



Special Development Committee

16 July 2013

National Planning Framework 3: Main Issues Report

Report Number : PL-12-13-F1

**Report Presented By: Team Leader -
Development Plans and Heritage**

**Development Services Department
Planning**

1.0 Summary

- 1.1 The Scottish Government recently published its Main Issues Report for the National Planning Framework 3 (NPF3). This report sets out the Council's proposed response for discussion and revision, as appropriate.

2.0 Decision Required

- 2.1 That the Development Committee RESOLVE to:
- a) agree the Council's response to the consultation by the Scottish Government on NPF3, and
 - b) delegate authority to the Executive Manager - Planning to complete and submit the proposed response, subject to any revisions the Committee wish to make.

3.0 Detail

- 3.1 NPF3 has far reaching and long standing implications for Planning in Shetland in that it 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. It sets out where nationally important developments should take place and, when finalised, the latest version will be an important part of Scotland's planning system.

- 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 Transhipment Facility, Electricity Grid Reinforcements, a High Speed Rail Link to London. Shetland currently has one development of national significance designated in NPF2, the 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. The Shetland Sub Sea Electricity Transmission Link remains as a national development in NPF3.
- 3.3 The Scottish Government has commenced work on NPF3 and, as part of this process, consulted Local Authorities. The Scottish Government requested the submission of proposals for national developments as well as views on other key issues that will shape how Scotland will change during Autumn 2012. This Council's submission was approved at Development Committee on 14 December 2012 (Min Ref.: 77/12).
- 3.4 NPF3 and supporting and background information is available on the Scottish Government's website:

<http://www.scotland.gov.uk/Topics/Built-Environment/planning/NPF3-SPP-Review/NPF3>

- 3.5 The Scottish Government has presented NPF3 at various events around Scotland, including one that we attended by videoconference. The presentation gave a good overview and Members may view it at:

<http://www.scotland.gov.uk/Topics/Built-Environment/planning/NPF3-SPP-Review/NPF3-documents/presentation>

- 3.6 The deadline for comments on the consultation is 23 July 2013. The Government has provided a questionnaire for ease of response, attached as Appendix 1, however a number of questions are of little relevance to Shetland and therefore these have been left blank. Additionally, national stakeholder groups or public agencies would best answer specific questions as they have specialist professionals in their field, such as SNH etc. On the other hand, we feel there are a number of issues that do not fit any question but, nevertheless, are important to Shetland and therefore we have compiled an additional document with comments (Appendix 2).
- 3.7 Possibly the most significant comment we have included in the draft response is in regard to the proposed Areas of Coordinated Action. This is how NPF3 introduces them:

"NPF2 set out regional spatial perspectives to guide implementation of the national strategy in different parts of Scotland. NPF3 will develop this further by focussing on areas where major change is happening or anticipated in different parts of the country. These areas were identified in NPF2, but the narrative surrounding them has been updated to reflect the newly emerging spatial strategy. The following paragraphs summarise main issues for each of these areas. They will be developed further in the Proposed Framework."

- 3.8 We believe there is merit in suggesting additional such areas and, over the past few weeks, we have been in discussions with the Councils in Western Isles, Orkney, Argyll and Bute, Highland and Aberdeen City and Shire SDPA on the matter. We have had positive responses regarding the proposals for additional Areas of Coordinated Action set out in the proposed response and on the map at Appendix 3. Western Isles Council and Orkney Islands Council have indicated that they will be making a similar comment about Areas of Coordinated Action in their responses to the consultation.
- 3.9 The aim of these proposed Areas of Coordinated Action is broadly to focus on synergies and clustering of development, to facilitate collaboration/ sharing of experience, encourage cross boundary working to meet national level objectives, co-ordinate delivery of major projects and contribute to the implementation of national objectives in these areas.

4 Implications

Strategic

- 4.1 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.
- 4.2 Community /Stakeholder Issues –The Scottish Government is the responsible authority for undertaking the relevant consultations and community engagement for NPF3.
- 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.
- 4.4 Risk Management - The Scottish Government is the responsible authority for undertaking the relevant Risk assessments for NPF3.
- 4.5 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.
- 4.6 Environmental - The Scottish Government is the responsible authority for undertaking the relevant Environmental assessments for NPF3.

Resources

- 4.7 Financial None.
- 4.8 Legal – None.
- 4.9 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.

4.10 Assets And Property – None.

5.0 Conclusion

- 5.1 The report highlights the work required to produce an up-to-date and fit for purpose NPF3 that meets national policy, priorities and aspirations.
- 5.2 The Development Committee is requested to consider and, if appropriate, amend the proposed response to the consultation by the Scottish Government on NPF3.

For further information please contact:

Austin Taylor, Team Leader Development Plans and Heritage

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9 July 2013

List of Appendices

- 1. NPF3 Main Issues Report: Consultation Questionnaire
- 2. Additional comments from Shetland Islands Council
- 3. Proposals for additional Areas of Coordinated Action

Please send your response to npfteam@scotland.gsi.gov.uk by July 23, 2013.

RESPONDENT INFORMATION – this is to ensure that we handle your response appropriately.

1. Name/Organisation

Organisation Name

Shetland Islands Council

Title Mr ☒ Ms ☐ Mrs ☐ Miss ☐ Dr ☐ Please tick as appropriate

Surname

McDiarmid

Forename

Iain

2. Postal Address

Development Services

Grantfield

Lerwick

Shetland

Postcode ZE1 0NT

Phone 01595744800

Email

3. Permissions - I am responding as...

Individual

☐

Group/Organisation

☒

Please tick as appropriate

- (a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate ☐ Yes ☐ No

- (b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available ☐

or

Yes, make my response available, but not my name and address ☐

or

Yes, make my response and name available, but not my address ☐

- (c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate ☒ Yes ☐ No

- (d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

☒ Yes

☐ No

A LOW CARBON PLACE

1. How can NPF3 support the transition to a largely decarbonised heat sector?

Could NPF3 go further in supporting a spatial framework to help achieve our ambition of decarbonising the heat sector and guiding the necessary infrastructure investments?

2. How should we provide spatial guidance for onshore wind?

Scottish Planning Policy already safeguards areas of wild land character. Do you agree with the Scottish Government's proposal that we use the SNH mapping work to identify more clearly those areas which need to be protected?

Should NPF3 identify and safeguard those areas where we think there remains the greatest potential for further large scale wind energy development? Where do you think this is?

Should further large scale wind energy development be focused in a few key locations or spread more evenly across the country?

Is spatial guidance for onshore wind best left to local authorities?

Spatial guidance should be provided through SG.
Yes SNH mapping should be used to identify areas in need of protection.
Spatial guidance should be left to Local Authorities provided the Scottish Government provide adequate support through the policy framework.

3. How can onshore planning best support aspirations for offshore renewable energy?

Should we include onshore infrastructure requirements of the first offshore wind developments, wave and tidal projects as a national development?

No onshore infrastructure for the first offshore wind developments should not be a national development.

4. How can we support the decarbonisation of baseload generation?

Do you think that NPF3 should designate thermal power generation at Peterhead and/or a new CCS power station at Grangemouth, with associated pipeline infrastructure, as national developments?

Is there also a need for Longannet and Cockenzie to retain their national development status as part of a strategy of focusing baseload generation on existing sites?

5. What approach should we take to electricity transmission, distribution and storage?

Should we update the suite of grid enhancements and include the landfall of a possible interconnector from Peterhead? What projects should be included?

What more can NPF3 do to support the development of energy storage capacity?

6. Does our emerging spatial strategy help to facilitate investment in sites identified in the National Renewables Infrastructure Plan?

Are there consenting issues or infrastructure requirements at NRIP sites that should be addressed in NPF3 through national development status or other support?

Yes, the opportunities in Shetland are not sufficiently developed at this stage to provide a more specific answer

A NATURAL PLACE TO INVEST

7. Can NPF3 do more to support sustainable use of our environmental assets?

Should NPF3 propose any specific actions in relation to the role of land use in meeting climate change targets, for example for woodland expansion, peatland or habitat restoration?

Should the strategy be more aspirational in supporting the development of a National Ecological Network? If so, what should the objectives of such a network be?

8. What should NPF3 do to facilitate delivery of national development priorities in sensitive locations?

Would it be helpful for NPF3 to highlight the particular significance of habitat enhancement and compensatory environmental measures around the Firth of Forth? Which projects can deliver most in this respect?

Are there other opportunities for strategic environmental enhancement that would support our wider aspirations for development, or could potentially compensate for adverse environmental impacts elsewhere?

9. Can NPF3 do more to support sustainable tourism?

What are the key national assets which should be developed to support recreation and tourism?

Should a national network of long distance routes be designated as a national development? What new links should be prioritised?

How can we ensure that best use is made of existing supporting infrastructure in order to increase the cross-sectoral use of these routes, and enhance the quality of the visitor experience?

10. Can NPF3 do more to support sustainable resource management?

Should NPF3 support a decentralised approach to provision for waste management or should NPF3 make provision for more strategic waste facilities?

Should the Metropolitan Glasgow Strategic Drainage Plan be retained as a national development in NPF3 or should we replace the focus on it with a broader, national level approach to sustainable catchment management?

Yes we support a decentralised approach to waste management

A SUCCESSFUL, SUSTAINABLE PLACE

11. How can we help to consolidate and reinvigorate our existing settlements and support economic growth and investment through sustainable development?

What more can NPF3 do to support the reinvigoration of our town and city centres and bring vacant and derelict land back into beneficial use?

How can NPF3 support our key growth sectors?

Should the Dundee Waterfront be designated as a national development?

Should the redevelopment of the Ravenscraig site be designated as a national development?

Could NPF3 go further in indicating what future city and town centres could look like, in light of long term trends including climate change, distributed energy generation and new technologies?

How can the strategy as a whole help to unlock the potential of our remote and fragile rural areas?

SPP can do more to help the reinvigoration of town and city centres than NPF3. Please see our additional comments in our attached letter, specifically in relation to our proposed additional areas of co-ordinated action.

12. How can NPF3 best contribute to health and wellbeing through placemaking?

Should the Central Scotland Green Network continue to be designated as a national development? What do you think its top priorities should be? How can it better link with other infrastructure projects in Central Scotland?

13. How can NPF3 help to deliver sufficient homes for our future population?

Are there spatial aspects of meeting housing needs that NPF3 could highlight and help to tackle?

Not in the Shetland context.

A CONNECTED PLACE

14. How can NPF3 help to decarbonise our transport networks?

Is our emerging spatial strategy consistent with the aim of decarbonising transport?

Are there any specific, nationally significant digital infrastructure objectives that should be included in NPF3?

Should NPF3 go further in promoting cycling and walking networks for everyday use, and if so, what form could this take at a national scale?

15. Where are the priorities for targeted improvements to our transport networks?

Are there other nationally significant priorities for investment in transport within and between cities?

As well as prioritising links within and between cities, what national priorities should NPF3 identify to improve physical and digital connections for rural areas?

Please see our additional comments in our attached document, specifically in relation to our proposed additional areas of co-ordinated action.

16. How can NPF3 improve our connections with the rest of the world?

Should the Grangemouth Investment Zone, Aberdeen Harbour and new freight capacity on the Forth be designated as national developments?

Should Hunterston and Scapa Flow be viewed as longer-term aspirations, or should they retain national development status?

Do you agree that the aspirations for growth of key airports identified in NPF2 should remain a national developments and be expanded to include Inverness, and broadened to reflect their role as hubs for economic development?

Should the proposed High Speed Rail connection to London be retained as a national development? Should it be expanded to include a high speed rail line between Edinburgh and Glasgow?

Alternatively, should High Speed Rail be removed as a national development and instead supported as a part of the longer-term spatial strategy?

Strategic Environmental Assessment – Environmental Report

1. What do you think of the environmental baseline information referred to in the Environmental Report? Are you aware of further information that could be used to inform the assessment findings?
2. Do you agree with the assessment findings? Are there other environmental effects arising from the Main Issues Report and Draft SPP?
3. Taking into account the environmental effects set out in the report, what are your views on:
 - a) The overall approach to NPF3, as outlined in the Main Issues Report, including key strategy proposals.

NPF 3 Main Issues Report: Consultation Questionnaire

- b) The strategic alternatives, as highlighted in the questions in the Main Issues Report?
 - c) The proposed suite of national developments to be included in the Proposed Framework?
 - d) Alternative candidate national developments?
 - e) The policies proposed for the Draft SPP?
 - f) The key questions for consultees set out in the Draft SPP?
4. What are the most significant negative effects arising from the assessment that should be taken into account as the NPF and SPP are finalised?
5. How can the NPF and SPP be enhanced, to maximise their positive environmental effects?
6. What do you think of the proposed approach to mitigation and monitoring proposed in Section 6?

Equality Impact Assessment (EqIA)

In relation to the Equality Impact Assessment, please tell us about any potential impacts, either positive or negative; you feel the proposals in this consultation document may have on any particular groups of people.

In relation to the Equality Impact Assessment, please tell us what potential there may be within these proposals to advance equality of opportunity between different groups and to foster good relations between different groups.

Business and Regulatory Impact Assessment (BRIA)

In relation to the Business and Regulatory Impact Assessment, please tell us about any potential impacts, either positive or negative, you feel the proposals in this consultation document may have on business.

Shetland Islands Council comments on the Main Issues Report for the National Planning Framework 3 (NPF3)

1. INTRODUCTION

- 1.1 Shetland Islands Council welcomes the opportunity to comment on the NPF3 Main Issues Report/ draft Framework. The Council provides these comments in addition to the answers it has provided on the attached comments form, which it wishes to have considered as part of the Council's formal consultation response.

2. GENERAL COMMENTS

- 2.1 As this is the Main Issues Report we should have expected to see the 'reasonable alternatives' included in the MIR and not contained within the environmental report.
- 2.2 The focus of national developments appears to be on projects that are already committed and/ or underway. We would like to see NPF3 go further than this and include inspirational new projects helping to contribute towards sustainable economic growth.
- 2.3 An indication of timescales (short, medium and long) for the national developments would be helpful and give some indication of priorities, perhaps by way of an action programme.
- 2.4 There is insufficient emphasis given to population shift and decline. NPF3 should include some reference as to how sustainable economic growth can help to manage population growth and decline throughout Scotland. This is especially important in rural areas like Shetland where the population is fragile (marginal). More direction in NPF3 regarding the specific issues affecting rural and island authorities would be helpful.

3. PRESENTATION

- 3.1 Part of Shetland is missing from Map 10.
- 3.2 The use of maps and graphics to convey information is welcome; they provide an effective way of illustrating the aims of NPF3 and reduce the amount of text required. However, a clear key needs to be included alongside every map, this is especially important when trying to interpret the Spatial Strategy.
- 3.3 Maps throughout should be at a scale large enough to be readable.

4. SPATIAL STRATEGY

- 4.1 Para 1.17 states that the final strategy maps will be supported by more detail about how the spatial strategy should be delivered. We welcome this and note the requirement for future development plans and planning decisions to support all elements of the final spatial strategy contained in NPF3.
- 4.2 Clarity on the status of developments on the spatial strategy map is required; it is not clear the status of some of the areas indicated, as they appear to be neither National Developments nor Areas of Co-ordinated action.
- 4.3 Some of the wording is very vague, for example “Enhances and makes the best use of...”, “Prioritises the enhancement of...”, “Identifies enhancements to...” etc. What is the anticipated outcome of these tasks and how do they impact upon other ambitions such as “...improving the electricity grid...”?

5. A LOW CARBON PLACE

- 5.1 NPF3 should state progress already made against the targets in para 2.4 or, at least make a comment on whether they remain realistically achievable, given that some have been underway for a long time or are now due to be achieved in 2 years or so. Also, some of the targets are not easily compared with what was said at the time of NPF2 and some appear to have changed.
- 5.2 NPF3 should give a clear indication of how the Scottish Government hopes to achieve these targets over the lifetime of NPF3 and, perhaps, some links to relevant national developments/ areas of co-ordinated action would help here.
- 5.3 More explanation of the Scottish Government’s aims with regard to reducing energy demand would be helpful for LAs particularly when preparing Development Plans, in particular, references to transport, settlements and digital links in rural areas could be explained in more detail.
- 5.4 Clarity on the future requirements for wind turbines throughout Scotland should be included here; LAs need to know what to expect. Map based information on approved large-scale wind energy developments with supporting text to explain the anticipated energy generation outcome in terms of its contribution to Scotland’s targets would be beneficial.
- 5.5 Para 2.17 – The Council agrees that more guidance on the siting of onshore wind energy developments needs to be provided at a national level. We welcome the publication of the wild land mapping in as far as it relates to Shetland. However, it needs to be clear what status wild land has in the hierarchy of designations and how it should feature in LDPs and its precise role in development management, for developers,

statutory consultees and decision making bodies. The areas should be delineated with detailed maps as soon as possible.

- 5.6 Map 3 – Opportunities for Marine Renewable Energy. Offshore developments will all require onshore infrastructure - the linkages should be highlighted on the maps, as should grid connections. Also, given the critical importance of completing the infrastructure, it would be helpful if more definitive statements were made with respect to the timescales and progress towards completion of the various interconnectors.

6. A NATURAL PLACE TO INVEST

- 6.1 There is no reference to aquaculture in NPF3. Given the economic value of the fishing and aquaculture sectors, the proposed uses of the marine environment (e.g. for renewables) and the role they play in achieving Scotland's aim of sustainable economic growth this seems to be an unusual and unexpected omission.
- 6.2 The document states that NPF3 will identify our key environmental assets but then goes on to list only some of them, notably land-based ones.
- 6.3 The document considers an incomplete understanding of biodiversity, mostly by reference to a designations map - but biodiversity per se isn't discussed and the Council also considers this to be an omission. NPF3 should contain a clear statement showing how its vision and objectives are compatible with the many imperatives for the conservation of biodiversity and not just as an exploitable resource.

7. A SUCCESSFUL SUSTAINABLE PLACE

- 7.1 More emphasis needs to be placed on the role that rural communities and settlements can play in achieving sustainable economic growth in various industry sectors.
- 7.2 Para 4.25. There is no mention of Business Improvement Districts (BIDs) and the role they can play in supporting regeneration in town centres.
- 7.3 The Council welcomes the attempt to highlight that rural and island areas suffer disadvantage in ways that can be just as fundamental as urban deprivation. Nonetheless, the suggestion in map 15, and para 4.28, that areas in the south of mainland Scotland are more fragile than some island areas in Shetland requires additional explanation. For example, it is conceivable that only a very few, relatively small, negative shocks could undermine the viability of a small island community but a similar outcome for a mainland community seems inconceivable.
- 7.4 Para 4.38. The reference to Shetland as an example is welcomed.

8. A CONNECTED PLACE

- 8.1 The covering Map needs to better reflect the scale of airports. Some of those indicated in Shetland are merely airstrips serving remote rural communities.
- 8.2 Para. 5.27. We welcome the recognition of the role ferry and air links play to island authorities such as Shetland.

9. AREAS of CO-ORDINATED ACTION

- 9.1 More clarity on the status and purpose of these areas is required. How do they fit in with the Spatial Strategy and the National Development Sites?
- 9.2 Over the past few weeks, we have been in discussions with the Councils in Western Isles, Orkney, Argyll and Bute, Highland and Aberdeen City and Shire SDPA on NPF3 and Areas of Coordinated Action. We have had positive responses regarding our proposals for the additional Areas of Coordinated Action set out below and understand some of these other Councils will be making similar comments.
- 9.3 The aim of these proposed Areas of Coordinated Action is broadly to focus on synergies and clustering of development, to facilitate collaboration/ sharing of experience, encourage cross boundary working to meet national level objectives, co-ordinate delivery of major projects and contribute to the implementation of national objectives in these areas.

10. Suggested additional Areas of Co-ordinated Action:

10.1 Aberdeen city and shire-Shetland

- 1. Oil and gas sector servicing and decommissioning
- 2. Oil and Gas and Renewable Energy – transferable skills, employment and investment
- 3. Crucial passenger and freight links – both lifeline and tourism/ cultural
- 4. Cultural and trade links with Scandinavia

10.2 Island Arc - Shetland-Orkney-Western Isles-Argyll & Bute

- 1. Ambitions for renewable energy development (particularly wave and tidal) and associated investment
- 2. Importance of electricity transmission and distribution grid connectivity and infrastructure resilience (import and export)
- 3. Breaking the links between distance and disadvantage through strengthened transport connections, digital/ virtual links
- 4. Long term climate change adaptation/ resilience strategies and coastal management
- 5. Community empowerment, assets transfer, land reform and cultural synergies

6. Collective approach to establishing key hubs such as ports and harbours to support future development needs
7. Promotion of Rural Diversification and Tourism
8. Building long-term community, economic and infrastructure resilience – in relation to addressing population decline and fragile areas

11. CONCLUDING COMMENTS

- 11.1 It is regrettable that such a short timescale has been allowed for involvement and for comment and the Council asks that the Scottish Government consider allowing a longer lead in time and more interaction with Local Authorities and Industry during the preparation of NPF4. Hopefully this will result in more ambitious and aspirational content, specifically relating to National Developments and also how the island group's contributions can be better integrated.

6

Indicative Map

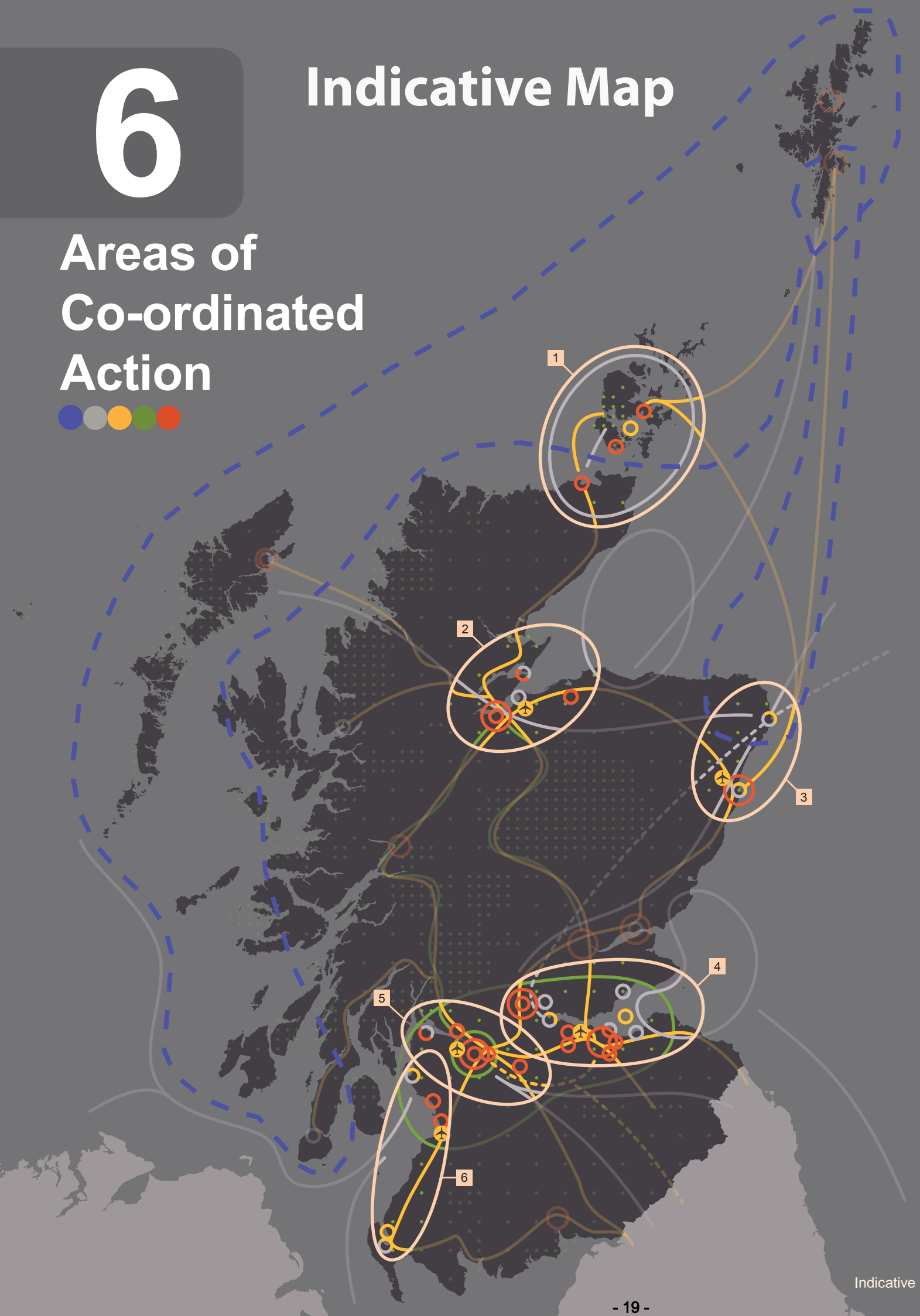
Areas of Co-ordinated Action



Detail key

Areas of Co-ordinated Action

- 1 Orkney, Pentland Firth and North Caithness
- 2 Inverness and the Inner Moray Firth
- 3 Aberdeen and the North East
- 4 Firth of Forth
- 5 Firth of Clyde
- 6 South West Coast



Indicative

**Special Development Committee**

16 July 2013

Draft Scottish Planning Policy (SPP)**Report Number : PL-13-13-F****Report Presented By: Team Leader -
Development Plans and Heritage****Development Services Department
Planning****1.0 Summary**

- 1.1 The Scottish Government recently published its Draft Scottish Planning Policy (SPP). This report sets out the Council's proposed response for discussion and revision, as appropriate.

2.0 Decision Required

- 2.1 That the Development Committee RESOLVE to:
- a) agree the Council's response to the consultation by the Scottish Government on SPP, and
 - b) delegate authority to the Executive Manager - Planning to complete and submit the proposed response, subject to any revisions the Committee wish to make.

3.0 Detail

- 3.1 SPP has far reaching and long standing implications for Planning in Shetland and the purpose of the SPP Review is to update planning policy. The focus of the policy is on sustainable economic growth in light of the economic challenges Scotland continues to face. Economic considerations are to be given 'significant weight' in decision making on planning issues. This is not the same as 'sustainable development,' which runs throughout a range of Government policies and has a clear legal definition in EU and Scottish law as development that will '... enable all people throughout the world to satisfy their basic needs and enjoy a better quality of life without compromising the quality of life of future generations.'

- 3.2 The Scottish Government published the draft SPP on 30 April 2013, for a 12-week period of public consultation, ending on 23 July 2013. The SPP timescales align with the NPF3 consultation.
- 3.3 The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It does not restate policy and guidance set out elsewhere. The SPP is a non-statutory statement of Scottish Government policy on how nationally important land use planning matters should be addressed across the country. As a statement of Ministers' priorities, it is a material consideration in the planning system that carries significant weight.
- 3.4 The Draft SPP and supporting and background information is available on the Scottish Government's website:
- <http://www.scotland.gov.uk/Topics/Built-Environment/planning/NPF3-SPP-Review/SPP-Review>
- 3.5 The Government has provided a questionnaire for ease of response to the consultation, however we feel that the Council's comments would be best made in the form of the document attached as Appendix 1, supplemented by the standard respondent information form.

4 Implications

Strategic

- 4.1 Delivery of Corporate Priorities – When complete, the revised SPP will be the Scottish Government's up-to-date statement of planning policy for Scotland and will be a material consideration in the planning system that carries significant weight in terms of both development planning and development management.
- 4.2 Community /Stakeholder Issues –The Scottish Government is the responsible authority for undertaking the relevant consultations for SPP.
- 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.
- 4.4 Risk Management - The Scottish Government is the responsible authority for undertaking the relevant Risk assessments for SPP.
- 4.5 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 SPP.
- 4.6 Environmental - The Scottish Government is the responsible authority for undertaking the relevant Environmental assessments for SPP.

Resources

4.7 Financial None.

4.8 Legal – None.

4.9 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 review of SPP.

4.10 Assets And Property – None.

5.0 Conclusion

5.1 The report highlights the work going on to revise SPP and proposes a response on behalf of the Council.

5.2 The Development Committee is requested to consider and, if appropriate, amend the proposed response to the consultation by the Scottish Government on SPP.

For further information please contact:

Austin Taylor, Team Leader Development Plans and Heritage

Tel. 744833 e-mail: austin.taylor@shetland.gov.uk

8 July 2013

List of Appendices

Appendix 1 – Proposed response from Shetland Islands Council

END

Scottish Planning Policy – Consultation Draft
Comments from Shetland Islands Council

1. Introduction

- 1.1 Shetland Islands Council (SIC) welcomes the opportunity to comment on the draft SPP and wishes these comments to be considered as its formal consultation response. The Council does not address every question within the draft Scottish Planning Policy (SPP), but has made comments on each section that it deems to be important to Shetland.

2. Principal Policies (para.15-27)

- 2.1 The Council notes that the emphasis of the draft SPP is on sustainable economic growth and references to natural heritage appear limited to protecting, enhancing and promoting access to.
- 2.2 SPP should explain what is meant by “sustainable economic growth” and “sustainable development” as detailed within paragraphs 15-23 and 24-27 respectively.
- 2.3 The fact that Sustainable Economic Growth is the first of the principal policies underpins the tone of the draft SPP throughout. It is accepted that the thrust of paragraphs 15-23 is swayed towards economic considerations given that this is the subject of the section, however,
- Paragraph 17, bullet point two, states the business environment should be ‘protecting and enhancing the quality of the natural and built environment as assets of national importance’. This gives the impression that local interests are not to be considered within this context. This comment should be applied to para 105 as well.
 - Paragraph 17, bullet point three, states that, ‘significant weight to economic benefit of proposed development as a material consideration’. It is not clear what ‘significant’ means and what the balance is between other material considerations such as the natural environment.
- 2.4 The policy principles as set down within paragraph 17 may require the applicant to submit additional information and/or assessments in order to allow SIC to assess fully the economic benefit of the development, however it is not clear whether this is all development regardless of scale or the type of development proposed. The information required could be onerous upon the applicant.
- 2.5 Paragraph 25 states “using established science responsibly” this should read “using sound science responsibly” as stated within the UK’s Shared Framework for Sustainable Development.

3. Location of Development (para.41-53)

- 3.1 Paragraph 44 states that the 'life cycle of the development' should be considered, however clarity is needed as to what this statement actually means and how it complies with building standards considerations.

4. Town Centres (para.54-67)

- 4.1 The general policy principles for town centres are acceptable and create a good base for considering town centre policy.
- 4.2 Paragraph 59 carries forward the idea of Development Plans identifying a network of centres from the current SPP. However, the Council welcomes that there is a reference that this is not necessary in more remote rural areas.
- 4.3 In terms of the Town Centre Health Checks, the Council agrees that this is a positive approach to create a solid baseline to create and develop Town Centre Policy. However, this is likely to be resource intensive and factors affecting urban and rural town centres are likely to be very different. It might be helpful for the Scottish Government to provide a framework for rural/ urban town centre health checks.
- 4.4 The importance of the town centre must be enshrined within Development Plan Policy and accompanying Supplementary Guidance, this includes the sequential approach. At present this is contained under the Development Management section.

5. Rural Development (para.68-78)

- 5.1 This section is more relevant to mainland areas rather than Shetland. Although the information contained is not in conflict with many of the rural issues within Shetland's communities more could be incorporated into the draft SPP to acknowledge the particular opportunities and constraints within island communities.

6. Buildings – Enabling the Delivery of New Homes (para.79-103)

- 6.1 In terms of housing the policy builds on what is contained in current SPP.
- 6.2 Paragraph 85. Providing sufficient land to meet the housing supply target, plus a margin of 10-20% is too wide a range and 20% margin seems excessive for Shetland during the period of a Plan.
- 6.3 Consultation Question 7 - As the vast majority of our house building is in the form of single houses, SIC welcomes the use of windfall sites to help satisfy the housing target.
- 6.4 Paragraph 91 states a requirement for an annual Housing Land Audit. T this would not be an appropriate use of resources or proportionate to the level of house building within Shetland.
- 6.5 Paragraph 98 makes reference to 'rural exceptions policy'. It is unclear from the text what this means and therefore further clarity sought on this.

7 Supporting Business and Employment (para.104-113)

- 7.1 Overall the business and employment sections provide a positive basis for local policy making in order to facilitate sustainable economic growth by supporting business and industry.
- 7.2 However, the Council does not believe it is necessary to allocate 'marketable' sites and in turn undertake 'business land audits' to monitor these sites. Information on land available for such uses can be monitored through the Planning Performance Framework.

8. Valuing the Historic Environment (para.114-124)

- 8.1 Paragraph 119 states that 'proposed works to trees in conservation areas require prior notice to the planning authority', but it should also state that the demolition of an unlisted building in a conservation area requires Conservation Area Consent.
- 8.2 Paragraph 120 states that where 'there is a potential for a development to affect a scheduled monument the planning authority should protect the monument in situ and in an appropriate setting, unless there are exceptional circumstances.' A definition, or examples, of "exceptional circumstances" would be helpful. Furthermore, there is no reference regarding the need for Scheduled Monument Consent for any works that would demolish, destroy, damage, remove, repair, alter or add to the monument.
- 8.3 The proposed SPP has removed the "Other Historic Environment Interests" section and, while a section on Historic Battlefields has been added, historic landscapes and woodlands have no mention in relation to the historic environment but should.
- 8.4 The SPP doesn't appear to say that Planning Authorities should ensure they have access to a Sites And Monuments Record; the Council feels that the availability of such records are essential to ensure the historic environment is properly taken into account during the planning process and requests that SG support be reinstated.

9. Valuing the Natural Environment (para.125-154)

- 9.1 Paragraph 125. Natural heritage should be more than an asset to be protected only for exploitation. Statements such as "opportunities for enjoyment, recreation and sustainable economic activity" and "protecting key environmental resources, whilst supporting sustainable use" highlight this and represent a real move away from environmental stewardship.
- 9.2 What does the statement "safeguard areas of wild land character" mean? Is Wild land to be protected to an equal degree as international designations and to a greater degree than national designations, all of which are statutory designations and are supported by legislation? This is particularly the case with reference to wind farms. This lack of clarity could lead to confusion.

- 9.3 Paragraph 131. Sometimes minimisation, planning and design are insufficient and mitigation is not possible.
- 9.4 Paragraph 131; makes reference to “the services which the natural environment is providing”,. This is essentially the ecosystem approach and it is unclear whether there is enough understanding of this to be able to use it in determining a planning application. This paragraph also makes reference to “maximising the potential for enhancement”; this depends on the baseline of the area in question. The term ‘enhancement’ is also a highly subjective term, it terms on what the focus of the enhancement is as to whether it is positive or negative.
- 9.5 Paragraph 132. Clarification is needed regarding the term “unacceptable”. “Designation does not imply a prohibition on development”, it could be argued that in some circumstance this is exactly what a designation does and should do.
- 9.6 Paragraph 133 relates to the precautionary principle. However, it is only applied to designated sites. The precautionary principle should be applied to all developments. Where there is a suspected and plausible risk of harm to natural heritage (or the wider environment) it should be applied. Essentially, in the absence of scientific consensus, the burden of proof that the development is not harmful falls on the developer. Therefore, if this proof is not provided the development should not be given consent until it is provided.
- 9.7 Paragraph 134. The importance of carbon rich soils, particularly peatland is far greater than just CO2 emissions. Peatland represents a rare and important habitat that supports many important species and plays an important role in hydrological regimes and slope stability etc.
- 9.8 Paragraph 135. There is no mention of the Code of Practice on Non-native Species (made under section 14c of the Wildlife and Countryside Act 1981), or the Wildlife and Natural Environment (Scotland) Act 2011, which outlines mechanisms for controlling NNS through Species Control Orders.
- 9.9 Paragraph 136. There is no mention of the wider Habitat Regulations Assessment process, which will be a requirement for some developments.
- 9.10 Paragraph 143. With regard to local designations (LNCS), the “factors which will be taken into account in development management decision-making” may be difficult to identify in all of these in all cases. It is very much dependent on the type of development proposed. It may be that by identifying these factors something may be missed when a development is proposed that is a special case, where the factors that need to be considered for that specific case that have not been identified.
- 9.11 Paragraph 148 and 149. It would be useful to make reference to the 3 tests. This is how SNH structure their guidance and is a clear and logical approach to European Protected Species (EPS).

9.12 Paragraph 151. Reference should be made to SNH guidance on EPS.

10. Enhancing Green Infrastructure (para.155-165)

10.1 The role enhancing of green infrastructure and appropriate design is noted, however green infrastructure in new and existing settlements should be regarded as an integral part of place making rather than as a separate element.

11. Promoting Responsible Extraction of Resources (para.166- 179)

11.1 Paragraph 167 states that ‘the planning system should: recognise the continuing role of indigenous coal, oil and gas in maintaining a diverse energy mix and improving energy security’; however the draft SPP does not sufficiently acknowledge the importance of the oil and gas industries to the Scottish economy. This is in stark contrast to the scale of development currently ongoing in the sector, not least in Shetland.

11.2 Paragraph 171. The danger in focusing development in areas of degraded peat is that there may be an exacerbation of issues such as problems with the hydrological regime of the area. Areas of peat should be avoided wherever possible i.e. avoid, minimise, mitigate.

12. Supporting Aquaculture (para.180-187)

12.1 Overall, the Council considers that the SPP over simplifies aquaculture matters and is light on detail in comparison to other sectors covered in the document.

12.2 Sectoral growth targets are perhaps overly ambitious for both sectors as market demand for the end products is reducing, particularly for shellfish. Over production will simply drive the price down and make companies and the industry less sustainable.

12.3 The presumption against finfish farming on the north and east coasts would merit re-consideration. It precludes cod and other non-salmonid operations, and the evidence that the salmon farming industry is having a greater impact on wild salmonid stocks on the west coast is not conclusive.

12.4 It would be useful if SPP gave some indication as to what material considerations are in determining applications – these are provided for onshore wind developments (see paragraph 220) and other sectors but not aquaculture despite frequent requests by Planning Authorities for such a list.

12.5 The sharing of onshore facilities, such as piers, is not considered appropriate due to the increased risk of cross infection even where a disease outbreak has not been identified.

12.6 It would have been useful if the National Marine Plan had been published before this document.

13. Movement - Promoting Active Travel (para.188-206)

- 13.1 Paragraphs 202 and 203 both use the term 'significant' however this term is unclear and open to interpretation. A better definition would help the development management process.

14. Utilities - Delivering Heat and Electricity (para.207-224)

- 14.1 The use of heat mapping within Shetland would have limited benefits and would be resource intensive.

15. Utilities - Onshore Wind (para.216-219)

- 15.1 Paragraph 217 states that spatial frameworks should be incorporated in to the LDP at the earliest opportunity. However, we believe that the hook for the spatial framework should be included in the LDP but that the actual detail of the spatial framework and subsequent policies should be incorporated as statutory Supplementary Guidance so as to allow the position to be updated during the lifetime of the Plan as developments and the industry progresses.
- 15.2 Paragraph 218; Group 2: Areas of significant protection. There needs to be reference to the avoidance of significant effects, this should always be the first consideration, then comes minimisation and then mitigation.
- 15.3 There also needs to be reference to activities/ developments outside the boundary of a Natura site. If it is deemed that such a development will have a significant adverse effect on the integrity of the site and/ or Natura network, then the same processes apply as if it were within the Natura site (I'm not sure whether this is "areas which support the integrity of European sites" means, if so it needs to be much clearer).
- 15.4 It is noted that Wild Land appears to be receiving the same level of protection as Natura sites, SSSIs and NNRs, but the Council is unclear what the legislative basis for this is.
- 15.5 'Group 3: Areas where planning constraints are less significant, where opportunities for wind farms can be realised through good design or mitigation'. This is an over-simplification of the nature of Shetland's locally designated sites, not all impacts/ effects on our Local Nature Conservation Sites could be addressed through design and mitigation. Some of Shetland's locally designated sites are of equivalent quality/ significance to nationally designated sites.
- 15.6 In terms of community separation, distances of up to 2.5km is unlikely to be as useful a buffer zone in more remote areas where settlement is more scattered and less likely to be within defined settlement boundaries. This is more difficult to enforce in such areas.
- 15.7 Paragraph 219 states that consideration of Group 4 area capacity should not be included in the assessment of realistic alternatives. The capacity within group 4 areas should be a factor taken into consideration.

- 15.8 With regards to community benefit the approach outlined in the draft SPP appears appropriate within the remit of Planning.

16. Enabling Digital Communication (para.225-232)

- 16.1 Sound digital infrastructure in order to enable fast and reliable communication is essential in facilitating sustainable economic growth, particularly in rural areas. Therefore, the Policies relating to this are welcomed. The Council considers that the measures outlined in paragraph 230 are positive in respect of providing a fit for purpose digital infrastructure that connects remote communities with the rest of the world allowing businesses to operate in such communities with relative ease.

17. Managing Flood Risk and Drainage (para.233-247)

- 17.1 The draft SPP doesn't appear to refer to the acute and catastrophic effects that flooding associated with, or resulting from bog bursts, landslides and related events, which have presented serious challenges in Shetland and elsewhere in Scotland in recent times. The Council feels this to be an omission and that it should be accounted for in flood risk assessment and the planning process.
- 17.2 Consultation Question 20 - the Council Planning Service has completed a Strategic Flood Risk Assessment (SFRA), which has been used in the production of the Shetland Local Development Plan. Therefore the Council agrees that the SFRA should be used to inform the decision making process with regard to the location of development.

18. Reducing and Managing Waste (para.248 – 264)

- 18.1 Consultation Question 22 – The Council agrees that planning policy for waste management should be consolidated into SPP. There should be flexibility and support for each local authority for developing Best Practicable Environmental Options for disposal of waste streams in their own area especially in remote rural areas like Shetland. These options (including, for example, energy from waste) should be fully taken into account in terms of recycling targets.

19. General Comments

- 19.1 Terminology: - the use of the term 'significant' is unclear and is open to interpretation.