



Shetland Islands Council

MINUTE

‘A’ & ‘B’

Infrastructure Committee
Council Chamber, Town Hall, Lerwick
Tuesday 19 October 2004 at 10.30 a.m.

Present:

J C Irvine L Angus
B J Cheyne 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 W A Ratter
F A Robertson J G Simpson
W N Stove T W Stove
W Tait

Apologies:

A J Cluness
Capt G G Mitchell
J P Nicolson

In Attendance (Officers):

G Spall, Executive Director, Infrastructure Services
M Craigie, Projects Unit Manager
C Nicolson, Projects Manager
I Halcrow, Head of Roads
D Macnae, Network Manager
J Emptage, Cleansing Services Manager
V Hawthorne, Development Plans Manager
S Pallant, Planning Officer (Implementation)
P Wishart, Solicitor
D Fiedler, Chief Accountant
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 the meeting held on 31 August 2004, having been circulated, was approved.

Members' Attendance at External Meetings

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

Mr J C Irvine: (27 August) Sumburgh Airport Partnership Board,
Inverness

The Chairman advised that the extension to the runway at Sumburgh Airport had been discussed.

(3 September) Meeting with Loganair, Glasgow

The Chairman advised that general concerns had been discussed, including Loganair's service in Shetland and air ambulance issues. This meeting had been followed up with a visit to Shetland by the Chairman and Chief Executive of Loganair.

(13 September) SAPC 55th Annual Conference, Crieff

(14 September) Corporate Social Responsibility Conference,
Edinburgh

(14 September) CoSLA Roads and Transportation Executive
Task Force

The Chairman said that the meeting discussed Scotland's Transport Future White Paper.

(27 September) Tourism Conference – Promoting Scotland
Abroad, Edinburgh

(29 September) Scottish Accident Prevention Council AGM,
Glasgow

(5 October) Reserve Forces & Cadets Highlands and
Islands, Inverness

(8 October) HITRANS Meeting, Inverness

The Chairman reported that the meeting in Inverness had discussed Scottish transport issues and the air ambulance service. A special meeting in Inverness has been arranged for 25 October, where the Executive Director, Infrastructure Services and the Chairman, will meet with representatives from the Western Isles Council and Orkney Islands Council to discuss a possible joint submission regarding the air ambulance contract. It was proposed that the outcome of that meeting would be reported to the Executive Committee on 26 October.

Mr W A Ratter advised that following the visit to Denmark, a presentation will be given at the Economic Development Forum in November. All Members will receive an invitation to attend.

Mr J A Inkster advised that a delegation from Shetland and Orkney had met with the Scottish Executive Transport Minister on 4 October. Discussions had taken place regarding the Transport White Paper and the proposal for Shetland to participate in a Regional Transport Partnership. Shetland's view is that currently there is a voluntary arrangement with HITRANS, which works very well. The Executive Director, Infrastructure Services stated that Shetland is being asked to join a geographical area before knowing the details and funding proposals. He added that a consultation paper would be submitted in the near future. The Chairman advised that although a decision had been made at the Special Infrastructure Committee on 3 August, this issue could be revisited following the consultation process.

Mr J H Henry advised that the principal items discussed were the transfer of oil at sea; responses following tanker/vessel incidents; decommissioning of oil rigs in the North Sea, and, Trawling for Litter.

Mrs I J Hawkins reported that the 15th KIMO AGM is being held in Shetland in October 2005.

Mr F A Robertson advised that he intends to report on this meeting at the Executive Committee.

52/04

Bressay Bridge – Progress Report

The Committee considered a report by the Projects Unit Manager, (Appendix 1)

(Mr L G Groat declared a non-pecuniary interest as the Chairman of Lerwick Port Authority (LPA)).

Mr L G Groat, spoke on behalf of his constituents, Lerwick Fish Traders Ltd, who have submitted a planning application to extend their factory.

He stated that construction of the Bressay Bridge would have an adverse effect on the proposed extension to the factory, with the whole production possibly having to relocate to Scotland.

Mr Groat stated that LPA have repeatedly tried to bring Members' attention to the problems LPA have with the planning of the bridge. He referred to a letter from LPA dated 18 October (copy attached as Appendix 1A) which had been sent to Members and Officers. Mr Groat added that he supported the content of the letter. Mr Groat reported that there are currently three objections with the Scottish Executive and that an enquiry could take up to 4-5 years. Mr Groat said that as the Project Team had not listened to the objectors concerns, he suggested that structured meetings should be arranged to allow the objectors views to be heard. He added that the objectors would not withdraw their objections unless SIC meets their requirements.

(Mr L G Groat then left the meeting while this item was discussed).

Mr L Angus said that he had been quite shocked at the content of the letter from LPA, as it contained some serious allegations. He referred to several statements in the letter and said it is apparent that LPA's problems are not about the engineering detail but regarding the whole principle of the bridge. He stated that as informal meetings are no longer acceptable to the LPA, properly constituted and minuted meeting should be held with the Convener, and other Members and officers in attendance.

The Executive Director, Infrastructure Services referred to the implication from LPA that the Project Team had not listened to LPA's views. He said that the Project Team had listened to the views of all stakeholders, however they cannot always agree.

Mr J A Inkster said that he was saddened by the situation which had arisen between LPA and SIC, after years of negotiation and communication regarding the Bressay Bridge project. He suggested that the recommendation in the report was the best way to move forward, to take onboard continuation of dialogue and to reach a settlement on all issues. Mr J A Inkster moved that the Committee approve the recommendations in the report. Mr J H Henry seconded.

Mrs B J Cheyne moved as an amendment that recommendation 15.2(a) be changed to read: "approach LPA to determine the LPA's current specific requirements". In receiving the consent of his seconder, Mr J A Inkster agreed to incorporate Mrs Cheyne's amendment into his motion.

Mr W H Manson said that it appears that should SIC meet all LPA's requirements, and LPA withdraw their objections, the price of the project could be increased significantly and beyond the budget which has been set; and should the project be delayed due to the objections, the project could lose its European funding. Whichever way, it could jeopardise the Bressay Bridge project.

Agenda Item No. (c) - Public Report

In response to a query from a Member regarding the wording in paragraph 15.2, the Executive Director, Infrastructure Services confirmed that the Convener, the Chairman and Vice Chairman of Infrastructure Committee, Members for the harbour areas and the Executive Director, Infrastructure Services would be involved in discussions with stakeholders regarding the Bressay Bridge project.

(Mr L G Groat returned to the meeting)

53/04 **Winter Service – Proposed Changes to Gritting Routes and Times**

The Committee considered a report by the Network Manager (Appendix 2).

The Head of Roads advised that this report was prompted by the introduction of a new scheduled early morning flight from Sumburgh to Edinburgh, commencing on 1 November. The current airport bus timetable has been revised with the first bus departing Lerwick at 6am, instead of 6.30am. The winter service provision needs to be addressed to cover this earlier departure of the bus service to the south mainland and to meet the requirements of school transport on a number of roads in Shetland.

Mr B P Gregson said that clearly status quo is not an option as there is a need to commence gritting earlier in the south mainland. He suggested that a sensible solution would be to commence all road gritting at an earlier time, including Sundays and public holidays. He accordingly moved that the Committee approve the recommendations in the report. Mr W H Manson seconded.

A Member suggested that consultation with staff should start as soon as possible. In response to a request from a Member, it was agreed that a report on the maintenance budget should be presented to the next Member Officer Working Group – Management of Road Schemes.

The Chairman commended Captain G G Mitchell on his efforts which have led to the introduction of the new early morning flight to Edinburgh.

54/04 **Tingwall Airport**

The Committee considered a report by the Service Manager – Transport Operations (Appendix 3).

Mrs I J Hawkins stated that the new regulations being introduced do not take into account that Shetland is a peripheral area. The Committee approved the recommendation in the report, on the motion of Mr L Angus, seconded by Mr J G Simpson.

55/04 **Siting of Wind Turbine at Skeld Primary School**

The Committee considered a report by the Energy Manager (Appendix 4) and, on the motion of Mrs F B Grains, seconded by Mr W Tait, approved the recommendation contained therein.

56/04 **Public Convenience Provision**

The Committee considered a report by the Head of Environmental Services (Appendix 5).

Mr L Angus said that although he was concerned with the ongoing revenue commitment to allow for the increased public toilet provision, he hoped that the opening times for certain public toilets in Lerwick could be extended. Accordingly, Mr Angus moved that the Committee approve the recommendation in the report. Mr B P Gregson seconded.

In response to a query from a Member, it was confirmed that all toilets would be suitable for disabled use.

57/04 **Investing in Water Services 2006–2014 – The Quality and Standards III Project – A Consultation Paper**

The Committee noted a report by the Head of Planning (Appendix 6). Following discussion, the Committee agreed, on the motion of Mr W A Ratter, seconded by Mr B P Gregson, that the Planning Service write to the Scottish Executive, stating that the view of Shetland Islands Council is to return the control of water services back to Local Authorities, along with appropriate resources.

58/04 **Interim Planning Policy Guidance – Domestic and Community Aerogenerators and Solar Energy**

The Committee considered a report by the Head of Planning (Appendix 7).

Mr W A Ratter stated that the policy document was good but it should perhaps be an interim policy. Accordingly, he moved that the Committee agree to the recommendation in the report and to an additional recommendation 7.1.2, to read: “this remains a live document and consultation will continue with the appropriate bodies”. Mr L Angus seconded.

Mrs I J Hawkins said that her concern was with the colour of the small wind turbines, and suggested that they should be white or grey, rather than black.

Mr F A Robertson commented that Shetland Renewable Energy Forum, in responding to the draft policy document, had raised some excellent points, primarily from a technical viewpoint.

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J C Irvine
CHAIRPERSON



REPORT

To: Infrastructure Committee

30 November 2004

**From: Head of Planning
Infrastructure Services Department**

HOUSING ZONES REVIEW – PROGRESS REPORT

1. Introduction

- 1.1 Members at the Planning Sub Committee held on 10 November requested a progress report on the review of the Shetland Local Plan Housing Zones (Min Ref: 13/04).

2. Report

- 2.1 The Review, which is being undertaken in consultation with the Chair of the Planning Sub-Committee and the Planning Spokesperson, is proceeding. It has included a presentation to the Association of Community Councils on Saturday afternoon, 6 November. I attach as Appendix 1 the programme of meetings with all Community Councils, which will have reached the halfway stage by the end of November. I will give an oral report on progress to Members at this Committee.
- 2.2 The Explanatory Note on the Housing Zone Review and the slides of the presentation being given to Community Councils, have previously been emailed to Members and are also available in the Members' Room. Members will see from these documents that the first stage of the Review is primarily a training exercise to inform Community Councillors of the planning system. This training runs in parallel with the training currently being offered to Members.

3. Financial Implications

- 3.1 This report has no direct financial implications.

4. Policy and Delegated Authority

- 4.1 The Infrastructure Committee has full delegated authority to act within its remit (Min Ref: 19/03 and 07/03). However, this report is for information and there are no policy and delegated authority issues to be addressed.

5. Conclusion

5.1 The review of the Housing Zones is progressing.

6. Recommendation

6.1 I recommend the Committee note the contents of this report.

Report No: PL-36-04-F

Infrastructure Committee - Tuesday 30 November 2004
 Agenda Item No. 01 - Public Report

Community Councils	Date and Time	Location	Staff
Association of Shetland Community Councils	Sat 6 th Nov 1400 – 1530	Lerwick Hotel	AH,VH,SS
, Sandsting & Aithsting	Tues 16 th Nov 1900 – 2100	Bixter Hall	AH,VH,BB
Burra & Trondra	Thurs 18 th Nov 1900 – 2130	Burra Public Hall	AH,BB,VH
Scalloway, Tingwall, Whiteness & Weisdale	Thurs 25 th Nov 1900 – 2130	Scalloway Public Hall	AH,BB
Whalsay	Sat 27 th Nov 1030 – 1300	Symbister Hall	AH,SP
Dunrossness,Sandwick	Wed 1 st Dec 1900 – 2130	Levenwick Hall	AH,BB
Gulberwick, Quarff & Cunningsburgh	Wed 1 st Dec 1900 – 2130	Quarff Hall	VH,SP
Delting, Northmavine	Thurs 2 nd Dec 1900 – 2130	Sullom & Gunnister	AH,SP
Unst, Yell, Fetlar	Thurs 2 nd Dec 1830 - 2045	Wind Dog Café	VH,RT
Nesting & Lunnasting, Out Skerries	Sat 4 th Dec 0945 – 1215	Vidlin Hall	AH,SP
Lerwick	Tues 7 th Dec 1900 - 2130	Islesburgh Room 12	AH,SP
Bressay	Wed 8 th Dec 1900 – 2130	Bressay Hall	VH,BB
Sandness and Walls	Thurs 9 th Dec 1900 - 2100	Gruting Hall	AH,BB

Shetland Islands Council: Planning Service

Housing Zones Review

Explanatory Note

1. Introduction

- 1.1 This paper explains how we propose to proceed with the review of Housing Zones. It provides some background information about the planning system, the particular issues that arise in Shetland and the options that may be open to us.

2. Background

- 2.1 Two principal planning documents guide the development and use of land in Shetland, namely the Shetland Structure Plan and the Shetland Local Plan. Both of these are statutorily required. In a few years' time, if legislation introduced into the Scottish Parliament next year is passed, the two Plans will be merged into a single document – a move we have long advocated - but for the moment we must work within the present system.
- 2.2 The Structure Plan is concerned with broad policy that, in general, applies right across Shetland. The Local Plan fills in the detail. So the Structure Plan establishes the system of housing zones, but the zoning system is applied at local level through the Local Plan, which is where you will find the zone boundaries for each Community Council area. Of course, both plans deal with all the economic, environmental and social issues affecting development in Shetland, not just with housing.
- 2.3 The Structure Plan was approved by the Scottish Ministers in January 2001 and it is meant to be reviewed every five years. If we are to have a revised Structure Plan in place by January 2006, we need to get a review under way now. The Local Plan was adopted at the end of June 2004, but with the proviso that the housing zoning system would be reviewed within the lifetime of the present Shetland Islands Council, in other words by May 2007. In practice, the two reviews really need to take place side by side, because if the housing zones review results in fundamental changes to the housing zoning system (as opposed to the moving of some boundaries) the Structure Plan will need to be amended to incorporate whatever new system is devised.
- 2.4 As will be clear from subsequent sections of this paper, some form of land use zoning system is essential. Such systems exist in all of the developed world, not just in Shetland or the rest of the UK, and for good reasons. In particular:
- The Town and Country Planning (Scotland) Act 1997 requires that the policies applying to the use and development of land must be shown on a map;

Infrastructure Committee - Tuesday 30 November 2004
Agenda Item No. 01 - Public Appendix

- We need to be able to offer applicants for planning permission and indeed objectors to development adequate guidance on where development is likely to be acceptable, otherwise applying for planning permission would become an expensive form of lottery;
- The location of development can be influenced by the plans and policies of a range of other public agencies (like Scottish Water, Scottish Natural Heritage, the Civil Aviation Authority, the Scottish Environment Protection Agency) and the Local Plan needs to reflect a negotiated way forward having taken account of those other interests;
- There are other constraints, such as the existence of good agricultural land, land prone to flooding, or areas of archaeological interest.
- There are some areas that communities want to see kept free of development for landscape or scenic reasons and there may be areas that we would wish to safeguard for other uses, such as industry or mineral extraction;
- If we do not have clear policies we cannot operate a delegation scheme and, where there is no clear policy, it would become necessary to refer every application to the full Council.

2.5 That said, the system we have in Shetland is unique. In essence, all of the land in Shetland is categorised as falling into one of four zones. Basically, planning permission is easier to obtain the lower the zone number.

- **Zone 1** – usually areas of established settlement with services in place. Typically the core of the existing community, the policy here is that housing development should be **actively encouraged** if basic general requirements are met.
- **Zone 2** - settled countryside in the rural areas generally away from Lerwick. Here, development is **favourably considered** but the best agricultural land is protected.
- **Zone 3** - settled countryside in the pressure areas close to Lerwick. In these areas, development will be **favourably considered where it strengthens and reinforces existing building groups**. The aim is to control sporadic housing and promote housing clusters to ensure that some green space remains undeveloped. This approach is also intended to limit the number of new individual accesses onto the road network.
- **Zone 4** is open countryside with little or no existing development. In these areas, the aim is to **limit development in order to control the demand for extensions to existing services and the number of new road accesses**. These areas are often important open landscapes which are part of Shetland's heritage and identity. Government policy is not to permit development in such areas, but zone policy permits the building of a new house for agricultural or social support reasons where it forms a group with the existing buildings on the holding

2.6 Needless to say, no zoning system is perfect. There will always be those who argue on the one hand that people should have the freedom to build anywhere they like and those on the other hand who want to see new development confined to the core of existing settlements with open countryside protected for agricultural and

Infrastructure Committee - Tuesday 30 November 2004
Agenda Item No. 01 - Public Appendix

landscape reasons. Of course, very few people take up position at the extremes of the argument, but in Shetland, in the past, it has proved genuinely difficult to find a compromise that is acceptable and politically supported. Our zoning system was developed in order to respect Shetland's crofting tradition and it offers a large element of choice in housing location. It can be persuasively argued that this relatively generous supply of land has allowed land prices in Shetland to rise much less dramatically than in some other parts of the Highlands and Islands. Having said that, there are many other legitimate concerns which come into play when considering housing location, for example the effects of particular settlement patterns on public transport and the cost of providing public services. And it is inevitable that, in a few cases, these planning considerations will become entangled with the personalities and community politics involved.

- 2.7 On the positive side, it must be said that, on the whole, the zoning system appears to have worked reasonably well. In general – and we would be the first to acknowledge the exceptions – it has been possible for applicants to obtain a good indication of where they can and cannot expect to obtain planning permission. For the most part – and again there are exceptions - communities and interested residents have been able to know where development will take place and have been able to influence the pattern of future development. We have been able to make delegated decisions in the majority of cases involving new housing, rather than refer every application to the Planning Sub-Committee. Delegation to officers is only possible when there is a clear policy in place. This benefits applicants because they obtain a quicker decision.
- 2.8 There are nevertheless some difficulties. These may stem partly from the basic design of the zone system, although opinions on this do seem to vary considerably, and we are aware that the system has been seen in a positive light in some parts of Shetland while being criticised in others. However, we are in no doubt that there are some problems, in some if not all areas, with the boundaries of the zones that were established by the 'Plan Ahead' meetings and subsequently endorsed by Community Councils and the Council itself. Concerns include:
- Some early misunderstanding of the purpose and effect of the zones
 - A failure in some cases to take account of the pattern of existing development and of landform in the drawing of boundaries, leading to anomalies
 - A failure to take account of road safety constraints, leading to land being zoned for housing development in situations where a satisfactory road access to it was unlikely to be feasible
 - Lack of detailed involvement by planning staff, which might have helped to minimise these difficulties; this was because it was strongly felt at the time that if the Plan was not developed and owned by local communities it would be unlikely to be supported.

Infrastructure Committee - Tuesday 30 November 2004
Agenda Item No. 01 - Public Appendix

- A somewhat inconsistent level of involvement by Shetland Islands Council Members, leading to a lack of a sense of ownership of both the system as a whole and the detailed boundary arrangements.

- 2.9 Accordingly, the Council's Infrastructure Committee – at its meeting on 15 June 2004 – approved arrangements for the review of the zoning system. It established a Local Plan Management Group charged with taking the review forward. The Group's membership is:

Chair of Planning Sub-Committee (Mr Frank Robertson)
Planning Spokesperson (Mrs Iris Hawkins)
Member(s) for area under consideration
Community Council representatives
Staff of Development Plans Section

3. Zoning: The Choices Available

- 3.1 The present system of zoning for housing development in Shetland has its origins in the late 1990s. Before that, and particularly during the mid-1970s, the approach taken to zoning was very much like that operated in the rest of the UK, namely the identification of one or more specific fields within each community for housing development. This approach worked well in the circumstances applying at that time, where the housing development that was carried out was overwhelmingly undertaken either by the Council (especially in Delting), by companies associated with Sumburgh Airport (in Sandwick and Dunrossness) and occasionally by private-sector builders elsewhere (for example some of the earlier development in the Sound area of Lerwick, or the development by Barratt Homes at Tingwall). It would also be fair to say that – given the apprehension that existed about the arrival of the oil industry – the community was generally supportive of very rigorous control of development.
- 3.2 This field-zoning approach is still very much the norm elsewhere in the UK, where of course development is overwhelmingly undertaken by large developers who may frequently apply for planning permission for hundreds or even thousands of houses at a time.
- 3.3 The organisation of housebuilding in Shetland saw changes once the immediate needs of the oil industry and related activities had been met. The emphasis shifted gradually back towards individual house building, which – setting aside Council housing - had previously been the normal approach in Shetland, albeit at a much slower rate than we are used to seeing today. That is not to say, of course, that large scale housing development does not take place: in the last few years, there have been approvals for what are, by Shetland standards, quite substantial developments, especially in Scalloway and Lerwick.
- 3.4 Through the later 1980s and into the 1990s, the Local Plans that had been developed in the 1970s and early 1980s gradually became out

Infrastructure Committee - Tuesday 30 November 2004
Agenda Item No. 01 - Public Appendix

of date, and it became clear that they could not adequately cope with the aspirations of the community.

- 3.5 A completely new approach was needed. It did not appear that a field-zoning approach was the answer. It took no account of the traditional scattered pattern of development in a crofting community or the desire of family or friends to build close to those they know. It offered no real choice of site. Although the ownership of land is not in itself a planning consideration, it is nonetheless true that the identification of a single site in each community, or perhaps two or three sites, would create, in effect, a monopoly or near-monopoly in land supply. This is one of the factors (although only one) that has led to a situation in parts of the west coast of Scotland where plots may fetch ten or twenty times the value achieved in Shetland. Generally speaking, the supply of sites – even allowing for the unwillingness of some landowners to sell - hugely exceeds the demand. The market price for land accordingly remains, by mainland standards, remarkably low, with the possible exception of Lerwick itself.
- 3.6 Gradually, a new approach for Shetland began to emerge. The aim was to offer a good choice of sites within areas of established settlement where roads, facilities and services were available. In the areas closest to Lerwick, where demand has been highest, it became apparent that some clustering of housing development had already occurred (for instance in Gulberwick or Tingwall). Our consultations suggested that it would probably be sensible to reinforce that trend in order to ensure that open green areas survived between clusters, retaining the impression of a rural area rather than a suburban one. Farther away from the town, with less pressure for development and a desire to promote development to stabilise fragile communities, the need for any sort of clustering became less obvious and there could be more freedom to build almost anywhere within the area of established settlement, provided a few basic criteria were met.
- 3.7 The fundamental question for the zoning review is whether or not this is still the right approach. The alternative, the zoning of a small number of areas within each community, is of course still available should we wish to pursue it. We have argued that field-zoning is, in general, unsuited to Shetland crofting communities, where development has traditionally been scattered. Over large areas of rural Shetland, that argument appears still to be valid, even if the scattering of housing development no longer stems from the way people worked the land.
- 3.8 But the 'pressure areas' within, say, 20 minutes of Lerwick may require a somewhat different approach. No-one would claim that some communities closest to Lerwick still retain the character of traditional scattered crofting settlements. Some of them are little different from the suburban parts of Lerwick. Indeed, we detect concerns from a number of communities that their settlement is being transformed in unacceptable ways by increasing numbers of new

Infrastructure Committee - Tuesday 30 November 2004
Agenda Item No. 01 - Public Appendix

houses. The concern is that these areas are losing their rural character and becoming more like suburbia. The process by which this happens is rather like the formation of a traffic jam: everyone wants to go in the same direction, everyone agrees on the attractiveness of where they want to go, but nobody much likes the result. Any solution to this problem requires us to recognise that in areas of high demand it is impossible both to retain the character and identity of rural Shetland and allow large amounts of suburban-style development.

- 3.9 Does this mean that we should adopt a system much more like 'field-zoning'? Possibly, but in practice it may well be possible to adapt our system to achieve a similar result. If a more controlled approach is wanted, it would be perfectly possible to use the Shetland system in a more focused way, for example by allocating a reasonable amount of zone 1 land in each community but having only limited areas – and quite possibly none at all - of zone 2 and 3 land. In these pressure areas, there would almost certainly be a great deal more land in zone 4. In that sense, the Shetland system has potential to offer flexible solutions tailored more closely than at present to local community wishes. In any event, these options can be considered during the review.
- 3.10 Another consideration is the design of new housing. In relation to relatively large-scale development, the community's willingness to absorb more housing is almost certainly linked to the quality of design and the way that new development fits into the area. That is certainly reflected in attitudes to developments in a number of places. Indeed, it would be surprising if it were otherwise. The Council is at liberty to promote and indeed require appropriate standards of design – this is a normal part of the planning process in Britain – in order to ensure that new development reflects and supports the unique identity of the islands. It is arguable that if it were to do so communities would find it much easier to come to terms with new development. The forthcoming document, 'The Shetland House', an advisory document which is expected to be published before the end of the year, is partly aimed at addressing such concerns. This is another respect in which there are choices to be made.

4. Organisation of the Review

- 4.1 We turn finally to the way in which the review of housing zoning will be organised. We believe that the Review needs to be based on a sound understanding on the part of Councillors and Community Councillors of the nature and purpose of the planning system and particularly that part of it concerned with the Development Plan. As we have seen, one of the criticisms expressed about the system as it stands is that at least some of those involved in the 'Plan Ahead' process (and perhaps subsequently) did not understand the planning system of which the zoning system is a part and therefore did not

Infrastructure Committee - Tuesday 30 November 2004
Agenda Item No. 01 - Public Appendix

realise the implications of what they were undertaking. Planning Service staff did try very hard to explain the process and in some cases attended two or three (or more) follow-up meetings with Community Councils. Nevertheless, we believe that we need to provide more information, explanation and training if the review is to lead to a successful outcome.

- 4.2 We must emphasise that this is not a matter of training people in the workings of the present zoning system, though we would hope in passing to clarify any remaining misunderstandings about it. The aim is to have an informed debate about what sort of planning system for housing is appropriate for Shetland, in other words the question is being left open. We propose that the review process should be undertaken in two distinct phases, one concerned with reaching consensus about general principles and the other aimed at applying those principles to create an agreed zoning plan for each district.
- 4.3 In Phase 1, Councillors and Community Councillors will receive training and there will be debate and discussion about the experience of the present system and about possible zoning arrangements including the options that are available. This phase will include the dissemination of information to the wider public. There will also be consultation with all regular consultees in order to establish their views. The aim of this will be to agree on the best system of zoning (or systems, if different approaches are to be taken in different areas. The outcome of this first phase will be an interim report to the Council's Environment and Transport Forum and Infrastructure Committee, possibly preceded by a Member seminar, which will seek to establish Council agreement on the principles to be applied in the second phase of the Review.
- 4.4 We have limited staff resources to apply to this work and our initial proposal in the first phase of the review is that in some cases, Community Council members will be invited to joint meetings involving more than one Community Council. We have made preliminary judgements about this based partly on the extent of difficulties that appear to exist in relation to zoning in each part of Shetland. Areas where more significant difficulties exist have been allocated individual meetings. If neighbouring Community Councils are prepared to work together in the way we propose, it will speed up the process considerably and allow us to complete the phase 1 work before Christmas. If additional meetings are required for individual Community Councils, we shall arrange these but the process will need to be extended. In considering this proposal, we would ask Community Council members to bear in mind that this first phase is concerned with general principles and with sharing experience rather than with the detail of each zoning map.
- 4.5 The Community Council sessions in Phase 1 will last about two and a half hours and will be split into two sections. The first section will provide a broad introduction to planning and the second will offer the

Infrastructure Committee - Tuesday 30 November 2004
Agenda Item No. 01 - Public Appendix

opportunity to discuss experience of the present zoning system and the scope to modify it or introduce alternative systems

4.7 Planning Officers have been assigned to each area, as follows:

Area	Member of Staff
Burra & Trondra; Tingwall, Whiteness & Weisdale; Scalloway; Dunrossness; Sandwick	Bessie Barron (01595 744837)
Bressay; Lerwick; Gulberwick, Quarff & Cunningsburgh	Suzanne Shearer (01595 744839)
Nesting & Lunnasting; Sandness & Walls; Sandsting & Aithsting; Delting; Northmavine; Whalsay; Skerries	Simon Pallant (01595 744835)
Unst; Yell; Fetlar	Vic Hawthorne and Roger Tait (01595 744838)

4.8 In Phase 2, once agreement has been reached about the sort of system or systems to be applied, the Local Plan Management Group will work with Community Councils to develop a local zoning arrangement in the light of whatever system has been adopted for Shetland. This proposed zoning arrangement will then be discussed at a public meeting, arranged on 'plan ahead' lines, in each area.

4.9 The process of amending the Shetland Structure Plan and Shetland Local Plan will then move onto a formal basis, with the publication of draft plans, the allocation of formal periods for consultation and any necessary public inquiry into the proposed amendments.

Planning Service
Infrastructure Services Department
Grantfield
Lerwick
October 2004



REPORT

To: Infrastructure Committee

30 November 2004

**From: Energy Manager
Planning
Infrastructure Services Department**

ENERGY POLICY

1 Introduction

- 1.1 This report introduces an updated draft Energy Policy, contained in the Appendix to the Report.**
- 1.2 The draft Energy Policy has been updated to meet the requirements of the Scottish Executive's Public Sector Energy Efficiency Initiative (see section 3).**
- 1.3 The policy will be subject to further development and be refined in the light of the experience gained through its implementation.**

2 Background

- 2.1 The Energy Unit was formed in April 1995 as part of a 3-year project under the PERU programme sponsored by EC DGXVII, Scottish Hydro-Electric (SHE) and Shetland Islands Council (Council).**
- 2.2 A condition of the European funding was that an Energy Plan must be produced and the former Energy Manager completed this in 1998. The Plan included an action to develop a "local authority policy and strategies for promoting energy efficiency".**
- 2.3 Substantial savings in both energy and money have accrued to the Council as the result of the Energy Unit's activities. Further significant savings can be achieved if the Action Plan contained in the draft policy is put into effect.**

3 Scottish Executive Public Sector Energy Efficiency Initiative

- 3.1 The Scottish Executive has created what it terms an energy efficiency investment scheme for the public sector in Scotland. The funding is**

intended to provide the upfront investment needed for the public sector to implement energy efficiency measures in public buildings.

- 3.2 The purpose of the scheme is to establish a revolving fund that will enable an 'invest to save' programme managed at a local level, which will enable the Council to implement long-term energy efficiency strategies within its estate.
- 3.3 Funding has been set aside for every local authority in Scotland. The indicative funding for the Council is £116,000, which will be spread over 2 financial years; half the funding being available this year and the second half in 2005/06.
- 3.4 In order to access the fund, the Council must show that it is meeting a set of criteria. One of these is an energy strategy/policy for the Council. The policy has therefore been updated to meet the Executive's requirements.

4 Financial Implications

- 4.1 There would be no new financial implications as a result of the adoption of the policy now proposed.

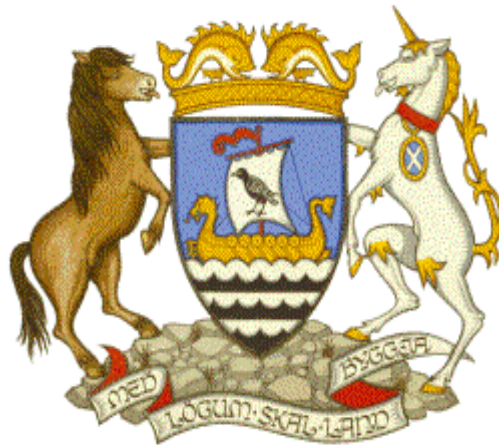
5 *Policy and Delegated Authority*

- 5.1 **The Infrastructure Committee has full delegated authority to act on all matters within its remit (Min Refs SIC 19/03 and 70/03) and for which the overall objectives have been approved by the Council, in addition to appropriate budget provision. However, the Committee does not have authority to approve policy and, therefore, a decision of the Council is required.**

6 Recommendation

- 6.1 **I recommend that the Infrastructure Committee recommend to the Council that it adopt the attached draft Energy Policy.**

Shetland Islands Council



Energy Policy

Planning Services
Infrastructure Services Department
Grantfield
Lerwick

November 2004

CONTENTS

EXECUTIVE SUMMARY	3
1 INTRODUCTION	4
1.1 Background	4
1.2 Energy Supply in Shetland	4
1.3 Council Energy Use	5
2 THE ENERGY EFFICIENCY INITIATIVE (EEI) AND THE COUNCIL	5
2.1 Statement of Commitment	5
2.2 Funding	6
2.3 Energy Co-ordinating Group	7
2.4 Monitoring and Evaluating	7
2.5 Utility Invoices and Budgeting	7
2.6 Increasing Awareness of Energy Efficiency	8
2.7 Contracts	8
2.8 Reviewing Performance and Policy	9
3 TRANSPORT	9
3.1 Background	9
3.2 Green Transport Plans	10
3.3 Alternative Fuels	10
4 HOME ENERGY CONSERVATION ACT (HECA)	10
5 BUSINESS	11
4 RENEWABLE ENERGY/ALTERNATIVE ENERGY SOURCES	11
GLOSSARY OF TERMS	12
BIBLIOGRAPHY	12

EXECUTIVE SUMMARY

The Shetland Energy Plan (1998) contained a list of actions to move forward the managed development of energy use within Shetland. One of these actions was the development of a “local authority policy and strategies for promoting energy efficiency”.

The Policy was initially adopted in 2001. This is the first update and aims to cover the conditions set under the Scottish Executive’s Public Sector Energy Efficiency Initiative (EEI).

The topic goal for energy in the draft Local Plan is to promote the sustainable and efficient use of energy resources to maximise social, environmental and economic benefit to Shetland.

Action Plan

The following table summarises the initial steps to be taken in order to fulfil the requirements of the Energy Policy.

ACTIONS / POLICIES
2.2 Funding:
Existing capital budget is retained and used to fund measures outside the scope of the EEI.
Capital budget GCY 9006 1360 to increase year on year based on savings achieved through Energy Unit works.
2.3 Works Energy Co-ordinating Group:
Co-ordinate retrofit works, refurbishment and new build projects
Produce design specification
Assess alternative technologies for existing and new Council buildings
2.5 Utility Invoices & Budgets:
Energy Unit to set building energy and other utility budgets
Water and gas to be included in utility budget group for buildings
Virements to be actioned by the Energy Unit through the EMT
2.7 Contracts:
Assess viability of a sheltered housing electricity supply contract
Establish key criteria for April 2006 contract
Establish key personnel to comment on tender returns
6 Renewable Energy:
Assess further small-scale renewable projects

1 INTRODUCTION

1.1 Background

The Council has been actively involved with energy issues for some years since adopting the Islands Energy Charter in 1993. The Energy Unit has been in operation for 9 years and savings have been made through a variety of measures. In some cases the cash savings involved have allowed budgets to be reduced allowing resources to be re-allocated to improve service delivery. The Council is also committed to implementing HECA strategies and to sustainable development issues under Local Agenda 21 (the Sustainable Shetland strategy).

The foundations for current work and for the Policy were laid in the Shetland Energy Plan. Its general objectives were to:

- Encourage and stimulate the integration of alternative/renewable energy sources (RES) and thus reduce the reliance on oil for electricity production;
- Manage the efficient use of energy throughout Shetland by the development of sustainable strategies and initiatives for the rational use of energy (RUE);
- Maximise use of sustainable, indigenous or most efficient local resources including, for example, Lerwick District Heating scheme and electricity from Sullom Voe;
- Develop specific local strategies to reduce growth of oil consumption particularly in the transport sector;
- Increase awareness and encourage community participation in energy efficiency through education, promotion, community projects and incentives;
- **Develop practical financial strategies, create partnerships and stimulate inward investment to encourage RES and RUE measures.**

The purpose of the EEL is to establish 'invest to save' funds, managed at a local level, which will enable local authorities to implement long term energy efficiency strategies within their estates. The Council will receive £116,000 over 2 years. The funding will be allocated on specific projects agreed with the Scottish Executive. There isn't a time constraint on when works are carried out therefore; some flexibility will be required so that funding can be accrued from one financial year to the next.

1.2 Energy Supply in Shetland

Shetland is isolated in terms of its energy supplies in that there is no mainland grid connection and all oil, coal and gas (LPG) is imported

by sea. The majority of electricity is produced using oil and gas although Shetland's first commercial wind farm, at Burradale, became operational in 2000. A relatively small amount of peat is cut locally, primarily for domestic use. The Lerwick district heating scheme, which supplies hot water to Lerwick, has been operational since 1998. The following table shows the rate of growth of energy demand in Shetland split by energy source.

	Average Growth in Consumption (%/year)		
Fuel Type	1990 to 1995	1990 to 2000	1900 to 2003
Electricity	4.11	3.09	2.66
Oil (general)	9.96	6.79	6.25*
Oil (road)	4.31	0.72	0.85*
Coal	-	-2.30	-3.71 estimate
Peat	-0.12	-	-
LPG	-1.97	-1.02	1.99
District Heating	-	186.00**	163.00**

*Represents the period 1990 to 2002

**1998 was taken as the base year for the district heating scheme.

Current Demand Side Management (DSM) measures such as district heating, insulation and draught proofing grant schemes, and HECA are having some impact on reducing growth rates. However, this Policy is based on the view that further initiatives are needed in terms of RUE (Rational Use of Energy) and RES (Renewable Energy Sources) if Shetland is to make a significant impact on its reliance on imported fuels.

1.3 Council Energy Use

The 2003/04 energy consumption, cost and emission information is provided below.

Fuel Type & Use	Annual Cost (£)	Annual Usage (MWh)	Emissions (Tonnes)		
			CO ₂	SO ₂	NO _x
Electricity (Building)	643,122	13,229	7,828	32.00	121.00
Oil (Building)	254,696	13,696	3,424	3.04	2.34
Oil (Transport)	247,715	17,054	4,264	-	-
Gas (Cooking)	-	-	-	-	-
District Heating (Building)	49,529	2,597	223	0.32	0.71

This year has seen a large rise in oil and electricity prices which will have a significant impact on budgets.

2.0 THE ENERGY EFFICIENCY INITIATIVE (EEI) AND THE COUNCIL

2.1 Statement of Commitment

Under this Policy, the Council is committed to:

- Increasing energy efficiency thereby reducing energy costs;
- Increasing use of renewable energy;
- Investing in energy efficient technologies;
- Reducing consumption of finite fossil fuels thereby reducing emissions of greenhouse gases;
- Reducing all environmental impact arising from consumption of energy;
- Improving the efficiency in the management of energy;
- Promoting and developing new and innovative ways of saving water.

In the management of the EEI the Council will work together with the Executive in the following areas:

- To provide the Executive with financial and energy monitoring information relevant to the fund (overall and by project);
- To allow audits by the Executive of the fund and individual projects;
- To share information about projects with other organisations in order to spread best practice;
- To participate in training, advice and support provided by the Executive to facilitate running of the scheme;
- The advertisement of projects supported through this fund.

The Energy Unit has overall responsibility for energy management within the Council. The Executive Director of Infrastructure Services, Mr Graham Spall, is the nominated energy efficiency champion.

2.2 Funding

The Scottish Executive fund will only be used on approved energy efficiency initiatives. Savings achieved as a result will be returned to the fund for re-investment thereby securing a long-term fund for energy efficiency measures. This in conjunction with existing energy/water saving projects will reduce the Council's utility bills and also reduce emissions.

The Energy Unit currently receives an annual budget of £30,000 (GCY 9006 1360) for energy conservation works. This budget will be continued and will cover areas such as higher payback works, small-scale renewable schemes, water saving projects, installation of metering and the use of consultants. Where savings are achieved these shall be included in the annual budget allocation.

The GCY 9006 1360 budget will be used to house the EEI fund and will be increased each year based on the annual savings from measures installed and works carried out (see energy contracts section) through the EEI.

The SIC allocation of £30,000 will be reviewed after the first 3 years of the scheme and thereafter on an annual basis. The review will look at the remaining budget figure and the estimated capital cost and payback of identified energy saving projects. If at any time a decision is made to discontinue the £30,000 budget this will be noted as a reduction in the cost of running the Energy Unit. The remaining budget will be reviewed annually thereafter with the potential to cut the savings achieved as a result of measures implemented from the £30,000 budget. Again this will be noted as a reduction in the cost of running the Energy Unit.

2.3 Energy Co-ordinating Group

To establish working practices that encourage building environmentally friendly solutions into new build and refurbishment projects, and to co-ordinate day-to-day energy efficiency retrofit measures, an Energy Co-ordinating Group will be set up. The Group's initial responsibilities will be as follows:

- Targeting of energy efficiency improvements. Assessment of all projects will be on capital cost, running costs, and energy and emissions savings. The Group will be responsible for allocating the EEI funds against projects;
- Establishing standards and specifications to be adopted in the design of all new build and refurbishment projects. This will ensure designs incorporate energy efficient solutions, are not over-complicated and that control systems are user-friendly;
- The use of consultants (where the Building Services Engineer is not available) with a portfolio which includes projects with energy efficient solutions;
- Collation of information on projects, out with the Council, incorporating alternative energy efficient technologies including heat pumps, wind turbines and CHP.

2.4 Monitoring and Evaluating

The Council will reduce energy consumption by using monitoring and targeting processes.

The Energy Unit's energy management software contains information on consumption and costs for many Council sites. Using the software performance indicators will be produced for each site which will be compared against best practice benchmark figures to identify the sites with the largest capacity for savings. Sites will then be surveyed to identify wastage. Energy tariffs will be analysed using electricity logging equipment to ensure best value.

The majority of sites now have a contact for taking or organising electricity and oil meter readings. The Energy Unit provides an e-mail reminder each month. This ties in with degree day data received from the Meteorological Office, which allows an accurate assessment of consumption patterns. It also reduces the inaccuracy of quarterly or estimated invoices and improves the accuracy of budgets. The

Energy Unit will be responsible for ensuring that adequate metering arrangements are in place for all sites.

2.5 Utility Invoices and Budgeting

Energy invoices for electricity, oil and district heating are now sent direct to the Energy Unit where details are noted before the invoices are passed on to the relevant office for payment.

Invoices for sites that have water meters are in the process of being readdressed to the Energy Unit. Gas (used for cooking at a number of sites) invoices shall be targeted next. There is currently a set of building energy codes covering electricity, district heating and oil. The Energy Unit will investigate whether water and gas codes could be incorporated to give a set of building utility codes against which budgets can be set.

Controlled virements will be required to balance codes in any given financial year and increasing the range of codes, as above, will allow more flexibility. Virements will be actioned by the Energy Unit through the Executive Management Team (EMT) for all non-school sites.

The Energy Unit will investigate whether the devolved school management regulations, which are outside the Council's control, can be relaxed to allow virements from other department budgets. Schools are currently at the mercy of fluctuating energy prices and this financial year, where both the cost of electricity and oil have risen sharply, a number of schools will end it in debt, and that debt will be carried forward into the 2005/06 financial year.

In the past the Energy Unit has provided assistance in setting building energy budgets. This shall now become the responsibility of the Energy Unit in conjunction with building responsible officers.

2.6 Increasing Awareness of Energy Efficiency

The Energy Unit will, in the course of undertaking surveys, review the control of systems with building users, providing backup information if necessary, and will also discuss ways to encourage using energy more efficiently.

The Council produces a quarterly newsletter on environmental issues relating to recycling and waste management in the Shetland Islands which is circulated to all Council staff, members and external individuals and bodies. The Energy Unit will produce a paragraph to add to the newsletter updating the progress of the fund outlining both completed and proposed projects.

A global warming presentation is available to schools on request. In the past this has seen the Energy Unit visit almost all schools in conjunction with the Northern and Western Isles Energy Efficiency Advice Centre (NWIEEAC). Several of the schools have been successful in achieving the ECO-School Flag for energy and all schools will be encouraged to pursue this.

Structure Plan Policy SP ENG5 states that proposals, which seek to minimise energy consumption by means of location, layout, design, construction and

alternative technology, will be considered favourably where the proposal does not conflict with other Structure and Local Plan Policies. The Energy Unit will continue to work with the Planning Service in encouraging an energy-efficient design approach to the construction of new buildings and the renovation or improvement of existing buildings.

2.7 Contracts

The latest electricity supply contract was awarded to Scottish Power. The contract start date was the 1 November 2004 and will run for 17 months. The equivalent of 10% of the Council's consumption is from green sources. An electricity supply contract will now be assessed for sheltered housing.

Contractors in future will be offered the chance to meet with a group comprising relevant personnel from the Council to discuss their tender submission. It has been noted especially in the last tender submission that additional offers have been made outside of the tender qualifications which are difficult to quantify hence the need for a discussion group prior to final decisions being made. There is also a requirement to review either the initial qualification criteria for companies or the tender qualifications in line with current Council policy.

Tendering for the supply of electricity is of financial benefit to the Council whether or not actual cost savings are made. If in future cost savings are achieved this will mean a reduction in the annual savings from energy efficiency measures installed and therefore a reduction in the energy conservation budget. It is therefore proposed that the energy conservation budget will include an allocation reflecting the savings achieved from energy contracts. The exact figure whether it be a fixed sum or a percentage of the contract value will be discussed with Finance Services.

All relevant contracts will be reviewed e.g. office equipment (photocopiers etc) with energy efficiency standards included as an award criteria, if it is not already, in tender documents.

2.8 Reviewing Performance and Policy

The Energy Unit will invite comments from all involved in the implementation of the Policy. These comments will be discussed with the Head of Planning Services and the Conservation Manager and will provide the basis of a review of the Policy.

An annual report will be produced outlining the works actioned under both the fund and the existing capital budget. This will review the impact of measures implemented and will provide the basis for estimating the annual energy conservation budget.

3.0 Transport

3.1 Background

As in other rural areas with dispersed settlement, it is difficult to provide a public transport service that matches the convenience of the private

car. Transport is a major user of energy and in Shetland virtually all of that energy is obtained directly from oil and its derivatives. This is unsustainable. However, the Shetland Structure Plan and the Council's Local Transport Strategy recognise that for the time being, the position is unlikely to change.

The Structure Plan and Local Transport Strategy propose means by which the need to travel may be reduced and public transport may be made more accessible and attractive. Proposals include:

- Improved accessibility and provision of sustainable approach to transport meeting the economic and community requirements of Shetland.
- Maximising facilities for walking and cycling as an alternative means of transport.
- Promoting awareness of travel options to help limit traffic growth
- Reducing the need to travel through decentralisation of facilities.
- Promoting Green Transport Plans (discussed in more detail below)

3.2 Green Transport Plans

Green Transport Plans have the goal of reducing unnecessary journeys and the impact of transport on the environment. They are in the main aimed at the larger employers in a region, where the effect of the plan can be maximised. The Council will, as funds permit:

- Develop awareness within the private and public sector of the benefits of transport plans;
- As the major employer in Shetland, examine and implement a travel plan;
- Support other major employers such as Sullom Voe and NHS Shetland in the promotion of healthy transport options and to raise awareness of the relationship between transport and health;
- Investigate the possibility of a Shetland wide car-sharing club.

3.3 Alternative Fuels

The Energy Unit will liaise with those involved in transport policy and promotion of renewable energy in assessing different fuel types, technologies, schemes and opportunities for funding that may be available.

4.0 THE HOME ENERGY CONSERVATION ACT (HECA)

The majority of the Energy Assistant's time will be spent undertaking HECA duties which will allow the Energy Manager to concentrate on implementing the EEI.

The Local Authority Support Programme (LASP) has been set up to assist local authorities to deliver their HECA and other energy responsibilities. The programme provides staff, based in the local Energy Efficiency Advice Centres, to help co-ordinate energy efficiency and sustainable energy activities among the local authorities in that area.

The Energy Unit will also work together, with support under LASP, with the following Council sections and outside bodies:

- The Environmental Health Section where grants are tailored, under the private sector housing grant (PSHG), to help fuel poor households;
- The Housing Department in the production of the Council's Fuel Poverty Strategy and its delivery plan under the Scottish Housing Quality Standard.
- The NWIEEAC in its promotion of energy efficiency through school visits, public exhibitions etc.

5.0 BUSINESS

As above the Energy Unit will continue to support the work of the Northern and Western Isles Energy Efficiency Advice Centre and the Scottish Energy Efficiency Office.

6.0 RENEWABLE ENERGY/ALTERNATIVE ENERGY SOURCES

Structure Plan Policy SP ENG3 states that proposals for the generation of power from renewable energy sources will be encouraged subject to other relevant policies in the Structure and Local Plans.

The Shetland Renewable Energy Forum (SREF) was set up in 2003 by local business and development agencies to promote the development of renewable projects in Shetland. SREF has produced a Strategy for the Development of Renewable Energy in Shetland and has been active in promoting Shetland as a location for renewables and in disseminating information to the local community through seminars and talks as well as being actively involved in various consultation processes. The Council will continue to support the work of the SREF.

The Scottish Community Renewables Initiative (SCRI) provides individual householder grants and grants for community schemes. To assist the development of smaller scale schemes Planning Services has produced the interim planning policy guidance 'Grid Connected Domestic and Community Aerogenerators and Solar Energy' and also a guidance document - 'Erection of Wind Turbines on Council Land'. The Energy Unit will assess potential schemes in line with the above documentation with the potential to fund projects from the £30,000 budget.

GLOSSARY OF TERMS

EC DGXVII –	European Commission department for energy
PERU –	The European Unions Regional and Urban Planning Programme
SAVE –	A European Union programme for energy management issues
Islenet –	Network of European Island Authorities
CREATION –	Project to set up Energy Units in Gotland and Orkney
Altener –	A European Union Programme for renewable issues
kWh -	The standard measure of energy consumption
MWh -	1,000 kWh
GWh -	1,000,000 kWh
Degree Days –	This is a way of comparing heating consumption and is the difference between a base temperature (which is set at a level above which it is assumed there will be no requirement for space heating - 15.5 degrees C in the UK) and the 24-hour average temperature when the base temperature is higher than the average temperature.

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Council Energy Unit	1994/95 Shetland Energy Audit
Council Development Dept	Shetland in Statistics
HMSO	HECA Guidance Act 1995
Council Infrastructure Services Dept	Local Transport Strategy 2000-2003
Council Infrastructure Services Dept	Draft Local Plan – Energy
Council Infrastructure Services Dept	Shetland Structure Plan
The Information Centre	Research Note – Renewable Energy
Department of the Environment	GPG 186 – Developing an Effective Energy Policy
Department of the Environment	GPG 118 – Managing Energy Use

ACKNOWLEDGEMENTS

Scottish and Southern Energy plc
BP Exploration Operating Company Limited
BP Fuels Marketing Limited
Shetland Aerogenerators Ltd
Hay & Company
Lerwick Building Centre Limited
Calor Gas Limited

Infrastructure Committee - Tuesday 30 November 2004

Agenda Item No. 02 - Public Appendix

SBS Logistics Limited

Shetland Islands Council

Infrastructure Services Department

Development Department

Infrastructure Services Department

Corporate Services Department



REPORT

To: Infrastructure Services Committee

30 November 2004

**From: Head of Planning
Infrastructure Services Department**

PILOT SURVEY - VACANT SITES IN SMALL SETTLEMENTS

1. Introduction

- 1.1 The Planning Service was asked to take part in a pilot survey of vacant sites in small settlements by the Scottish Vacant and Derelict Land Survey Working Group (SVDL Working Group). This working group is managed by the Scottish Executive Environment and Planning Statistics Branch. This report outlines the results of the survey undertaken in Shetland.

2.2 Background

- ~~2.1~~ 2.1 The Pilot survey of Vacant Sites in Small Settlements is being run alongside the existing 2004 Scottish Vacant and Derelict Land Survey. The main survey focuses on areas with a population of 2000 or more, Lerwick being the only settlement in Shetland meeting this population criterion. The pilot study requests identical information to that requested in the main survey but for settlements with a smaller population. The General Register Office Scotland has defined small settlements as being settlements with a population of over 500 and under 2000. The results of the pilot survey will not be published in the main Scottish Vacant & Derelict Land Survey (SVDL) bulletin but may be included in an annex to the bulletin. The deadline for the submission of the findings is December.
- ~~2.2~~ 2.2 In August a report was brought to the Environment and Transport Forum (SIC Minute Ref:20/04) highlighting the pilot survey and indicating how it would be undertaken in Shetland. The Planning Service wrote to the Community Councils in the identified areas seeking their assistance with the survey. The findings are listed below the draft reply to the SVDL working group and are attached for Members' consideration. At the time of writing this report we were still awaiting finalised information from both Scalloway and Sandwick Community Councils. We expect to be able to report their findings orally at the Infrastructure Committee. The draft letter to the SDVL working group may require to be amended to reflect information received.

3.3 Results of Pilot Survey in Shetland

- 3.1 As stated above, the pilot study focuses on smaller settlements with a population of greater than 500 and less than 2000 as defined in the General Register Office Scotland statistics. In Shetland, the areas included in the pilot study are Brae, Hamnavoe, Cunningsburgh, Sandwick, Scalloway and Symbister.
- 3.2 None of the small settlement areas in the pilot survey has any areas of vacant or derelict land which fit the criteria outlined by the Scottish Executive.
- 3.3 Community Councils were also asked to inform the Planning Service of any areas of vacant or derelict land which may not fit the criteria but which caused the community concern. These are as follows:

- Wethersta Industrial Estate, Brae
 - Sullom Voe Hotel, Graven
 - Former Toft Camp.

- 3.4 I should mention that we were already well aware of the concerns about Toft Camp. In consultation with the parties involved, including the Local Member, we have been exploring ways of having these unsightly buildings removed. I hope to be able to bring forward a report on this matter as soon as we have identified a way forward.

4.4 Policy and Delegated Authority

- 4.1 The Infrastructure Committee has full delegated authority to act on all matters within its remit (Min Refs SIC 19/03 and 70/03) and for which the overall objectives have been approved by the Council, in addition to appropriate budget provision.

5 Financial implications

- 5.1 There are no direct financial implications arising from this report.

6 Conclusion

- 6.1 At time of writing there were no sites in the identified small settlement areas which met the criteria set out by the Scottish Executive.
- 6.2 This pilot survey has highlighted sites of concern in some Community Council Areas. In order to quantify the number of problem sites and/or buildings throughout Shetland the Planning Service proposes to extend the survey to include the remaining Community Council areas as time permits.

7 Recommendation

~~6.1~~ 7.1 I recommend that the Infrastructure Committee:

~~a)~~(a) Note the contents of this report.

~~b)~~(b) Authorise the Executive Director - Infrastructure Services (or his nominee) to send the letter to the Scottish Executive attached in Appendix 1, subject to any amendments that Members would wish to make.

(c) Note that the survey will be rolled out to the remaining Community Council areas in due course.

Report Number : PL-38-04-F

Head of Services: Alastair R Hamilton
Executive Director: Graham Spall

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Planning Officer - Development
Plans
Direct Dial: 01595 744839

Our Ref: SMS/GH ED11
Your Ref:

Date: 16 November 2004

Dear Sian

Pilot Survey – Vacant sites in small settlements

Shetland Islands Council has, as agreed, undertaken the pilot survey. There were 6 settlements in the local authority area, which we identified as being within the population parameters identified in the survey. , On undertaking the survey work, Shetland Islands Council Planning Service found no instances of vacant sites within or adjacent to these settlements which meet the criteria outlined in the survey guidelines.

As a result we have no data to add to the Excel spreadsheet supplied. Several of the Community Councils have identified sites or buildings that present problems but which do not fit your criteria, either because they are located some distance away from a qualifying settlement or because they are less than 0.1 hectare in size. Shetland Islands Council would like these comments to be noted when the pilot survey is analysed. If the vacant & derelict land survey is to be extended to include small settlements, we believe that it need to take account of the fact that, in a rural area, significant areas of dereliction may occur outside settlements. One of the sites of concern to us involves two large buildings associated with the development of the oil industry in the 1970s. There is only a very small settlement in the vicinity, but the buildings are adjacent to a main road.

If you have any queries regarding our findings please contact Suzanne Shearer on 01595 744839 or on her e-mail address Suzanne.Shearer@sic.shetland.gov.uk .

Yours sincerely

Service Manager – Development Plans

Infrastructure Committee - Tuesday 30 November 2004

Agenda Item No. 03 - Public Appendix

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DISCUSSION PAPER

To: **Special Environment and Transport Forum** **12 October 2004**

From: **Service Manager – Transport Operations**
Infrastructure Services Department

SCOTTISH AIR AMBULANCE CONTRACT CONSULTATION

1. Background

- 1.1 The Scottish Ambulance Service is responsible for the provision of an air ambulance service to the people of Scotland. The services aim is:- ***“To provide Scotland with an air ambulance service which is fit for the purpose and meets the needs of the 21st century NHS in Scotland”.***
- 1.2 Following an extensive re-procurement exercise for the provision of these services as from 1 April 2006, Gama Aviation have been chosen as the preferred supplier pending completion of the public consultation exercise and final agreement on service design. Their proposals meets and exceeds the service objectives which include street performance standards with regard to response times.
- 1.3 The improved service provision will be undertaken by utilising a brand new dedicated pressurised fixed wing aircraft which will carry out all inter-hospital transfers and hospital admissions, offering much improved comfort to patients and much better access to patients and medical equipment for paramedics, and better access into and out of the aircraft for both walking and stretcher patients.
- 1.4 An aircraft similar to the above has been available for viewing by the public today at Tingwall Airport giving interested parties the opportunity to see at first hand the improved patient care provision.
- 1.5 In addition, a brand new medically equipped Super Puma helicopter based in Shetland, will provide inter-island transfers to Lerwick (approximately 15 per year). In extreme conditions or when the incident severity demands, this aircraft will carry patients direct to mainland Scotland. Should this aircraft be unavailable, contingency plans are in place to utilise the Coastguard helicopter with the MOD providing back up services as required.
- 1.6 The Super Puma helicopter has also been available for public viewing today at Tingwall Airport. In addition to visiting some of the outer isles it will serve eg. Foula, Fair Isle, Papa Stour.

2 Discussion

2.2 As part of the consultation exercise, representatives from Scottish Ambulance Service and Gama Aviation will be in attendance at today's meeting. They will be able to provide Forum Members with a briefing on the new contract arrangements and respond to any queries raised.

3 Recommendation

3.2 I recommend that Members of the Forum consider this report and request that the Council submit a response to the consultation exercise.

TR-25-04-F



REPORT

**To: Infrastructure Services Committee
Shetland Islands Council**

**30 November 2004
15 December 2004**

**From: Head of Environmental Services
Infrastructure Services Department**

COMMUNITY COUNCIL SKIP SERVICE

1 Introduction

- 1.1 As part of a review of the Community Council Skip Service the Council's Safety and Risk Management Service were asked to look at the Health and Safety and Insurance implications of this service. The Health and Safety report is attached as Appendix 1.
- 1.2 Members are asked to consider this report and approve the recommendation to withdraw this service with effect from 31 December 2004, at which point it is proposed to replace this with an alternative service as detailed in this report.

2 Background

- 2.1 The Health and Safety report highlights a number of incidents which had the potential to cause serious injury or fatality to the public. The table in the report lists the type of items that have been found in skips which has the potential to cause serious injury to members of the public and to staff sorting out the waste at Rovahead.
- 2.2 The report concludes that "the current provision of the Community Skip Service allows uncontrolled disposal of hazardous items which creates a risk to SIC staff, contractors and most particularly to members of the public. The only way to prevent this risk arising is to control the disposal at the individual sites. This is not possible under the present scheme. In my opinion, the Community Skip Service should not continue to operate in its present way as it breaches Health and Safety requirements and exposes the Shetland Islands Council to potential prosecution. The potential risk is high, and steps should be taken to cease operation immediately."
- 2.3 It is considered that there are no practicable measures that could be put in place that would mitigate for the risks identified in the report. There are about 50 skips out at any given time and it would not be

practicable to staff these sites to supervise disposal. It is therefore proposed that this service is replaced with a household bulky waste uplift service.

- 2.4 The timetable for withdrawing the Community Council Skip service has been set by the Council's Insurers who have set a deadline of the end of December 2004. See Appendix 2.
- 2.5 HM Inspector of Health and Safety during a discussion on this issue on Thursday 25 November 2004 agreed that the actions proposed addresses the risk to the public and to employees associated with antisocial behaviour i.e. the dumping of hazardous material, and noted that the Council has decided upon a timeframe to implement the changes in accordance with the Council's established risk assessment protocol.

3. **Household Bulky Waste Uplift Service**

- 3.1 It is proposed that from 5 January 2005 the Council will respond to a request from householders to uplift bulky household items free of charge, they will be allocated a collection day and asked to place the items out for collection prior to the nominated collection day.
- 3.2 The collection will be programmed along the same basis as the essay routes for ease of use by the public. It is the intention therefore that all areas will be covered on a 4 weekly cycle.
- 3.3 Given that the objective is to deliver a service within the existing budget and the demands placed on the service is unknown it is expected that there will be occasions when the target response time (4 weeks) is not achieved. It is the intention to continually review the service to assess the response time to requests and the associated cost of service delivery. It is proposed therefore to bring a progress report to Infrastructure Committee to report on performance after 3 months.
- 3.4 While it is recognised that this service does not provide the flexibility of the Community Council service, community skips are not always available and they can be filled very quickly. The proposed service has the following advantages:
 - The items collected can be controlled and thus minimise risks to the public and waste disposal operatives.
 - Householders will get a collection from their property and there is therefore not the need to seek out and transfer bulky items to a Community Council skip. This will be particularly advantageous to those people who do not have access to transport or the elderly or infirm.

- The collection day will be nominated and therefore householders can make arrangements for the items to be placed out for collection on the appropriate day.
 - There will be greater potential for the Council to either reuse or recycle waste, which would otherwise have been disposed of.
- 3.4 While the Council could deliver the proposed service in-house it is the intention to negotiate with the existing private sector service provider to vary the existing contract and to extend the varied contract for 12 Months beyond the contract expiry date of 31 March 2005. Thereafter, the service will be subjected to tender for a 3-year contract period starting on 1 April 2006.
- 3.5 This proposal has the advantage that the Council will not incur penalty costs by terminating the existing contract early and it will allow sufficient experience to be gained by assessing the impact of the new service over a full 12 month period. Adjustments to the specification will then be made before committing to a further 3 year contract.
- 3.6 Subject to approval, all Community Councils will be advised of the implications contained in this report and press releases issued to the local media providing details of the new service. Prior to and during the initial period of the new service, there will be further publicity informing the public of the changes to service delivery.
- 3.7 It should be noted that this service is only intended for bulky household items and excludes commercial waste and crofters waste. Crofters waste can be picked up free of charge on request by the Shetland Amenity Trust and includes items like fencing wire and unwanted farm equipment.
- 3.8 It is not proposed to change the service to residents in Lerwick who receive a 6 monthly uplift service for bulky items as they have closer access to the Civic Amenity Site at Rovahead.

4 Rovahead Civic Amenity Site

- 4.1 Given the Health and Safety implications for the Community Council Skips it follows that these will also apply to the unsupervised skips at Rovahead which are currently available 24 hours a day 7 days a week.
- 4.2 It is proposed that the skips at Rovahead become staffed with attendants during the hours of 8.00 am to 8.00 pm Monday to Friday and 8.00 am to 5.00 pm Saturday and Sunday. The site will therefore be closed to the public out with these hours.

4.3 By staffing the site the waste can be supervised and risks minimised to the public and waste disposal operatives. There is also the opportunity to maximise the potential to sort and recycle more waste.

4.4 These skips will remain in place until the new purpose built civic amenity site at the Gremista landfill site is opened in October 2005.

5 Financial Implications

5.1 Given that the intention is to negotiate with the existing service provider within the existing contract value, there are no implications to the Community Council Skip budget.

5.2 Staffing the Civic Amenity Site at Rovahead will result in an overspend of £10,000 in the GRY5101- code this year and an annual increased cost of £40,000, although it is anticipated that savings could be made by utilising the weighbridge operator at the new site where the layout will lend itself to this flexibility.

5.3 Increased costs for the next and future years for the civic amenity site are regarded as a budget growth item. Consideration will therefore be given to accommodate this increase in the budget during this period.

6 Policy and Delegated Authority

6.1 The Infrastructure Committee has full delegated authority to act on all matters within its remit (Min Refs SIC 19/03 and 70/03) and for which the overall objectives have been approved by the Council, in addition to appropriate budget provision.

6.2 Standing Order H13(c) applies: "Where the appropriate Director considers that an existing contract should be extended and that a tender should be negotiated with the existing contractor, he shall before entering into negotiations, obtain the approval of the appropriate Committee both in respect of the extension and of the negotiation with the existing contractor".

6.3 The new proposals in this report have not been delegated to any Committee and, therefore, a decision of the Council is required.

7 Conclusions

7.1 The health and safety of the public and the Council's staff has to be given priority, and it is clear from the Council's Safety Manager that an alternative service needs to be put in place.

7.2 It is appreciated that the existing skip service is well used by local communities and is generally thought to work well. However, it is hoped the proposed service will meet local needs and in some cases be regarded as an improvement.

8 **Recommendations**

8.1 I recommend that the Infrastructure Committee

8.1.1 **approve the changes to service delivery which includes the withdrawal of the existing Community Council Service and replace it with the proposed Household Bulky Waste Uplift Service from 5 January 2005 as detailed in this report: and**

8.2 recommends to the Council

8.2.1 that the Executive Director (or his nominee) enter into negotiations with the existing contract provider, subject to approval of 8.1.1, to vary the existing Community Council Skip contract and extend the varied contract until 31 March 2006.

Report Number: ES-30-04-F

Report on the health and safety implications of the Community Skip Service

1 Introduction

The Community Skip service has operated for a number of years, with skips being located in rural areas of Shetland for the disposal of bulky refuse by the public. During this time there have been a number of incidents which have, or could have caused injury, loss or damage, either to staff or members of the public. The Safety Manager was asked to assist in the present review of the service, specifically on aspects affecting health and safety. This report outlines the current state of the service and identifies areas of concern.

2 Incidents

The most recent incident was the discovery of a 7lb canister of 'Cymag'.

This is a pesticide in powder form which is 'Very Toxic' by inhalation, contact with the skin and if swallowed. In damp conditions Hydrogen Cyanide gas is produced, which is 'DEADLY TOXIC'. Exposure of this substance to the wet and windy conditions which were present at the time could have caused production of hydrogen cyanide gas which would then have been carried across a wide area. This could very easily have resulted in multiple fatalities. It is quite likely that a more serious outcome was only prevented by the prompt action of a vigilant member of the public and Environmental Health staff.

Generally, staff from Infrastructure Services have kept records of hazardous materials that have been identified in Community Council skips, either at the rural skip sites or once they have arrived at Rova Head for disposal. All these items are potentially dangerous, and whilst there has not yet been a serious injury or fatality associated with the service, this is not due to adherence to good safety management systems.

For example, flares have exploded during sorting and it is only through good fortune that members of staff have not been hit and seriously injured. Indeed, a member of the public had their car hit by an exploding flare from a Community Council skip. The vehicle was destroyed, but the owner was able to get out, thus preventing serious injury or worse. The presence of hazardous material in the skips presents a risk to members of the public, contractors and SIC staff.

Figures for hazardous items occurring in skips are summarised in the following table.

Items	1999	2000	2001	2002	2003	2004	Total
Gas Cylinders/Bottles	18	18	24	22	10	35	127
Oil	14	9	13	8	-	6	54
Unknown/Hazardous Substance	11	2	-	2	-	2	17
Explosives	2	1	1	1	5	3	13
Fire Extinguishers	5	1	-	-	-	-	6
Syringes	1	1	1	2	-	1	6
Asbestos	2	-	1	-	-	-	3
Batteries	1	-	1	-	-	-	2
Total	54	32	41	35	15	47	228

4 Hazards

A variety of hazards arise within the Community Council skip service.

- i) The main hazard with the highest risk is the exposure of members of the public to dangerous items, such as those mentioned above. Persons may come into contact with these items during normal use of the skip. Additionally, members of the public are known to enter skips, often to retrieve items that have already been disposed of. Particularly, children have been known to play in skips. The uncontrolled way that refuse is placed within the skip leads to the contents being unstable with voids amongst it. Any person entering the skip is at risk from falling contents or from falling themselves into such voids. There is also the risk of children becoming entrapped in items such as freezers. This has happened in other areas with fatal consequences.

Notices have been used to inform members of the public that certain hazardous items and practices are not acceptable. However, the provisions of the Management of Health and Safety at Work Regulations 1999 require that hazards are controlled by the implementation of control measures which follow a strict hierarchy. The provision of information and instruction should not be used until after other measures have been taken. Therefore, it is not legal to simply put up notices and take no other action.

- ii) Members of staff/contractors are exposed to hazards whilst collecting skips and sorting the refuse within them. They should not be entering skips, but on occasions the skips are overfilled to the extent that it may be difficult for drivers to carry out procedures such as sheeting in a safe manner. The way in which skips are emptied and sorted leads to a high risk of injury from hazardous items in the skip. This is not due to any poor practices carried out by Council staff, but to the inherently dangerous nature of the items.
- iii) Whilst potentially lower risk in terms of likely injury, there is still a risk to public and staff from manual handling practices. The design of the skips is such that

Agenda Item No. 05 - Public Report

persons disposing of refuse are required to lift from the ground to a height of at least 4 ft (1.2m). This distance increases where loading must be carried out from the side, or where the skip is overfilled. This results in people lifting in such a way that could cause personal injury. Additionally, heavy items are often left beside the skip, resulting in the Council's contractors having to manually handle them. This too could result in personal injury. Both of these situations could result in criminal prosecution or personal injury claims being made against the Shetland Islands Council.

4 Health and Safety Implications

Apart from the obvious risks associated with coming into contact with hazardous materials or following unsafe procedures, the present Community Skip service potentially exposes the Shetland Islands Council to enforcement action under health and safety legislation. Specifically, this is due to the following reasons:-

- a) Allowing uncontrolled disposal of items, including hazardous materials, in skips which are accessible to members of the public, contractors and members of staff, thereby failing to provide safe systems, workplace and environment. (S2(2)(a)(d)(e) Health and Safety at Work etc. Act 1974.)
- b) Allowing uncontrolled access to skips by members of the public in circumstances where they may be put at risk. (S3 Health and Safety at Work etc. Act 1974.)
- c) Exposing staff to uncontrolled risks of explosion, fire, chemical/biological and other hazards during tipping and sorting of refuse from skips. (S2(2)(a)(b)(d)(e) Health and Safety at Work etc. Act 1974.)
- d) Requiring excessive manual handling to be carried out by council contractors. (Regulation 4 Manual Handling Operations Regulations 1992.)
- e) Failing (due to non-availability) to provide information to employees, contractors and members of the public on matters that may affect their health and safety. (S2(2)(c) Health and Safety at Work etc. Act 1974)
- f) Failing to ensure absence of risks to health from the storage, handling and transportation of skip contents. (S2 (2)(b) Health and Safety at Work etc. Act 1974)
- g) Failing to carry out a suitable and sufficient assessment of the risks to the health, safety and welfare of staff at work, and others who may be affected by council activities. (Regulation 3(1)(a) and (b) The Management of Health and Safety at Work Regulations 1999.

There may also be breaches of other legislation such as Control of Substances Hazardous to Health Regulations 2002, Dangerous Substances and Explosive Atmosphere Regulations 2002 amongst others.

5 Conclusions

The current provision of the Community Skip Service allows uncontrolled disposal of hazardous items which creates a risk to SIC staff, contractors and most particularly to members of the public. The only way to prevent this risk arising is to control the disposal at the individual sites. This is not possible under the present scheme. In my opinion, the Community Skip Service should not continue to operate in it's present way as it breaches Health and Safety requirements and exposes the Shetland Islands Council to potential prosecution. The potential risk is high, and steps should be taken to cease operation immediately.

Safety Manager