



**Special Development Committee**

**25 March 2015**

## **Shetland Local Development Plan - Development Plans Scheme Current Position**

**Report No: DV-16-15-F**

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

**Development Services Department/  
Planning**

### **1.0 Summary**

- 1.1 Section 20 B of the Planning Etc. Scotland Act (2006) requires each Planning Authority to prepare a Development Plans Scheme (DPS) at least annually. The purpose of the Scheme is to set out the Authority's programme for preparing and reviewing their Local Development Plan. There is no requirement to consult on the content of a Development Plan Scheme.
- 1.2 Appendix 1 contains the Planning Authority's Development Plans Scheme for 2015. There is a statutory requirement for the Development Plans Scheme to be adopted by the Council before the end of March 2015.

### **2.0 Decision Required**

- 2.1 That the Development Committee **RESOLVES** to approve the Development Plan Scheme.

### **3.0 Detail**

- 3.1 The main statutory stages in the preparation and delivery of the Shetland Local Development Plan are:
  - Publication of the Development Plan Scheme
  - Evidence Gathering, Pre MIR Engagement & Call for Sites.
  - Main Issues Report and draft Environmental Report
  - Prepare and Publish 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
- 3.2 Development Plans are spatial, land use plans. Their purpose is to guide the future use of land by addressing the spatial implications of economic, social and environmental change. Development Plans should set out realistic long-term visions for the Authority. The Local Development Plan should indicate where development should and should not happen, thereby providing confidence to both communities and investors.
- 3.3 “Circular 6/2013 – Development Planning” states that, *“Development Plans should be a corporate document for the planning authority and its Community Planning Partners. The Plan should apply the land use elements of the Community Plan and other Council and Government strategies into an overall spatial plan for the local area providing a means to join up messages about place and delivery “*
- 3.4 The Development Plan must complement other policies and strategies across the Council. The Development Plans Team will therefore need significant levels of input from other Council Services, and particularly Community Planning and Development, Housing, Transport Planning and Economic Development.
- 3.5 There is a requirement to engage in meaningful consultation during the preparation of the Local Development Plan. The Participation Statement which forms part of the Development Plans Scheme states when, how and with whom the Planning Authority intends to consult during the various stages of the Plan making process. The Development Plans Team will be looking to our communications Section to provide advice and guidance on ensuring the highest level of public participation.
- 3.6 The first Shetland Local Development Plan was adopted by the Scottish Ministers in September 2014. The Local Development Plan is under continuous monitoring to assess the effectiveness of the content with regards to the Development Management Decision Making Process and that it remains in line with Council and Government Strategies.
- 3.7 The Scottish Ministers expect a new Plan to be adopted every 5 years and as the process from inception to completion is a lengthy one work on the next Local Development Plan started almost immediately after first plan adoption.
- 3.8 The Development Plans Team are currently at the start of the evidence gathering stage for the next Local Development Plan. Alongside this period of research work continues on completion of the 15 Supplementary Guidance Documents which are associated to the LDP adopted in September 2014.

## 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.
- 4.2 Community/Stakeholder Issues – There is a requirement for extensive consultation through the plan, particularly at the early stages (Pre MIR & MIR). The Development Plans Team are working with Community Planning and Development to ensure opportunities for engagement are maximised.
- 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 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 is 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 are being analysed and assessed against these obligations. A full assessment will be completed for submission alongside the LDP.
- 4.6 Environmental – The LDP is subject to strategic environmental assessment and a revised environmental report will accompany the LDP, this will show how environmental implications have been considered and impacts mitigated. 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. A Habitats Regulations Appraisal is also being undertaken to determine whether the LDP is likely to have a significant effect on any European site.

### 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 – All workload relating to the Plan making process will be met within the resources of the existing Development Plans Team.

4.10 Assets and Property – None.

## **5.0 Conclusion**

5.1 The report highlights the ongoing 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.

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### List of Appendices

Appendix 1 – Development Plan Scheme 2015

END

## **Development Plan Scheme 2015**

### **Purpose of the Development Plan Scheme**

The aim of the Development Plan Scheme is to set out the Council's proposed timetable for review and replacement of its Local Development Plan. The Development Plan Scheme sets out the steps which will be taken in preparing the Local Development Plan, and detail when there are opportunities for consultation and participation. The Development Plan Scheme must include a participation statement which specifically details the proposed consultation arrangements and opportunities for involvement.

The Development Plan Scheme must be reviewed at least annually and the Council is ultimately judged on whether or not it has sufficiently adhered to the participation statement.

This Development Plan Scheme will provide details of:

- The Work Programme
- The Supplementary Guidance List
- The Participation Statement

### **What is a Local Development Plan?**

The Development Plan is a set of documents that guide how and where places can be developed and improved across Shetland. The Development Plan includes Local Development Plans (LDPs) that set out policies and site allocations and Supplementary Guidance (SG) which contain more detailed guidance and, in some instances, policy on specific issues or places. Planning Applications for all types of development in Shetland are determined against the Local Development Plan. The current Local Development Plan and Supplementary Guidance can be viewed online here:

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

### **The Current Position**

The Council adopted Shetland's first Local Development Plan in September 2014. It is anticipated that this LDP will be valid for approximately 5 years until it is replaced by LDP2.

We commenced work on LDP2 in January of this year and this initial work includes the Evidence Base and engaging with key stakeholders and communities to assemble the data and information needed to inform the Main Issues Report. As part of this, preparations are underway for the Call for Sites process to begin again. Details of how and when you can get involved in this process are detailed in the Participation Statement.

We are continuing work on our Supplementary Guidance, timescales for which are listed in the Supplementary Guidance list part of this doc.

## The Work Programme

Key Stage		Timescale
Evidence Gathering	<p>Publish Development Plan Scheme</p> <p>Engage with Key Agencies and Shetland Community</p> <p>Gather Evidence Base</p> <p>Call for Sites</p> <p>Prepare Monitoring Statement</p> <p>Prepare Main Issues Report</p> <p>Prepare draft Environmental Report</p>	<p>January 2015</p> <p>To</p> <p>May 2016</p>
Main Issues Report	<p>Publish Main Issues Report</p> <p>Publish Monitoring Statement</p> <p>Publish Draft Environmental Report</p> <p>Consultation on Main Issues report</p>	<p>May 2016</p> <p>to</p> <p>January 2017</p>
Proposed Plan	<p>Consider Representations on MIR</p> <p>Prepare Proposed Plan</p> <p>Prepare Action Programme</p> <p>Report Proposed Plan to Committee</p> <p>Publish Proposed, Action Programme and Environmental Report.</p> <p>Consider Representations on Proposed Plan</p> <p>Prepare Summary of unresolved issues &amp; report of conformity with Participation Statement.</p> <p>Preparation of a Report to the Council of Representations and suggested modifications on the Proposed Plan.</p> <p>Preparation of a Summary of unresolved Issues for Examination</p>	<p>2017</p>

Submission to Ministers	Submit the following to Scottish Ministers: <ul style="list-style-type: none"> <li>• Proposed Plan</li> <li>• Proposed Action Programme</li> <li>• Report of Conformity</li> <li>• Note of representations and how taken in to account</li> </ul> Publish Submission of Plan	2018
Examination	Examination of Proposed Plan  Examination report Published and submitted to Planning Authority	2018

### The Supplementary Guidance List

	Research and Development	1 <sup>st</sup> Draft of SG	Pre-Consultation	Pre consultation responses being considered and SG redrafted	Approved by Development Committee	Consultation	Consultation responses being considered and document redrafted	Sent to Scottish Government for Adoption	Adopted	Additional Information
Supplementary Guidance										
Onshore Wind Energy Supplementary Guidance										
Placemaking Supplementary Guidance										
Local Landscape Area Supplementary Guidance										
Business and Industry Supplementary Guidance										
Flooding and Drainage Supplementary Guidance										
Minerals Supplementary Guidance										
Local Nature Conservation Sites Supplementary Guidance										
Aquaculture Policy Supplementary Guidance										
Works Licence Policy Supplementary Guidance										
Shetland Marine Spatial Plan										
Natural Heritage Supplementary Guidance										
Historic Environment Supplementary Guidance										
Lerwick Town centre Supplementary Guidance										
Open Space Supplementary Guidance										

## **How to get involved in preparing the next Local Development Plan**

The involvement of people who live, work and invest in Shetland is essential when preparing the Local Development Plan. We encourage people to get involved from the start. The Participation statement sets out how and when the Planning Authority intends to consult on the Local Development Plan.

### **Participation Statement**

#### **Purpose of Participation Statement**

Shetland Islands Council is committed to ensuring that all consultation is carried out in a constructive and respectful manner and as such any consultation carried out by the Council will adhere to the National Standards for Community Engagement below:

#### The National Standards for Community Engagement

1. Involvement: we will identify and involve the people and organisations that have an interest in the focus of engagement.
2. Support: we will identify and overcome any barriers to involvement.
3. Planning: we will gather evidence of the needs and available resources and use this evidence to agree the purpose, scope and timescale of the engagement and actions being taken.
4. Methods: we will agree and use methods of engagement that are fit for purpose.
5. Working together: we will agree and use clear procedures that enable the participants to work with one another effectively and efficiently.
6. Sharing information: we will ensure that necessary information is communicated between the participants.
7. Working with others: we will work effectively with others with an interest in the engagement.
8. Improvement: we will develop actively the skills, knowledge and confidence of all the participants.
9. Feedback: we will feed back the results of the engagement to the wider community and agencies affected.
10. Monitoring and evaluation: we will monitor and evaluate whether the engagement achieves its purposes and meets the national standards for community engagement.

## The Shetland Local Development Plan

The production of the next Shetland Local Development Plan is a continuous process with a number of Key stages and opportunities for engagement. The Key stages have decreasing levels of opportunity for involvement as the Plan progresses and can be summarised into one of the three groups below:

Engagement	
Consultation	
Informing	

Diagram 1 illustrates the different stages of plan preparation and the proportionate level of opportunity for engagement at each stage.

**Diagram 1**

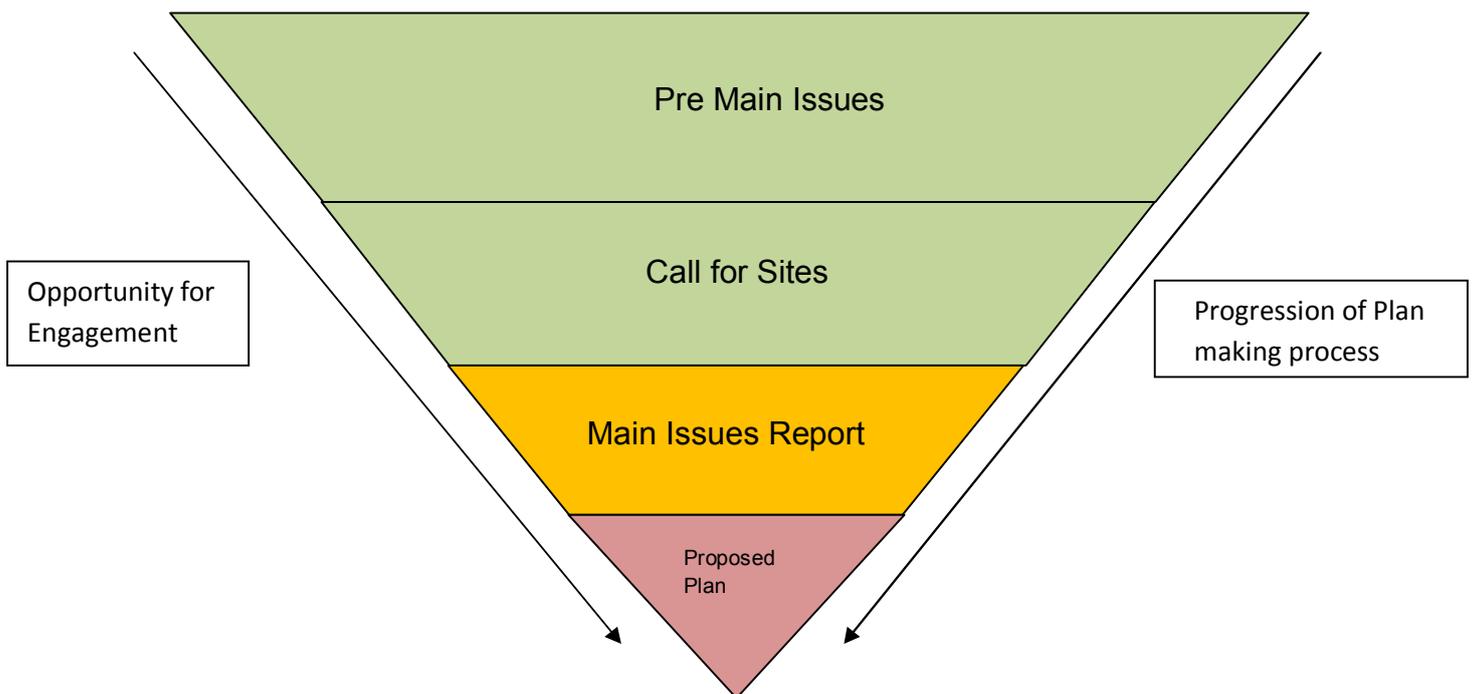


Table 1 focuses on the 4 key stages of the Plan preparation process and the key methods for engagement illustrate the minimum level of action to be taken by the Planning Service in engaging with stakeholders throughout the process. The Planning Service will endeavour to build on these methods as resources and local circumstances allow.

**Table 1** Participation in the Shetland Local Development Plan

Key Stage	Who	Key methods	Timescale
Pre – Main Issues Report	Community Groups Key Agencies Public Sector Organisations Private sector stakeholders General Public with an emphasis on ensuring underrepresented groups are given the opportunity to engage in the process e.g. Young people	Newsletter Newspaper articles Radio Community Road show/workshops Targeted workshops Youth workshops with schools/youth clubs Social Media Focus groups SIC Planning Service website updates	January 2015  To  May 2016
Call for Sites	Community Groups Land Owners Developers General Public	Newsletter Developers workshop Newspaper articles Availability of Duty Officer drop in/appointments SIC Planning Service website updates	January 2015  To  May 2016
Main Issues Report	Community Groups Key Agencies Public Sector Organisations Private sector stakeholders General Public with an emphasis on ensuring underrepresented groups are given the opportunity to engage in the process e.g. Young people	Newsletter Availability of Duty Officer drop in/appointments Newspaper articles Attendance at Community Council Forum Groups Deposit of MIR in Council HQ, Libraries, Inter-Island Ferries SIC Planning Service website updates	May 2016  to  January 2017
Proposed Plan	All parties involved in the previous Plan development stages.	Newsletter Letter to respondents of MIR Deposit of Proposed Plan in Council HQ, Libraries, Inter-Island Ferries SIC Planning Service website updates	2017