

MINUTE

AB – Public

Development Committee
Council Chamber, Town Hall, Lerwick
Monday 15 June 2015 at 10.00am

Present:

A Cooper	M Burgess
B Fox	R Henderson
A Manson	T Smith
M Stout	A Westlake

Apologies

G Robinson
F Robertson
M Stout (For Lateness)

In Attendance (Officers):

N Grant, Director of Development Services
D Irvine, Executive Manager – Economic Development
C Smith, Planning Engineer
K Marshall, Solicitor
C Anderson, Senior Communications Officer
L Adamson, Committee Officer

Also in Attendance:

G Cleaver

Chair:

Mr A Cooper, Chair of the Committee, presided.

Circular:

The circular calling the meeting was held as read.

Declarations of Interest

None

Minutes

The Committee confirmed the minutes of the meetings held on (a) 22 April 2015 on the motion of Ms Westlake, seconded by Mr Fox; and, (b) 25 May 2015 on the motion of Mr Henderson, seconded by Ms Manson.

27/15 Local Development Plan Update Report

The Committee considered a report by the Director of Development Services (DV-37-15-F), which provided an update on the next Shetland Local Development Plan (LDP2) and Supplementary Guidance (SG).

The Director of Development Services summarised the main terms of the report, where he advised on the aim to ensure that the consultation process for the next LDP is thorough, particularly in regard to community involvement.

In response to a comment relating to the two blank rows in the table in Appendix 1, reference was made to Section 3.10 of the report where it was noted that the

Aquaculture Policy SG and the Works Licence Policy SG are no longer statutory SG and had been removed from the list. It was agreed that in order to avoid any further confusion, the blank lines should be deleted.

In response to questions, whilst the Director of Development Services acknowledged that there would be advantages for the various SGs that interlink to be progressed at the same time, he explained that the challenge is with the limited resources in the team to advance the SGs simultaneously. The Chair advised on the need to be mindful that adopted SGs do not constrain subsequent SGs, however he reminded Members that the whole concept of SGs is that they can be updated within the 5-year period.

During the discussion, the Director of Development Services advised that future update reports to Committee to inform on progress with the next LDP will inform to how engagement is to take place with local businesses.

In response to a question, the Director of Development Services undertook to provide Mr Burgess with the list of consultees for the annual Housing Land Audit.

In response to questions, the Director of Development Services advised that the short-term working group to be established to focus on the use of the Place Standard toolkit as a method of consultation will be officer based. In the first instance, this will be primarily officers from the Development Directorate, and other areas of the Council will be added as required, as the LDP is developed. The Director of Development Services confirmed that community engagement and consultation on the next LDP be agenda items at future community planning partner meetings.

In response to a question, the Director of Development Services advised that both the Local Landscape Area SG and the Local Nature Conservation Sites SG have been sent to the Scottish Government for adoption.

In response to a suggestion from the Chair, it was agreed that the Information Sheet "A Place Standard for Scotland" would be circulated to all Members of Development Committee.

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

Decision:

The Development Committee **RESOLVED** to approve the programme and priorities in respect of LDP2 and SG as set out in the report.

28/15

Onshore Wind Energy Supplementary Guidance

The Committee considered a report by the Planning Officer (DV-36-15-F), which provided a brief summary of the supplementary guidance (SG) on Onshore Wind Energy developments.

In introducing the report, the Director of Development Services made comment on the importance of the SG to provide guidance to proposed developers of onshore wind energy developments over 50KW while protecting the environment. The Director of Development Services informed Members on the consultation process for the SG and outlined the key points, designations and safeguarding areas.

In response to comments from Mr Fox, clarification was provided in regard to the term 'sterilisation' in the SG, where it was advised that any potential impact on future housing developments will be a material consideration in the determination of applications for proposed wind energy developments.

In response to questions relating to the comments submitted by the Shetland Amenity Trust in Appendix 1 (Ref 004), the Director of Development Services undertook to provide Ms Westlake with information on the area of blanket bog that would be affected by the construction of a large turbine, and whether there are any sites that have resulted in significant removal of blanket bog where lessons can be learned.

In reporting on the consultation process, the Director of Development Services advised that comments from one of the consultees had been received following the deadline, and therefore could not be taken into account.

On the motion of Mr T Smith, seconded by Mr Henderson, the Committee approved the recommendation in the report.

Decision:

The Development Committee **RECOMMENDED** that the Council resolve to adopt the SG Onshore Wind Energy.

29/15

Flood Risk Management Plan – Progress and Proposals

The Committee considered a report by the Planning Engineer (DV-35-15-F), which provided an update on the work undertaken by the Shetland Flooding Local Plan District Partnership (LPDP) and sought approval for the list of proposals developed to be submitted for prioritisation at the national level.

The Planning Engineer summarised the main terms of the report.

In response to a question, the Planning Engineer advised that the Council did not hold historic data on all instances of flooding in Shetland, but instead there would be historical records on certain locations which are prone to flooding.

During the discussion and in response to questions on the recommended action proposed to address the surface water flooding in Scalloway, the Planning Engineer explained that it is common practise that solutions to mitigate problems of flooding are taken forward through a combined approach, involving various organisations and individuals including the Council, tenants and NoSWA. Mr Fox, the elected Member on the LPDP, confirmed that the Council does not have any obligation to protect private properties but has a statutory requirement to protect the Council's assets. He went on to make reference to the various stakeholders on the LPDP which encourages discussion among the associated bodies to solve any problems.

In response to a question, the Planning Engineer advised that although some initial proposals had been progressed by the Council's Roads Service, improvement works at the head of the voe in Cullivoe did not fit into the national process. In regard to the recommended action for a flood protection study to be undertaken in Walls, the Planning Engineer advised that this did not relate to a specific location in Walls but was a general study of the area.

In response to questions, the Planning Engineer advised that the recommended actions will be passed to SEPA for prioritisation, and that formal notification from CoSLA in regard to funding is still awaited.

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

Decision:

The Development Committee **RESOLVED** to approve the list of proposals outlined in section 3.11 of the report and detailed in Appendix 1 and that these be submitted to the ongoing national Flood Risk Management Plan (FRMP) process.

30/15

Audit Scotland – Superfast Broadband for Scotland – A Progress Report

The Committee considered a report by the Executive Manager – Economic Development (DV-38-15-F), which presented the Audit Scotland progress report on the Scottish Government's development of a modern superfast broadband network in Scotland (known as the BDUK project).

The Executive Manager – Economic Development summarised the main terms of the report.

In referring Members to the bar graph on Page 23 of Audit Scotland's report, where it was noted that the three island Local Authorities (Orkney, Western Isles and Shetland) were placed below the 75% target for premises in each Council area to have access to superfast broadband, the Director of Development Services suggested that this could be an area for increased lobbying through the Our Islands Our Future initiative. He also made reference to the planned investment of a further £42m in superfast broadband, where he made comment that should the funds be directed at the main parts of Scotland little improvement will be seen in the island areas.

In response to questions, the Chair advised that while CoSLA is recommending that the bulk of the £42m is to be targeted to the Highlands and Islands, there has been no clarity on how the funding will be applied. In that regard, he said that pressure has to be kept on to target funding to the islands. It was confirmed that dialogue is taking place with BT and HIE in regard to delivery in Shetland, however there is some frustration in terms of information flow on what has been established. It was acknowledged however, that with the nature of the work it is difficult to be specific on what outcomes could be achieved.

The Executive Manager – Economic Development advised on the issue that there is no agreed definition of "Superfast broadband". He explained that for some parts of England the aim is to provide a speed of 40 MB/s, but as far as Scotland is concerned the aim is to achieve a speed of 24 Mb/s. He added that if Shetland is to compete in a global market there is a need to strive for the highest level of connection locally. The Chair made comment that while the exchanges in Shetland are being enabled, not everybody connected will receive superfast broadband or even 20 Mb/s. In advising of his concern from the Audit Scotland report, that the Highlands and Islands could get 85% coverage, reality is that coverage in the islands could be as little as 50-60%, the Chair asked that the Director of Development Service make contact with Audit Scotland to relay the concerns of the Council, for the Scottish Government's aim to provide access to superfast broadband to 85% of premises across Scotland by March 2016 to include the

islands, and that more attempt is made to enable 24 Mb/s on a consistent basis. The Chair added that the Council can assist BT and HIE to ensure the uptake of superfast broadband in Shetland by providing advice to the community on how to connect to superfast broadband.

In response to a question from a Member, the Chair explained his understanding that the list of exchanges to be enabled has not reduced, but instead the list now includes those exchanges that have been defined, with the remaining exchanges still in the programme of works and will filter through in time.

In referring to the Audit Scotland report, the Chair made comment on his disappointment that Shetland does not feature in their map to illustrate the broadband network across Scotland.

The Chair advised on the need, at a political level, to raise the issues for the islands, which he suggested could be taken forward through Our Islands Our Future. In that regard, Mr Cooper moved that the Committee approve the recommendation in the report, with the addition of the following wording into recommendation 2.1.2 “in conjunction with Our Islands Our Future”. Ms Westlake seconded.

Decision:

The Development Committee RESOLVED to note:

- The key messages and recommendations contained in Audit Scotland’s report, as shown in paragraph 4.2 of the report.
- That appropriate action is being taken by the Council, in conjunction with the Our Islands Our Future, to make sure that Shetland benefits fully from the Scottish Government’s modern superfast network, as detailed in paragraph 4.4 of the report.

31/15

Business Case for the Council’s Role in Broadband Development (Process and Timescales)

The Committee considered a report by the Director of Development Services (DV-40-15-F), which set out the process and timeline for conducting a business case analysis to determine the Council’s role in broadband development in Shetland.

The Director of Development Services introduced the report. In referring to the Broadband Business Case Development Plan at Appendix 1, he acknowledged the tight timeframe on the process to be followed during the summer months to achieve clarity on the Council’s involvement, where he confirmed that the project will be kept as a high priority.

(Mr Cleaver attended the meeting).

During the discussion, Members advised that they welcomed this report and that the process will follow the Better Business Cases methodology, while they acknowledged the tight timescale during the summer period.

In response to questions, the Director of Development Services advised that the process will take into account the value of services provided to the Council, other bodies and to the community. The Director of Development Services explained that

the proposal, at the first Stakeholder workshop, to develop the minimum of 12 options accords with the Better Business Cases methodology.

During the discussion, the Director of Development Services confirmed that appropriate engagement in regard to education, social care and community planning partners will take place at an early stage in the process to ensure key stakeholder involvement.

In response to a question, Members were advised on the commercial partnership between Shetland Telecom and BT, and while Shetland Telecom provides resilience to BT indirectly, BT will have to decide at some point, whether to buy any more capacity.

In referring to the recommendation in the report, the Chair advised on the importance that the timetable as proposed is adhered to. In that regard, he moved that the recommendation in the report be changed to read, "That the Development Committee resolve to insist that the plans contained in this report to develop a business case for Shetland Islands Council involvement in broadband development be delivered by 16 November 2015". Ms Westlake seconded.

Mr Stout indicated his concern in regard to the wording "business case" in the recommendation. The Director of Development Services gave assurances that the business case process would recognise wider social and economic benefit as well as purely economic benefits to the Council.

Decision:

The Development Committee RESOLVED to insist that the plans contained in the report to develop a business case for Shetland Islands Council involvement in broadband development be delivered by 16 November 2015.

The meeting concluded at 11.30am.

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Chair