



Special Development Committee

14 December 2012

Shetland Local Development Plan – Proposed Plan

Report Number : PL-25-12-F

Report Presented By: Team Leader -
Development Plans and Heritage

Development Services Department
Planning

1.0 Summary

- 1.1 This report is an update on the Shetland Local Development Plan and representations received during the period for representations.

2.0 Decision Required

- 2.1 That the Development Committee:
- a) Note the content of the report

3.0 Detail

- 3.1 The Shetland LDP will replace the adopted Shetland Structure and Local Plans (2001 and 2004).
- 3.2 The main statutory stages in the preparation and delivery of the Shetland Local Development Plan are:
- Publication of the Development Plan Scheme.
 - Main Issues Report and draft Environmental Report consultation.
 - **Prepare and Publish the Proposed Plan, alongside the Strategic Environmental Assessment and other impact assessments.**
 - Submission of Plan to Scottish Ministers.
 - Examination.
 - Adoption of the Shetland Local Development Plan, Environmental Report and Action Programme.
 - Implementation, Monitoring and Review.
- 3.3 This report forms part of the formal stage highlighted in bold in the list above.

- 3.4 Scottish Planning Policy sets the broad principles that should underpin a genuinely plan-led modernised system. Development plans should be succinct and set out ambitious long term visions for their areas. They should be kept up to date and provide a practical framework to enable the determination of planning applications with a degree of certainty and efficiency. All interests should be engaged as early and as fully as possible, and there should be a clear focus on high quality outcomes. The primary responsibility for operating the development planning system lies with planning authorities.
- 3.5 One of the main thrusts of the Scottish Government's Modernising Planning priority, which flows from the Planning etc (Scotland) Act 2006, was to establish a plan-led system where national, strategic and local plans clearly set out development priorities and guide individual planning decisions. The National Planning Framework sets out national priorities for development planning and provides the context for regional and local developments. 4 strategic plans and 34 local development plans will replace structure and local plans and these should be updated every 5 years. These new plans are mandatory and set out the priorities for development at the regional and local levels.
- 3.6 The Shetland LDP has been compiled following, and in response to, the representations received on the Main Issues Report (MIR) and the call for development sites. Both of these stages involved extensive consultation, including numerous workshops, drop-in sessions, a media campaign and extensive engagement with statutory and other bodies. We have also worked closely with the planners in the Scottish Government Built Environment Directorate so as to ensure that our process, consultations, strategies and planning policies comply with statutory processes and national policies.
- 3.7 The Shetland LDP includes the Vision and Spatial Strategy, which were approved at the meeting of the Development Committee on 9 March 2012 (Minute Ref: 23/12), and Members approved the plan as the planning authority's settled view at the Council meeting on 10 October 2012 (Minute Ref: 96/12) It was then subject to a period for representations that ran until 30 November 2012. Note, due to a technical error in submitting the related Strategic Environmental Assessment documentation, this period was extended until 13 December 2012.
- 3.8 Representations by stakeholders and the general public should be concise (no more than 2,000 words plus any limited supporting productions), but should fully explain the issues that people wish to be considered at the examination. There is no automatic opportunity for parties to expand on their representation later in the process.
- 3.9 Following the close of the period for representations on the Proposed Plan, planning authorities may make modifications, but only so as to take account of representations, consultation responses or minor drafting and technical matters.
- 3.10 At the end of the period for representations it is likely that we will spend some time reviewing those received and discussing them with the persons or bodies that made them. Some time after that we intend to

present a further report to this Committee summarising or itemising the representations received, how they have been addressed and reporting on any issues that we have been unable to resolve with the persons or bodies that made any such representations.

- 3.11 The end of the period for representations was reached at 5pm on 13 December 2012. We will report orally at this meeting the number of representations were received. The Scottish Government requires that representations are dealt with on an issue by issue basis rather than by dealing with individual representations. The next course of action is for officers to review those representations with a view to resolving them, where possible.
- 3.12 It is possible that, due to their nature, some representations will remain unresolved, which may lead to the following actions being required:
- Where there are unresolved representations, but the Council decides to make no notifiable modifications (i.e. only minor modifications), publish the Plan and submit it to Scottish Ministers.
 - Where the Council decides to make notifiable modifications another six-week consultation is required and further representations may be made. The Council may then further modify the Plan or submit it to Ministers.
 - Where the Council makes modifications that change the underlying aims or strategy of the Proposed Plan, the process must start again and a new LDP must be prepared.
- 3.13 The Development Plans Team intend to spend some weeks assessing and where possible resolving the issues raised during the representation period, thereafter we intend to report back to a further meeting of this Committee. Such report will set out whether the LDP should be forwarded to Scottish Ministers at time or whether further work, as identified above, will be required.
- 3.14 From the Proposed Plan stage, Scottish Ministers expect the Council's priority to be to progress the LDP to adoption as quickly as possible.
- Additional consultation may be required
 - Minor and notifiable modifications may be required
 - Notifiable modifications require another consultation period
 - Seek Council approval for a second 6-week representation period where representations can be made again.
 - The Council only has a requirement to notify people directly affected by the proposed modifications.

4.0 Implications

Strategic

- 4.1 Delivery of Corporate Priorities – When complete, the new Shetland LDP will be the strategic tool for the Council's development priorities. In conjunction with other Council policies (including the Local Housing

Strategy), it will contribute to meeting the spatial aims of the Community Plan and the Corporate Plan.

The LDP will provide more certainty to the assessment of planning applications, as decisions will be made against an up to date framework. Failure to deliver an up to date development plan will jeopardise the speed and quality of decision making.

4.2 Community/ Stakeholder Issues – The extensive consultation exercises identified in this report have been explained in detail previously. Stakeholder consultation continued throughout the policy writing aspect of the LDP preparation and the next stage is to subject the LDP to representations and it is possible that an Examination will be undertaken.

4.3 Policy And/ Or Delegated Authority – In accordance with Section 2.3.1 of the Council's Scheme of Administration and Delegations, the Development Committee has delegated authority to implement decisions within its remit.

Once approved, the Strategy will form part of the Council's strategic policy framework as referred to in Section 3(2) of the Governance procedures.

4.4 Risk Management - The lack of an up to date Development Plan could prevent the Council from supporting developments that are in line with its priorities, and result in more challenges to Council decisions. The LDP has been formulated to reflect the Council's priorities.

4.5 Equalities, Health And Human Rights – The process to deliver the LDP includes addressing the Council's obligation to comply with equalities legislation and policies, guidance and actions have been analysed and assessed against these obligations. A full assessment accompanies the LDP

4.6 Environmental – The LDP has been subject to strategic environmental assessment (SEA) and a revised environmental report accompanies the LDP, which shows how environmental implications have been considered and impacts mitigated. A Habitats Regulations Appraisal supports the SEA to determine whether the LDP is likely to have a significant effect on any European site. The planning authority is also subject to the over-arching requirement to exercise the function (of preparing development plans) with the objective of contributing to sustainable development imposed by The Planning etc. (Scotland) Act 2006.

Resources

4.7 Financial – All costs in relation to the Local Development Plan Project will be met from existing budgets.

4.8 Legal – None.

4.9 Human Resources – Continuing work associated with the LDP will be undertaken by established staff.

4.10 Assets And Property – None.

5.0 Conclusion

- 5.1 The report highlights the work to produce an up to date and fit for purpose Local Development Plan that meets statutory requirements, national policy and local priorities and aspirations.

For further information please contact:

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3 December 2012

All documents are available online at:

<http://www.shetland.gov.uk/planning/LocalDevelopmentPlan.asp>

END

**Special Development Committee**

14 December 2012

National Planning Framework 3: Call for National Developments**Report Number : PL-24-12-F****Report Presented By: Team Leader -
Development Plans and Heritage****Development Services Department
Planning****1.0 Summary**

- 1.1 This report outlines the requirements placed on the Council by the Scottish Government regarding involvement in the formulation of National Planning Framework 3 (NPF3)

This report seeks approval for a list of infrastructure and development projects within Shetland to be recommended to the Scottish Government for inclusion in NPF3

2.0 Decision Required

- 2.1 That the Development Committee RESOLVE to:
- a) Agree the project to be recommended to the Scottish Government for inclusion in NPF3.
 - b) Agree to give delegated authority to the Executive Manager Planning to complete and submit the proposals form.
 - c) Agree to the joint submission of key issues with the Convention of Highlands and Islands (COHI) Authorities.

3.0 Detail

- 3.1 The National Planning Framework (NPF) sets the context for development planning in Scotland and provides a framework for the spatial development of Scotland as a whole. The NPF is the spatial strategy for Scotland's long term development over the next 20 to 30 years. It sets out the spatial consequences of the Scottish Government's ambitions in a range of policy areas, including economic development, climate change, transport, energy and housing. It identifies key strategic infrastructure projects as national developments.

- 3.2 National Planning Framework 2 (NPF2) was published in 2009. There are 14 national developments in NPF2, including the Replacement Forth Crossing, a Scapa Flow Container Transshipment Facility, Electricity Grid Reinforcements, a High Speed Rail Link to London. Shetland currently has one development of national significance designated in NPF2, Shetland Sub Sea Electricity Transmission Link. Much of the current NPF remains sound, and the Scottish Government is seeking to evolve and update it in NPF3.
- 3.3 The Scottish Government has commenced work on NPF3. As part of this process Local Authorities are consulted. The Scottish Government is requesting the submission of proposals for national developments as well as views on other key issues that will shape how Scotland will change. The closing date for submissions is 14 December 2012.

4.0 Proposals for National Developments

- 4.1 Interested parties, of which the Council is one, can suggest deliverable projects that they consider to be of national importance. Existing nationally important developments that were included in NPF2 are required to be re-submitted should those interested parties taking them forward feel that they are relevant for inclusion in NPF3.
- 4.2 The following criteria are used to evaluate proposals for national development status:

Mandatory

- The development will be of more than regional significance.

National Developments must also make a significant contribution to one or more of the following:

- An 80% reduction in emissions by 2050,
 - Achieving the aims of the Zero Waste Plan,
 - The Scottish Government's Renewable Energy Targets,
 - Skills development, reducing unemployment and job creation,
 - Strengthening Scotland's links with the rest of the world,
 - Improving our digital, transport, utilities or green infrastructure networks,
 - Adapting to mitigating the effects of climate change,
 - Improving the quality of the built or natural environment
- 4.3 Based on the above criteria I consider that there continues to be 1 major infrastructure and development project relevant to Shetland that should be promoted to the Scottish Government as national developments, namely, Shetland Subsea Electricity Transmission Link.

Shetland Subsea Electricity Transmission Link

- 4.4 This is being developed by Scottish Hydro Electric Transmission Ltd (SHETL) in response to grid connection agreements, from National Grid, held by the partners in the Viking wind farm project.
- 4.5 SHETL's design is for a 284km HVDC (high voltage direct current) subsea cable between Kergord in Shetland and Sinclair's Bay near Spittal in Caithness. The designed capacity is 600 MW and the current estimated cost is in excess of £600M. This would then link to a further 1200 MW capacity subsea connection being planned for consolidated export between Spittal and Blackhillock in Moray. Ongoing connection from Blackhillock depends on an upgrade of the, existing, main East Coast transmission network to 400kV.
- 4.6 The expected completion date for the Shetland subsea transmission connection is now under review, but has a current estimate of late 2017.

Other Key Issues

- 4.11 The Scottish Government is also requesting views on other key issues that will shape how Scotland will change over the next 20-30 years.
- 4.12 Following a discussion at the Convention of Highlands and Islands (COHI) on 29th October 2012 the Convention agreed that renewable energy and connectivity were the key themes for the Highlands and Islands in NPF3. The Heads of Planning representing the planning authority members of the COHI propose that the Convention agrees to a joint expression of the key priorities for NPF in the Highlands and Islands. In addition to the suggestions put forward via HOPS and COHI, the Executive Manager Planning has added Shetland specific topics.
- 4.13 The focus of this is sustainable economic growth, in support of which the following should be prioritised:

Energy

- 4.14 The energy sector is a huge economic opportunity for the Highlands and Islands. NPF3 should respond to this by:
- Providing a steer on the capacity for accommodating onshore wind energy of different parts of Scotland. Identifying the areas requiring significant protection may be an appropriate approach to this at the national level.
 - Showing, as NPF2 does, the future electricity grid upgrades required to support the ambitions for further onshore and offshore renewables generation.
 - Recognising the place of Enterprise Areas and sites in the National Renewables Infrastructure Plan – and possibly other sites – in manufacturing, assembly, supplying and servicing the growth of renewables and expand the sites in the NRIP to include Shetland.
 - Recognising the continuing role for the oil and gas sector and the critically important role played by Sullom Voe in this.

- Identifying and facilitating the potential for shore-based decommissioning of oil and gas infrastructure across Scotland and including Shetland, particularly recognising the key role of Lerwick Harbour in this significant industry.
- Recognise the potential for offshore renewable (wind, wave and tidal) in Shetland waters and provide a steer on location based on the existing Marine Spatial Plan and Regional Locational Guidance for Renewables in line with Marine Scotland's framework plan.

Connectivity

4.15 Better connections, both within the Highlands and Islands and to elsewhere, and both physical and digital, are essential for the sustainable economic growth of the Highlands and Islands. NPF3 can help this by:

- Illustrating the commitment to dual the trunk roads and enhance railway capabilities between the seven cities – within the Highlands and Islands this means from Inverness southwards and to Aberdeen.
- Illustrating other ambitions on the strategic transport network, including improvements to the A9 and railway capacity north of Inverness; to the A95, A89 and A82.
- Reflecting the importance of ferries and air travel in the Highlands, and particularly the islands, as lifeline services.
- Facilitating wider and faster coverage of mobile and fixed broadband throughout the Highlands and Islands to support business locations, service the visitor economy and bring new opportunities to remote communities.
- Acknowledge that Shetland now has resilient fibre backhaul through Faroese Telecom's fibre network. The SHEFA2 fibre optic cable passes through Shetland and Orkney on route from Faroe to the UK Mainland. Further utilisation of this connection is expected in the future.

Tourism

4.16 Tourism remains a large part of the Highlands and Islands economy, and is a very significant source of employment in many areas. NPF3 can support tourism, and help it grow by:

- Identifying a network of long distance paths and trails extending into the Highlands and Islands.
- Promoting the key natural and built heritage assets, on which much of the tourism within the Highlands and Islands is based, positioning these as assets rather than constraints.

Place

4.17 NPF3 should support current activity and new developments throughout the Highlands and Islands that are important for the sustainable economic growth of the region, including:

- The onshore infrastructure requirements of offshore renewable energy development in the Pentland Firth and Orkney Waters and Shetland.

- A life sciences corridor from Inverness, through Nairn and Forres to Elgin.
- UHI, both the Inverness Campus and the network of other campuses
- The economic and social stimulus provided by community land ownership.

5 Implications

Strategic

- 5.1 Delivery of Corporate Priorities – When complete NPF3 will be the Scottish Government's vision for Scotland for the next 20-30 years. It will be an important strategic tool for the future development of major projects located in and having an effect on Shetland.
- 5.2 Community /Stakeholder Issues – It is not anticipated that there will be any equality or climate change implications for the Council. The Scottish Government is the responsible authority for undertaking the relevant consultations and community engagement for NPF3.
- 5.3 Policy And/Or Delegated Authority – In accordance with Section 2.3.1 of the Council's Scheme of Administration and Delegations, the Development Committee has delegated authority to implement decisions within its remit.
- 5.4 Risk Management - It is not anticipated that there will be any equality or climate change implications for the Council. The Scottish Government is the responsible authority for undertaking the relevant Risk assessments for NPF3.
- 5.5 Equalities, Health and Human Rights – It is not anticipated that there will be any equality or climate change implications for the Council. The Scottish Government is the responsible authority for undertaking the relevant Equalities, Health and Human Rights assessments for NPF3.
- 5.6 Environmental - It is not anticipated that there will be any equality or climate change implications for the Council. The Scottish Government is the responsible authority for undertaking the relevant Environmental assessments for NPF3.

Resources

- 5.7 Financial None.
- 5.8 Legal – None.
- 5.9 Human Resources –It is not anticipated that there will be any direct resource implications for the Council. Established staff will undertake work associated with the NPF3.
- 5.10 Assets And Property – None.

6.0 Conclusion

- 6.1 The report highlights the work required to produce an up to date and fit for purpose NPF3 that meets national policy, priorities and aspirations.
- 6.2 Members are requested to give delegated authority to the Executive Manager Planning to complete the relevant form submitting the proposal and to agree to the submission of key issues with the COHI Authorities.

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7 December 2012

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