

# MINUTE

## B – Public

**Development Committee**  
**Council Chamber, Town Hall, Lerwick**  
**Monday 6 October 2014 at 10.00am**

### **Present:**

A Cooper	M Burgess
B Fox	R Henderson
A Manson	F Robertson
M Stout	A Westlake

### **Apologies**

T Smith	G Robinson
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### **In Attendance (Officers):**

N Grant, Director of Development Services  
D Irvine, Executive Manager – Economic Development  
A Taylor, Team Leader – Development Plans and Heritage  
L Brown, Planning Officer  
S Keith, Project Manager  
K Marshall, Solicitor  
B Kerr, Communications Officer  
L Adamson, Committee Officer

### **Chair:**

Mr A Cooper, Chair of the Committee, presided.

### **Circular:**

The circular calling the meeting was held as read.

**The Chair ruled that due to special circumstances, namely due to the timescales involved, the following item of business would be considered at this meeting as a matter of urgency in terms of paragraph 3.2.2 of the Council's Standing Orders for Meetings:**

Item 3: Redemption of Shetland Development Trust Equity and Loan Investment in Mark Anderson and Partners LLP

### **Declarations of Interest**

None.

### **Minutes**

The Committee confirmed the minutes of the meetings held on (a) 16 June 2014 on the motion of Mr Stout, seconded by Mr Cooper; (b) 13 August 2014 on the motion of Mr Stout, seconded by Ms Manson; and, (c) 18 August 2014 on the motion of Mr Cooper, seconded by Mr Stout.

### 37/14      **Local Nature Conservation Sites Supplementary Guidance** **Local Landscape Areas Supplementary Guidance**

The Committee considered a report by the Team Leader – Development Plans and Heritage (DV039-F), which presented the supplementary guidance on both Local Nature Conservation Sites and Local Landscape Areas.

The Chair reported on the recent approval of the Shetland Local Development Plan (LDP), and he thanked the staff in the Planning Service for the work undertaken during the preparation of the Plan.

In introducing the report, the Planning Officer advised on the importance of Supplementary Guidance (SG) to be approved, as the documents will provide critical information for developers and applicants. The SGs will form appendices to the recently approved LDP and will be part of the planning process and therefore are given consideration when applications are being assessed by the Planning Service.

In response to a question from Mr Stout, the Team Leader – Development Plans and Heritage undertook to seek clarity on the association between the Fair Isle Special Protection Area and the protection awarded to Fair Isle through the Council of Europe Diploma.

In commenting that there can be a certain level of nervousness in regard to Local Landscape areas in regard to the perception to constrain developments, Mr Robertson said that the proposals in the SG would not prevent development provided it is in line with the existing settlement pattern and not infringe on other landscape and styling. The Team Leader – Development Plans and Heritage confirmed that the designations would not prevent development, but a developer would have to give additional consideration to their proposals for a development in a Local Landscape Area prior to submission of their application.

Mr Fox quoted to Members on Planning Policy NH4 – “Local Designations” in the LDP, where he enquired on an example of when a development would be permitted in a National Scenic Area where the adverse affects of a proposed development would be outweighed by environmental benefits. The Team Leader – Development Plans and Heritage acknowledged that the factors which would outweigh the adverse affects on a particular site would tend to be more social or economic; however he said that the environmental element is included so that any such factors would be taken into account.

On the motion of Mr Robertson, seconded by Mr Fox, the Committee approved the recommendation in the report.

### **Decision:**

The Development Committee **RECOMMENDED** that the Council resolve to adopt both the SG Local Nature Conservation Sites and the SG Local Landscape Areas.

38/14

### **Onshore Wind Energy Supplementary Guidance – Draft for Consultation**

The Committee considered a report by the Team Leader – Development Plans and Heritage (DV040-F), which provided information on an updated draft of the Onshore Wind Energy Supplementary Guidance (OWESG) document following an initial consultation period and the adoption of new Scottish Planning Policy (SPP).

In introducing the report, the Team Leader – Development Plans and Heritage informed that the initial consultation process on the OWESG had resulted in a number of useful comments being incorporated into the document. He advised that the new SPP in June 2014 introduced a number of significant updates to the maps, and he provided a summary of the amended guidance. He advised Members that an update on peatland would be incorporated into the SG at a later date.

A Member commented on the lack of information in the SG on noise frequency, and in particular subsonics and low frequencies. The Team Leader – Development Plans and Heritage advised that the Council’s Environmental Health Service provided the advice and noise nuisance calculations for the SG. He advised, however, that he would anticipate the Noise Impacts section of the SG to be updated and would take account of the responses from the subsequent consultation.

In response to questions, the Team Leader – Development Plans and Heritage explained that all proposals for large scale wind farm developments in Group 2 and 3 areas, and adjacent to Group 1 areas, would require an Environment Impact Assessment to be undertaken, and the proposals to be supported by the appropriate policies in the LDP.

In response to questions regarding the requirement for an applicant to submit a Zone of Theoretical Visibility (ZTV), the Team Leader – Development Plans and Heritage explained a ZTV involve an initial desktop exercise to determine where a development can be seen from, which will establish whether visual assessments from various distances on the ground is required. He said that most wind farm developments will require some type of visual assessment to be undertaken at different scales and distances, and the process must include sufficient information to allow a fair assessment for officers to determine the impacts, and a recommendation to be made by the Planning Service.

Mr Robertson advised that the Zone of Theoretical Audibility was an important area when assessing developments for micro turbines and although it is a complex equation a developer should be able to give a reasonably good indication of the audibility of the turbine. He added that micro turbines, of 5-10kw, located on the perimeter of an area of land can sterilise a significant amount of housing sites in rural areas. The Team Leader – Development Plans and Heritage advised that sterilisation of sites was an area that would be looked at further.

A Member made reference to the recent water contamination resulting from UK’s largest onshore windfarm site, and enquired whether the current information and regulations in the SG were stringent enough. The Team Leader – Development Plans and Heritage advised that impacts on the water resource are a matter for SEPA, who from their assessment of a proposed development inform the Planning Service on any impacts and mitigation measures required.

In making reference to the guidance provided on Peat in the SG, Mr Burgess drew Members’ attention to the section, “.....information should be included identifying the presence of peat at each site, including the risk of landslide connected to any development work”, where he commented that the risk of peat slides is unquantifiable at this time. He advised from a University of London peat study report where it concluded that almost all landslides are linked to human disturbance, however he said that this has been less evident in Shetland in recent times. The Team Leader – Development Plans and Heritage referred to the further guidance on peatland protection to be incorporated in the updated SG, and he confirmed that developers must provide as much detail as possible to demonstrate and mitigate the potential impacts on peatland.

In response to a question, the Team Leader – Development Plans and Heritage advised that, prior to further consultation on the OWESG, he would include further

clarity in regard to the wind energy developments of less than 20MW, where, cumulatively, these would exceed 20MW, in Group 1 Areas.

In response to questions, the Team Leader – Development Plans and Heritage said that the OWESG has been prepared following national guidelines, however he acknowledged that the Council would have the ability to include more stringent criteria but this would need approval of the Scottish Government and could be challenged by developers.

Mr Stout made reference to the Landscape and Visual Impact Justification section in the OWESG, where he noted the implication towards acceptance or impacts being lessened, and he questioned whether the wording should be amended to provide more definition of what would be unacceptable. The Team Leader – Development Plans and Heritage advised that he would amend the wording to provide more clarity to developers.

In response to questions from the Chair, the Team Leader – Development Plans and Heritage stated that there is no agreed definition of what constitutes a 'Windfarm', and he undertook to define what is meant by "Depending on the location..." at page 7 of the SG.

Mr Stout made reference to the definition provided for micro generation, being turbines with a rotor diameter not exceeding 10.5m, and he questioned whether there would be a minimum size of turbine that would not require planning permission. The Team Leader – Development Plans and Heritage undertook to provide clarity on what is permitted.

A Member commented on the lack of information in the OWESG on spatial distances from properties. The Team Leader – Development Plans and Heritage said that individual wind farm developments are assessed more in terms of visual impacts rather than spatial distance from properties; however he undertook to look into this matter further.

In addressing the Committee, Mr Fox criticised the Scottish Government and Westminster Government who he said have implemented renewables UK wide. He stated that the consented agreement for the Viking Energy project was at a progressed stage and there could be no regress on the decision. He advised on the lack of resources within the Planning Service to regulate a huge national development such as Viking Energy. He made reference to SEPA's conditions on the Project that apply to the impacts on peatland, adding that localism does not figure in the national context, and no foresight was given to this by the Scottish Government or Westminster Government in their race for aspirational ideas for renewables.

Mr Robertson moved that that the Committee approve the recommendation in the report, subject to the updates as required to the SG prior to progressing the consultation process as agreed during the discussion. In seconding, Mr Stout commented that he hoped that the additional guidelines on peatland to be included in the updated OWESG will define an accurate carbon calculator.

**Decision:**

The Development Committee **RESOLVED** to agree that the draft Onshore Wind Energy SG, as amended, be subject to a six week period to public and stakeholder consultation.

**In order to avoid the disclosure of exempt information, Mr Cooper moved, Mr Henderson seconded, and the Committee agreed to exclude the public in terms of the relevant legislation during consideration of the following item of business.**

*(The Committee adjourned for 10 minutes to give Members the opportunity to consider the following report that had been tabled at the meeting).*

39/14     **Redemption of Shetland Development Trust Equity and Loan Investment in Mark Anderson and Partners LLP**

The Committee considered a report by the Project Manager, which pertains to the redemption of the equity and loan the Shetland Development Trust (SDT) has invested in Mark Anderson and Partners LLP.

The Project Manager summarised the main terms of the report, and responded to questions from Members.

Mr Henderson moved that the Committee approve the recommendation in the report. Mr Robertson seconded.

The meeting concluded at 11.15am.

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Chair