mr Uisdean Robertson	Mr John Mackay
Mr Grant Fulton	
Mr Norman A MacDonald	

APOLOGIES

Mr Donald Manford

MEMBERS IN ATTENDANCE

Mr Paul Steele	Mr Rae Mackenzie
Mr Iain M Macleod	Mr Charlie Nicolson
Mr Paul Finnegan	Mr Calum Maclean
Mr Ranald Fraser	Mr John N Macleod
Mr Angus Morrison	Mr Kenny John Macleod
Mr Finlay Stewart	

OFFICERS IN ATTENDANCE

Mr Calum Iain Maciver	Mrs Anne Macdonald
Mr Joe Macphee	Mr Angus Murray
Mr John Cunningham	Mr Colin George Morrison
Mrs Morag Ferguson	Mr Tim Langley
Mrs Mairi Maciver	Miss Mairi Sine Macdonald
Mrs Susan Rabe	Mrs Fiona Maciver
Mrs Isla Macarthur	Mr Derek Mackay
Mr Norman Macdonald	Mr Murdo Morrison

Prayer

The Meeting was preceded in prayer by Mr Finlay Stewart.

Welcome

The Chairman welcomed Ms Charlie Main, "Sea of the Outer Hebrides" Project Officer to the meeting.

Crofting

The Chair briefed the Committee on concerns raised at the Crofting Cross Party Meeting on 14 September 2021 attended by Ms Mairi Gougeon, Cabinet Secretary for Rural Affairs and the islands, specifically the exclusion of Crofting Law reform in the Programme for Government and also discussed at the Crofting JCC on 17 September 2021. Other issues related to the Crofting Counties Agricultural Grants Scheme, Crofter Housing Grant Scheme and the local Goose Management Scheme. The Chair informed the Committee of his intention to make further representation to the Cabinet Secretary on these issues. He also highlighted the positive contributions from the Crofting Commission Development Team and the Chair of the Scottish Crofting Federation to the meeting of the JCC and the intention to hold a Crofting Seminar for Members in due course.

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MINUTES

Minute of Meeting of 16 June 2021	1	The Minute of Meeting of 16 June was approved .
Declaration of Interest	2	There were no declarations of interest.

PRESENTATION

Marine Protected Area Management and Monitoring (marPAMM): Seas of the Outer Hebrides Project	3	The Head of Economic Development and Planning submitted a Report providing an update on the work of the Marine Protected Area Management and Monitoring (MarPAMM) Seas of the Outer Hebrides project (SEASOH). The Report stated that the project sponsored by NatureScot (formerly Scottish Natural Heritage), with Steering Group support from Lews Castle College UHI, Comhairle nan Eilean Siar, Marine Scotland and Creative Carbon Scotland, worked directly with communities and marine users to identify the best ways to manage Marine Protected Areas (MPAs) in the region for the benefit of people, communities and nature. The project aimed to deliver a regional management plan for the Outer Hebrides Marine Region, putting communities and people at the heart of the process and building consensus on the future management of Marine Protected Areas in the islands and complemented existing activities under the Crown Estate Scotland Outer Hebrides Asset Management Pilot and proposals for an Outer Hebrides Regional Marine Plan.
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Ms Charlie Main, SEASOH Project Officer, delivered a short presentation on the project and its development to date. The focus of the presentation was:

- how could MPAs complement sustainable development in the Outer Hebrides;
- why the SEASOH project was needed;
- the importance of our natural assets;
- detailed two interesting UK case study examples; and
- the work being undertaken by the SEASOH project

The aim of the project was to develop a vision for what communities want for the marine environment; to produce recommendations around how to improve decision making around MPAs and involve communities; and to raise awareness about MPAs and gather locally told stories about the sea to publish on their online Story map. It was proposed that project recommendations would go out to public consultation in early 2022 with a view to completing the Project by Sept 2022.

Members were afforded the opportunity to ask questions. Specific observations and concerns were raised in regard to displacement of fishing effort due to MPAs and that effective management of these was a critical consideration for the communities of the Outer Hebrides. It was further noted that community engagement was ongoing and that a Focus Group would be meeting that day and another meeting had been scheduled for 1 October 2021.

The Chair highlighted that the Comhairle had on many occasions made representations on proposals for MPAs and also on the management thereof and the intention would be to re-engage with Mairi Gougeon on this in her new role as Cabinet Secretary for Rural Affairs and the islands.

On conclusion the Chair thanked Ms Main for an interesting and informative presentation.

It was agreed to recommend that the Comhairle note the progress of the Marine Protected Area Management and Monitoring (MarPAMM): Seas of the Outer Hebrides Project.

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ScotWind Offshore
Wind and Related
Developments 4

With reference to item 9 of the Minute of Meeting of 2 December 2020 the Director for Communities submitted a Report concerning developments around Crown Estate Scotland's ScotWind Offshore Wind Leasing Round and related developments at the Outer Hebrides Energy Hub. The Report stated that the Leasing Round had closed to applications on 16 July 2021 and Lease Options would be awarded in late January 2022 across a number of 'Areas of Search' around Scotland, three of which were located in the Outer Hebrides area. On behalf of affected communities, the Comhairle had engaged in-depth with prospective ScotWind developers in the Outer Hebrides area.

The Report further stated that ScotWind Area N4 presented the opportunity for some generation to landfall in Lewis, supporting the case for a 600MW Transmission Link and providing a new supply of green electricity for local use in Hydrogen production, Fuel Poverty alleviation etc. ScotWind Areas N2 and N3 were more likely to connect to SSEN's new Regional Connection Hub at Dounreay although discussions were underway regarding the direct supply of Green Hydrogen to the Outer Hebrides Energy Hub for export. A larger cable would benefit all and the Comhairle's Leader has made representations to the national grid, SSE, OFGEM and to Ministers on this issue.

The Report concluded that as socioeconomic benefit did not feature in the decision making of Crown Estate Scotland (seabed leasing) or Marine Scotland (marine consenting), a draft tripartite Memorandum of Understanding (MoU) between developers, the five West Side Estates impacted by deployment in Area N4 and the Comhairle had been developed by Officers and a Sample MoU was provided as an Appendix to the Report for information.

Mr John Cunningham delivered a presentation which provided further details on the ScotWind seabed leasing and the Outer Hebrides Net Zero Hub centred around the proposed deep water terminal and developments at Arnish. Providing new opportunities such as a Minch floating wind pilot, large scale hydrogen storage and export and the conversion of town centre gas network to green hydrogen. The presentation also highlighted the many ongoing Energy Unit work streams. Members were afforded the opportunity to ask questions.

It was agreed to recommend that the Comhairle:

- (1) note the presentation;**
- (2) homologate the development of a ScotWind Offshore Wind Memorandum of Understanding; and**
- (3) support ongoing developments at the Outer Hebrides Energy Hub.**

PERFORMANCE MANAGEMENT

Performance
Management
2021/22 Quarter 1
Economic
Development and
Planning 5

With reference to item 4 of the Minute of Meeting of 16 June 2021 the Head of Economic Development and Planning submitted a Report providing an overview of the Communities Department Business Plan progress and related performance as at Quarter 1. The Report stated that the Communities Department Business plan had 22 Actions and 22 Key Performance Indicators of relevance to the Committee in respect of Building Standards, Business and Regeneration Support, Sectoral and Project Support, Heritage Services and Planning Services. The Report indicated that Business Units were anticipated to out-turn to or ahead of budget with the exception of Planning and Building Standards fee income due to Covid-19.

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The Report provided an overview of business performance, risk management, local government benchmarking framework priorities, financial performance and stated that the key area of concern through Quarter 1 related to the COVID-19 pandemic across all service areas. Priorities related to the continued opening of services such as Libraries and Museums as well as maintaining a disciplined approach appropriate to the stage of the Scottish Government Route Map in operation at the time, while ensuring continued support to the business and wider community.

Reference was made to the welcome appointment of a new Planning Officer to the Planning Team. There had been 19 new start-ups through Business Gateway which was welcomed during this period of economic recovery. Over £3m had been secured for regeneration projects, and four had been successful to the next stage of the RCGF . Significant work continued on preparation of the Outline Business Cases for several strands of the Islands Deal due to be completed by October 2021.

The lack of staffing within the libraries and heritage services was raised as a concern by the Committee. It was noted that libraries had transferred to the Education Skills and Children's Services Department and would report to the Education, Sport and Children's Services Committee going forward. The Communities Department would be supporting the transfer and that a Libraries Forward Plan was currently in development.

In regard to Heritage Services, the development of a Forward Plan had been addressed as part of an Internal Audit Review of the service and was an outstanding action. It was further noted that early and positive discussion had taken place on resourcing and delivery of the Great Place Strategy with HIE and the Lottery Heritage Fund and that resources from within the Heritage Forum would be central to taking this forward.

In regard the £30k ERDF funding awarded for tourism strategic investment. A brief had been prepared as part of the application process which had been applied to a tendering exercise for consultants. There had been no response to the invite to tender and this was currently being revisited. Assurance was given by the Head of Economic Development and Planning that cognisance would be taken of the discussion at the earlier Transportation and Infrastructure Committee in regard to an Outer Hebrides Infrastructure Renewal Fund to improve tourist facilities and infrastructure.

It was agreed to recommend, insofar as the Committee's interests were concerned, that the Comhairle note the Report.

Performance
Management
2021/22 Quarter 1
Consumer and
Environmental
Services
Housing Services
Municipal Services
Energy

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With reference to item 5 of the Minute of Meeting of 16 June 2021 the Director for Communities submitted a Report providing an overview of the Communities Directorate Business Plan progress and related performance for Quarter 1 of 2021/22. The Report provided an overview of business performance, risk management, local government benchmarking framework priorities, financial performance and stated that significant progress had been made across a range of service areas in Quarter 1 with good progress across Business Plan targets. The service area relevant to this Committee was Energy as detailed in Section 6.20 to 6.24 to the Report. Updates were provided on the proposed 600MW Transmission Link, the ScotWind Leasing Round, the Outer Hebrides Net Zero Hub, the replacement 30M AC cable and the Uist Energy Plan. Information on these had been provided in greater detail in the Report at item 4 on the Agenda.

It was agreed to recommend, insofar as the Committee's interests were concerned, that the Comhairle note the Report.

RENEWABLE ENERGY

7 OFGEM Consultation - Significant Code Review on Access and Forward Looking Charges

With reference to item 14 of the Minute of Meeting of 1 May 2019 the Director for Communities submitted a Report detailing a response, submitted on behalf of the Comhairle, to OFGEM’s Significant Code Review consultation on Access and Forward Looking Charges. The Report stated the OFGEM had recently consulted on a proposed Significant Code Review on Access and Forward Looking Charges on ‘minded to’ positions which included the imposition of Transmission Network Use of System (TNUoS) charges on all generators over 1MW who make use of Transmission infrastructure whether Transmission or Distribution connected. The Consultation opened on 30 June 2021 and closed on 26 August 2021.

The Comhairle’s consultation response appended to the Report provided a strong argument that Transmission charges should only be imposed on those generators whose business case relied on large scale export to English markets, that is those generators who have to use Transmission infrastructure. The Report further stated that as the requirement to use this infrastructure was incidental and the result of a poorly configured UK electricity network, the Comhairle’s response concluded that community generators should be exempt from these new charges.

It was agreed to recommend that the Comhairle homologate the response submitted to OFGEM’s Significant Code Review on Access and Forward Looking Charges Consultation on Minded to Positions.

FISHERIES

8 Marine Scotland Funding Scheme for First Time Vessel Owners and Bridging Funding

With reference to item 7 of the Minute of Meeting of 16 June 2021 the Head of Economic Development and Planning submitted a Report providing an update on Bridging Loan proposals in connection with the Marine Scotland Funding Scheme for First Time Vessel Owners. The Fisheries Investment Scheme (FIS) promoted investment in fishing vessels with the purchase financed principally from a commercial loan from the applicant’s own bank and their own funds, augmented by the Comhairle’s FIS loan.

It was reported to the Comhairle in June 2021 that the Scottish Government had announced support for assisting younger new entrants into first time vessel ownership as part of the Future Fisheries: Management Strategy 2020 to 2030. Unfortunately, the Royal Bank of Scotland had indicated that it was unable to assist with the bridging of grant funding in respect of applications to the Marine Scotland Scheme. Following initial discussion with the Chief Executive and the Head of Accountancy and Exchequer Services, it was proposed that the Comhairle agree, in principle, to short-term bridging loan support, subject to all other conditions being met by the applicant and that this requirement of the fund was identified as a maximum of £480k.

It was agreed to recommend, insofar as the Committee’s interests were concerned, that the Comhairle:

- (1) authorise the Chief Executive and the Head of Accountancy and Exchequer Services, in consultation with the Director for Communities, to agree bridging loans to a maximum of £480k to applicants on the basis that all other conditions of the Fisheries Investment Scheme are met; and**
- (2) consider allocating £250,000 to the Revolving Loan Fund, from the Crown Estate funding received by the Comhairle in 2021/22, subject to the level of funding received.**

PLANNING

Outer Hebrides 9
Local Development
Plan
Supplementary
Guidance for
Caravans Huts &
Temporary
Buildings

With reference to item 8 of the Minute of Meeting of 16 June 2021 the Head of Economic Development and Planning submitted a Report seeking approval to adopt the finalised Supplementary Guidance for Caravans, Huts and Temporary Buildings as part of the statutory Outer Hebrides Local Development Plan (LDP). The Report stated that the Comhairle had approved the draft Supplementary Guidance for consultation in June 2021. A total of 5 consultation responses had been received and the majority of comments were superficial in nature; were related to national legislation and policy or; on policy points already covered sufficiently in the Local Development Plan (2018). A number of minor amendments were subsequently made to the document but no significant modifications had been made to the draft Supplementary Guidance, as presented at the June committee.

The Report further stated that subsequent to approval by Scottish Ministers, once formally adopted, the Supplementary Guidance would supersede the existing 2018 Guidance and would be used to assist in the determination of applications for Caravans, Huts and Temporary Buildings. The finalised Supplementary Guidance for adoption was set out in the Appendix to the Report.

It was agreed to recommend that the Comhairle approve the finalised Supplementary Guidance for Caravans, Huts and Temporary Buildings for adoption as part of the Outer Hebrides Local Development Plan.

Outer Hebrides 10
Local Development
Plan
Supplementary
Guidance for Wind
Energy
Development

With reference to item 9 of the Minute of Meeting of 16 June 2021 the Head of Economic Development and Planning submitted a Report seeking approval to adopt the finalised Supplementary Guidance for Wind Energy Development as part of the statutory Outer Hebrides Local Development Plan (LDP). The Report stated that a public consultation of the draft Supplementary Guidance had been undertaken. The new National Planning Framework (NPF) 4 incorporating Scottish Planning Policy would be laid before Parliament later this year, with the intent of being adopted in summer 2022 when a fuller review of the Wind Energy Guidance would be undertaken. The Guidance had been refreshed and updated and whilst there were no fundamental changes it had been amended to reflect changes in national (e.g., energy targets etc) and stakeholder policy and other guidance regarding onshore wind energy development, with improved readability.

The Report further confirmed that following a period of public consultation the Guidance had been finalised for adoption following assessment of the consultation comments. Once formally adopted, the Supplementary Guidance would supersede the existing 2018 Guidance and would assist in the determination of applications for all scales of Wind Energy Development. The finalised Supplementary Guidance for adoption was set out in the Appendix to the Report.

Mr Calum Macmillan raised concerns in regard to statute and referred to areas within North Uist and Harris that in his view were precluded from development and wished to propose an amendment to the 'Noise and Community Amenity' section on page 25 of the Supplementary Guidance. Under advisement this was not accepted by the Chair in that his reference was to a 'live' project currently being progressed under the Section 75 process. Officers further advised that national policy determined scenic areas applicable only to windfarms which was up to individual authorities to determine and that any designations of areas of significant protection did not preclude development but required individual assessment.

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It was agreed to recommend that the Comhairle approve the finalised Supplementary Guidance for Wind Energy Development for adoption as part of the Outer Hebrides Local Development Plan.

Mr Calum Macmillan requested that his dissent be recorded in relation to the matter.

PERFORMANCE MONITORING

Reports Outstanding	11	The Chief Executive submitted a Report detailing the Reports outstanding arising from the decisions of the Committee.
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It was agreed to recommend that the Comhairle note the Report.