

**Special Development Committee  
Council Chamber, Town Hall, Lerwick  
Wednesday 10 October 2012 at 10 a.m.**

**Present:**

A Cooper	T Smith
M Burgess	S Coutts
B Fox	A Manson
F Robertson	G Robinson
M Stout	A Westlake

**Invited to Attend:**

M Bell	P Campbell
G Cleaver	R Henderson
D Ratter	D Sandison
C Smith	G Smith
J Wills	A Wishart
V Wishart	

**Apologies**

M Stout (for lateness)

**In Attendance (Officers):**

N Grant, Director of Development Services  
I McDiarmid, Executive Manager - Planning  
A Cogle, Team Leader - Administration  
A Taylor, Team Leader - Development Plans and Heritage  
L Fiske, Planning Officer  
H Taylor, Planning Officer  
S Shearer, Planning Officer  
L Adamson, Committee Officer

**Chair:**

Mr A Cooper, Chair of the Committee, presided.

**Circular:**

The circular calling the meeting was held as read.

**Declarations of Interest**

None

**64/12      Shetland Local Development Plan – Proposed Plan**

The Committee considered a report by the Team Leader – Development Plans and Heritage (PL-22-12-F), which presented the proposed Shetland Local Development Plan.

In introducing the report, the Director of Development Services said that the Local Development Plan (LDP) was hugely important to Shetland's future and wellbeing, and looks to deliver on the outcomes in the Single Outcome Agreement that the Council and communities have agreed as the route forward. He acknowledged the huge amount of work and commitment involved in getting the LDP to the reporting

stage today, and thanked the staff involved, in particular Iain McDiarmid, the Executive Manager – Planning, and Austin Taylor, Team Leader – Development Plans and Heritage.

The Team Leader – Development Plans and Heritage advised that the presentation “Shetland Local Development Plan 2012” (copy of slides attached as Appendix 1A) was in three sections, and he would welcome questions from Members at the conclusion of each section.

The Team Leader – Development Plans and Heritage took Members through the first part of the presentation, which advised on the statutory requirement for a LDP to be produced, on the processes that were followed in the development of the Main Issues Report, on the call for sites, and on the assessment and consultation processes.

The Executive Manager - Planning and the Team Leader - Development Plans and Heritage responded to questions from Members, and Members noted the following:

During the discussion, it was reported that the LDP and Supplementary Guidance (SG) will provide a greater degree of clarity and certainty for developers, the community and Council on where development would be best placed. The response to the first call for potential development sites had exceeded expectation, with 96 sites assessed as having development potential, and 90 of the sites assessed as requiring further work.

Clarification was provided that potential development sites submitted in the first call for sites but assessed as not meeting the requirements as a Site with Development Potential could be re-submitted during a future call for sites, or through the normal planning application process. In most cases where a site had been rejected insufficient information had been provided or there were unresolved issues. Developers would be required to present a more detailed submission and/or provide further clarification with their further submission.

It was confirmed that Interim Planning Policy on Minerals as it stands is Council Policy. However it was reported that the Interim Planning Policy on Minerals would be reviewed during the preparation of SG on Minerals that will come forward in the near future. Until such time as the review and consultation takes place there can be no confirmation on the content of future Policy.

Concern was expressed on the decision to reject a potential development site at the Ness of Setter in Gulberwick. It was explained that the initial indication had been that there would be potential for impact on the minerals reserves in the area, and with the current lack of information provided there was potential for conflict with the existing town centre of Lerwick. There had been discussions and meetings with the developer where a number of proposals had come forward, however none of the proposals had been presented into a coherent package. It was further advised that the potential scale and nature of a development at the Ness of Setter could radically alter the main thrust of the LDP in terms of Areas of Best Fit (AoBF), significantly alter the spatial strategy and deviate from the Vision of the LDP, which was a prerequisite of the Scottish Government. It was clarified that the developer could submit a planning application at any time, or put forward a more detailed submission following the next call for sites.

Concern was expressed that the proposed development sites included in the LDP for Scalloway and Burra would not meet the findings in the Shetland Housing Need and Demand Assessment (HNDA) for those areas. Comments were also made that most of the AoBF in Scalloway is very good sustainable farmland, there was little scope from the analysis of the AoBF to develop other areas, and that a number of good housing and industrial developments in Shetland had been rejected.

Officers confirmed that the landowner would have to decide whether to develop in the AoBF in Scalloway. It was explained that following the assessment of all the sites put forward for potential development, the area of land for housing amounts to a potential availability equivalent to approximately 1700 housing units, which far exceeds the HNDA requirements for Shetland as a whole. It was reported that there were only a small number of sites submitted for Scalloway, which would limit the scope for housing in that area. However it was reported that the AoBF in Scalloway had been identified where it was believed there could be significant potential for large housing developments and to guide developers to areas where there are existing services and development options in planning terms, to give more opportunities and certainty for development to take place.

During the discussion, it was explained that in addition to housing provision within sites with development potential and AoBF, the Policy of the LDP allows for future developments within windfall sites. It was clarified that a site not included within the LDP did not mean it would not get approval in the future, however there are areas where development would be constrained, for example where there would be a risk of flooding. In terms of service provision, there has been extensive consultation with service providers and agencies on all issues, in addition to consultation with individuals and Community Councils.

Officers reported how the LDP would provide a baseline of land availability in Shetland, which had not previously been available. It was explained that as the baseline for land availability had been set, the next call for sites would require developers to provide additional detail in their submissions of sites for potential development.

Officers advised that the LDP would be kept up to date and reviewed every 5 years, and as this would be a continuous process, the actual review should be relatively straightforward. The SG documents are to be continually reviewed and updated as required.

*(Mr Stout attended the meeting).*

Following the 2<sup>nd</sup> section of the presentation, which advised on the content of the LDP and the supporting documents, the Executive Manager – Planning and the Team Leader – Development Plans and Heritage responded to questions from Members as follows:

Reference was made to the recent peat slides in some areas of Shetland, and to whether the risk of peat slides had been addressed in the LDP. It was advised that although the risk of peat slides was not included as policy within the LDP, the Planning Service would follow guidance provided by the statutory agencies. When submitting an application for development outwith an AoBF or site for potential development the developer would have to ensure there was no risk of peat slides in the area and provide sufficient information to confirm that was the case. The

development proposals would also be subject to scrutiny from Planning Service staff and statutory agencies.

Assurance was given that in AoBF all objections containing material planning considerations would be taken into account, particularly as issues may be raised during the representation stage that the Planning Service had not been previously aware of.

It was confirmed that the designation of “Local Protection Areas” is not referred to within the LDP. This is because the related justification are not particularly rigorous in planning terms and do not stand up to the Strategic Environmental Assessment process. The current criteria is now included within the SG documents “Local Nature Conservation Sites” and “Local Landscape Areas”.

During the discussion, reference was made to the Council’s Policy on Good Agricultural Land, which has resulted in proposed developments being refused and certain constraints imposed on developers. It was reported that the consultation on the Main Issues Report relative to good agricultural land in Shetland had not provided a consensus on whether good agricultural land in Shetland should be protected. That being the case, national policies were examined in terms of quality of land to be protected, and in accordance with Macaulay Institute land use guidelines there is no land in Shetland classified as Good Agricultural Land and warranting protection. Taking the findings from the Macaulay Institute into account, the dramatic decline in the use of agricultural land in Shetland for the purposes it had been protected, and with the Crofters Commission now included as a statutory consultee during the planning process, it is proposed that the LDP will not include a Policy to protect good quality land.

The final part of the presentation explained the scope of the SG documents, which are detailed statements of policy on specific issues, and reported on the next steps in the process for the LDP and SG.

*(Mr Ratter attended the meeting).*

Reference was made to “General Policy 3 - All Development: Layout and Design”, in that the statement, “the proposed development should make a positive contribution to a sense of welcome” would be a subjective matter. It was acknowledged that policies could be responded to subjectively, however it was confirmed that the Development Management process applies policies in an objective way.

Assurance was given that work had commenced on the SG on Renewable Energy, which would inform the Development Management Section, the community and Council on the way forward for renewable energy projects.

In referring to section 3.16 of the report, comments were made that the proposals for representations on the proposed LDP were very restricted, with the 6-week timescale, responses to be concise at fewer than 2,000 words, and, that stakeholders and individuals would be given only one opportunity to respond. It was confirmed that stakeholders and the general public would have one opportunity to provide representation at this stage in the process, however it was explained that communities and individuals had been given a number of opportunities to be involved during the 4 year process.

Clarification was provided that the production of an LDP and the various supporting assessments was a requirement of the Scottish Government through the Planning etc (Scotland) Act 2006, and that the supporting assessments were also a requirement of other legislation.

The Chair confirmed that the proposed timescale for progressing the LDP following the period of representation was to report to a Special Development Committee on 14 December, and to a Special meeting of Shetland Islands Council on 19 December.

During the discussion, some concern was expressed at the size of the LDP, and it was suggested that an Executive Summary could be beneficial.

Mr Robertson advised on the objectives of the new Planning etc (Scotland) Act to simplify the planning process and provide more certainty in development, with emphasis on the importance of sustainability and the environment. He also advised on the significance for development intentions to be included within the LDP before they would be considered for any European Funding. He said that the LDP was an excellent document, which would give a degree of certainty into the planning process and should be a significant factor in the economic development of communities into the future. He also complimented the staff within the Planning Service for meeting the timescale for reporting the LDP to Members.

In referring to Supplementary Guidance, Dr Wills said that rather than selecting individual sites around Shetland as Local Nature Conservation sites, this was an opportunity to protect the environment of Shetland as a whole, and that a case could be made to alter any particular area that does not require protecting. Dr Wills said that in his opinion the principles in the LDP would be more time consuming, adds very little value to the existing plans and procedures, and would not be an easier process for applicants or the Council.

Referring to the earlier issues raised by Members regarding the proposals for development at the Ness of Setter, Gulberwick and that the sites in Scalloway would not meet housing requirements, the Chair suggested that the Members meet with Planning Service staff to get a clearer understanding of the background and the decisions reached. Dr Wills and Mr Sandison welcomed this suggestion.

Mr Robinson moved that the Committee approve the recommendations contained in the report. Mr Robertson seconded.

The Chair commented that the 6-week representation period would also provide the opportunity for minor updates to be made to the LDP. He said that the LDP would provide a degree of clarity of where developments can take place, will speed up the process and assist people submitting applications for housing and industry. The Chair commended the effort of Planning Service staff in meeting the challenge to report to Committee at this time. Mr T Smith added that the LDP would also assist to allay some concern within a community as they will essentially know where any development can occur within their area.

Reference was made to the Vision of the LDP, and it was suggested that there should be more explanation in practical terms on the phrase, "...look after our stunning environment....".

## **Decision**

The Development Committee **RECOMMENDED** that the Council resolve to:

- Approve the Local Development Plan as the Council's settled view and commence a 6-week period for representations; and
- Agree that the Supplementary Guidance accompanying this report be the subject of a 6-week consultation period with the public and stakeholders.

The meeting closed at 11.55 am.

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Chair