

**Special Development Committee****15 March 2016****Shetland Local Development Plan - Development Plans Scheme 2016****Report No: DV-14-16-F****Report Presented by: Executive Manager -
Planning****Development Services Department/
Planning****1.0 Summary**

- 1.1 Section 20B of the Planning Etc. Scotland Act (2006) requires each planning authority to prepare a Development Plan Scheme (DPS) at least annually. The scheme is to set out the authority's programme for preparing and reviewing its Local Development Plan (LDP) and what is likely to be involved at each stage.
- 1.2 Appendix 1 contains the Planning Authority's DPS for 2016. To comply with the Act it must be approved before the end of March 2016.

2.0 Decision Required

- 2.1 That the Development Committee **RESOLVES** to approve the Development Plan Scheme attached at Appendix 1.

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 (MIR) 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 LDP, 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 Council. The LDP 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 LDP must complement other policies and strategies across the Council. The Development Plans & Heritage Team therefore continue to need significant levels of input from other Council services, particularly Community Planning and Development, Housing, Transport Planning and Economic Development.
- 3.5 The Council is required to engage in meaningful engagement during the preparation of the LDP; the Participation Statement, which forms part of the DPS, states when, how and with whom the Planning Authority intends to consult during the various stages of the LDP process. We shall ask the Communications section and the Community Planning & Development Service to provide advice and guidance on ensuring the highest level of public participation.
- 3.6 The Council adopted the first Shetland LDP in September 2014, following approval of Scottish Ministers. The LDP is under continuous monitoring to assess the effectiveness of its content with regards to Development Management decisions and to ensure it remains in line with Council and Government policy and strategies.
- 3.7 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 LDP started almost immediately after first plan adoption.
- 3.8 The Development Plans & Heritage Team is currently engaged on the evidence gathering stage for the next LDP. At the same time, work continues on completion of the agreed list of Supplementary Guidance Documents.

4.0 Implications

Strategic

- 4.1 Delivery of Corporate Priorities – When complete, the next Shetland LDP will become 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 & Heritage Team is committed to achieve this, as set out in the Participation Statement, and will seek to work with the Community Planning and Development and Communications Sections to maximise these opportunities.

- 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 Council is obliged to address its obligation to comply with equalities legislation and policies when preparing the LDP and all policies, guidance and actions are being analysed and assessed in these terms. A full assessment will be completed for submission alongside the LDP.
- 4.6 Environmental – The LDP is subject to strategic environmental assessment with a draft Environmental Report to accompany the MIR and a revised environmental report to accompany the LDP, this will show how environmental implications have been considered and impacts mitigated. The Planning Authority is also subject to the overarching 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 must also be undertaken (to comply with the Conservation (Natural Habitats, &c.) Regulations 1994) in order 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 LDP 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 & Heritage Team.
- 4.10 Assets and Property – None.

5.0 Conclusion

- 5.1 The report highlights the ongoing work to produce the next LDP that meets statutory requirements, national policy and local priorities and aspirations.

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09 March 2016

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Appendix 1 – Development Plan Scheme 2016

END

Development Plan Scheme 2016 Shetland Local Development Plan

Shetland Islands Council is required to prepare and keep under review a Local Development Plan (LDP) that guides how and where places can be developed and improved across Shetland. The LDP includes Local Development Plans that set out policies and site allocations and Supplementary Guidance (SG) that contain more detailed guidance and, in some instances policy, on specific issues or places. The Council adopted the Shetland LDP in September 2014 and some of the associated Supplementary Guidance has been adopted since then. 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/LDP>

Purpose of the Development Plan Scheme

The Development Plan Scheme (DPS) sets out the Council's proposed timetable for review and replacement of the LDP, setting out the steps the Council will take to prepare the LDP. It also shows where there are opportunities for consultation and participation – by stakeholders, the general public and for everyone with an interest. The DPS must include a participation statement, which explains in detail the proposed arrangements and opportunities for involvement in the various participation and consultation stages.

The DPS 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 DPS provides details of:

- An update on the work programme, including current progress and future priorities
- The Supplementary Guidance List
- The Participation Statement showing the key pieces of work we propose to undertake in the coming year

The Current Position

The Council adopted the Shetland LDP in September 2014 and the Scottish Government's target is for it to be replaced by autumn 2019; we refer to the next LDP as LDP2.

We commenced work on LDP2 in January 2015; this initial work has included engaging with key stakeholders and communities to assemble the data and information needed to inform the Main Issues Report (MIR) and update the evidence base; it is referred to as the pre-MIR engagement. We have been closely involved with the development of the Place Standard, which is an innovative new tool to support the delivery of high quality places. It was launched on 10th December 2015 by a partnership between Scottish Government Architecture & Place, NHS Health

Scotland and Architecture & Design Scotland. We hope to use this, in conjunction with other Council services, as part of our engagement with communities.

We have hosted a Youth Information Day, facilitated by Youth Services and in partnership with HIE (Shetland) and Economic Development. This was well attended and very productive and we intend to continue our conversations with young people via this grouping.

We have committed a significant amount of time and effort to working with the Housing Service in its preparation of the replacement Housing Need and Demand Assessment (HNDA), which will form the evidence base for the Local Housing Strategy and also for the housing land requirement for the LDP; the HNDA is due to be published in spring 2016.

During the year the Council adopted the Local Nature Conservation Sites SG and approved the Onshore Wind Energy SG for submission to Scottish Ministers; this awaits our completion of the revised Strategic Environmental Assessment (SEA). Also during 2015-16 the Council approved Placemaking SG for public consultation; we expect to conclude this during the period of DPS 2016.

For progress on other SG, see Table 2.

Table 1. The Work Programme

Key Stage		Timescale
Evidence Gathering	<ul style="list-style-type: none"> • Publish Development Plan Scheme • Engage with Key Agencies and Shetland Community • Gather Evidence Base • Call for Sites • Prepare Monitoring Statement • Prepare Main Issues Report • Prepare draft Environmental Report 	January 2015 To December 2016
Main Issues Report	<ul style="list-style-type: none"> • Publish Main Issues Report • Publish Monitoring Statement • Publish Draft Environmental Report • Consultation on Main Issues report 	January 2017 to September 2017
Proposed Plan	<ul style="list-style-type: none"> • Consider Representations on MIR • Prepare Proposed Plan (LDP2) • LDP2 SEA Scoping • Prepare Action Programme • Prepare revised SEA Environmental Report • Report Proposed Plan to Committee • Publish and consult on Proposed Plan, Action Programme and Environmental Report • Consider Representations on Proposed Plan, Action Programme and Environmental Report • Prepare Summary of unresolved issues & report of conformity with Participation Statement. • Prepare Report to Council of Representations and suggested modifications on the Proposed Plan. • Preparation of a Summary of unresolved Issues for Examination 	Quarter 4 2017 to Quarter 4 2018
Submission to Ministers	<p>Submit the following to Scottish Ministers:</p> <ul style="list-style-type: none"> • Proposed Plan • Proposed Action Programme • Report of Conformity • Note of representations and how taken in to account • Publish Submission of Plan 	2019
Examination	<p>Examination of Proposed Plan</p> <ul style="list-style-type: none"> • Examination report Published and submitted to Planning Authority 	2019

Table 2. Supplementary Guidance

	Research (1), Draft (2), Pre-Consultation inc consider responses, Committee Draft (4)	Approved for consultation	Consultation	Review Consultation responses & redraft	Approved for submission to Scottish Government	Sent to Scottish Government for Adoption	Adopted	
Supplementary Guidance								Additional Information
Marine Spatial Plan								
Local Nature Conservation Sites								
Onshore Wind Energy								SEA being revised
Placemaking								
Parking Standards & Residential Access	1							
Aquaculture	1							
Works Licence	1							
Local Landscape Areas								Draft consulted 2013, presently on hold
Open Space								Draft consulted 2013, presently on hold
Natural Heritage								Draft consulted 2013, presently on hold
Business and Industry								Draft consulted 2013, presently on hold
Water and Drainage								Draft consulted 2013, presently on hold
Historic Environment								Draft consulted 2013, presently on hold
Lerwick Town centre								Draft consulted 2013, presently on hold
Minerals								Draft consulted 2013, presently on hold. See Interim Planning Policy: Minerals December 2009: http://www.shetland.gov.uk/developmentplans/documents/MineralsPolicyDecember2009FinalDocument.pdf

How to get involved in preparing the next Local Development Plan

It is essential that everyone living, working and investing in Shetland is involved in the preparation of the Local Development Plan and we encourage you to get involved from the start. This Participation Statement sets out the opportunities for you to have your say and how and when the Planning Authority intends to consult on the various stages of the LDP.

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 LDP is a continuous process with a number of key stages and opportunities for engagement. The key stages have decreasing levels of opportunity for influencing change as the Plan progresses towards conclusion, which means you can have more impact on the outcomes the sooner you get involved. In summary the 3 key stages 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.

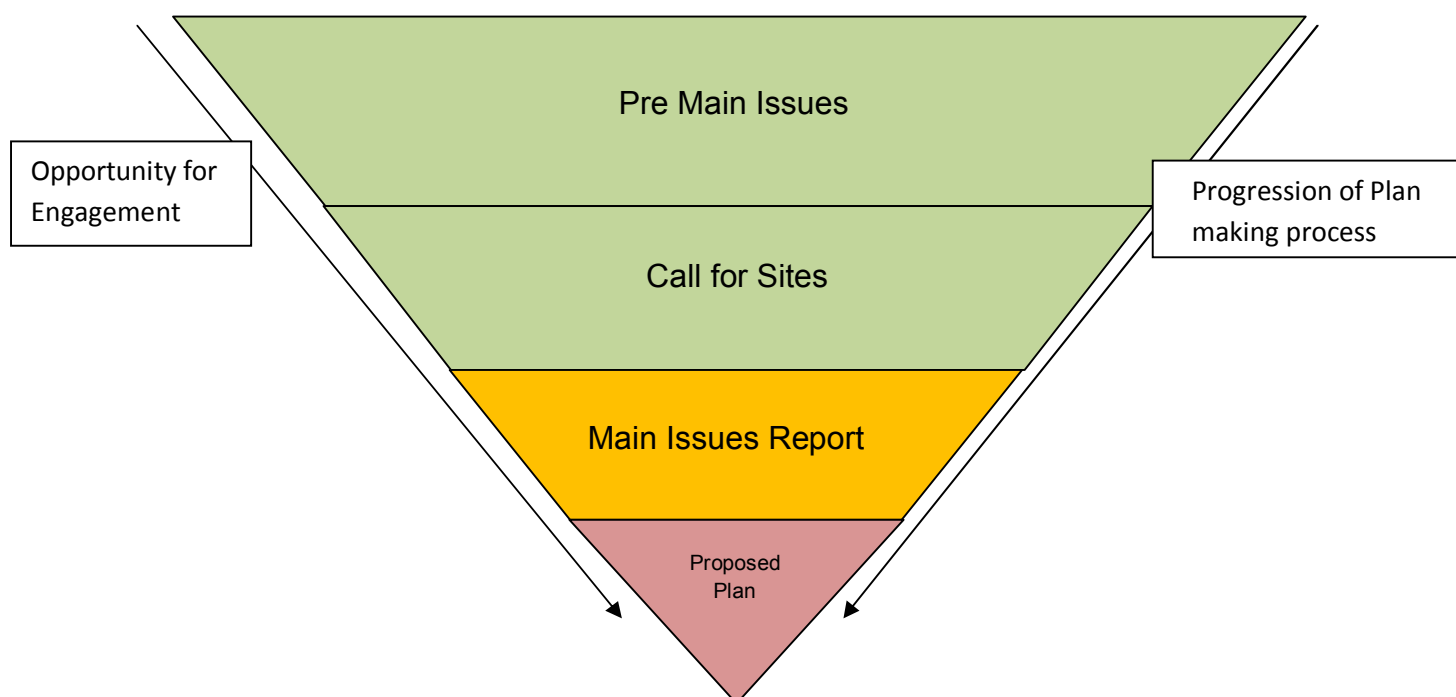
Diagram 1

Table 3 focuses on the 4 key stages of the Plan preparation process and the key methods for engagement to illustrate the actions the Planning Service will take in order to engage with stakeholders throughout the process. The Planning Service will endeavour to build on these methods as resources and local circumstances allow.

Table 3 Participation in the Shetland Local Development Plan

Key Stage	Who	Key methods	Timescale
Pre – Main Issues Report	<ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> 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 December 2016
Call for Sites - Promotion	<ul style="list-style-type: none"> Community Groups Land Owners Developers General Public 	<ul style="list-style-type: none"> Newsletter Developers workshop Newspaper articles Availability of Duty 	Promotion April 2016 to December 2016

		Officer drop in/appointments <ul style="list-style-type: none"> • SIC Planning Service website updates 	
Call for Sites Submissions	<ul style="list-style-type: none"> • Land Owners • Developers • General Public 	<ul style="list-style-type: none"> • Newsletter • Newspaper articles • Radio • Availability of Duty Officer drop in/ appointments • SIC Planning Service website updates 	Submissions Oct 2016-Dec 2016
Main Issues Report – preparation and engagement	<ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • Newsletter • Availability of Duty Officer drop in/ appointments • SIC Planning Service website updates 	Preparation January 2017 to September 2017
Main Issues Report - Consultation	<ul style="list-style-type: none"> • Community Groups • Key Agencies • Public Sector Organisations • Private sector stakeholders • Land Owners • Developers • General Public with an emphasis on ensuring underrepresented groups are given the opportunity to engage in the process e.g. Young people 	<ul style="list-style-type: none"> • Newsletter • Availability of Duty Officer drop in/ appointments • Newspaper articles • Radio • Attendance at Community Council Forum Groups • Deposit of MIR in Council HQ, Libraries, Inter-Island Ferries • SIC Planning Service website updates • Statutory publicity (adverts etc) 	Consultation July 2017 to September 2017
Proposed Plan	<ul style="list-style-type: none"> • All parties involved in the previous Plan development stages. 	<ul style="list-style-type: none"> • Newsletter • Letter to respondents of MIR • Deposit of Proposed Plan in Council HQ, Libraries, Inter-Island Ferries 	Quarter 2 2018

		<ul style="list-style-type: none">• SIC Planning Service website updates• Statutory publicity (adverts etc)	
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**Special Development Committee****15 March 2016****Consultation Draft Planning Delivery Advice: Housing and Infrastructure****Report No: DV-16-16-F****Report Presented by Executive Manager
Planning****Development Services/Planning
Service****1.0 Summary**

- 1.1 The Scottish Government has published Draft Planning Delivery Advice: Housing and Infrastructure. This report sets out a proposed response for discussion and revision, as appropriate.

2.0 Decision Required

- 2.1 That the Development Committee RESOLVES to:
- 2.1.1 Approve comments in relation to the Draft Planning Delivery Advice: Housing and Infrastructure; and
- 2.1.2 Grant delegated authority to the Executive Manager Planning to complete and submit the proposed response, subject to any revisions from the Committee.

3.0 Detail

- 3.1 The Draft Planning Delivery Advice: Housing and Infrastructure (draft advice) was published on 17 February 2016, and the consultation period ends on 31 March 2016. Prior to the formal consultation period the Scottish Government have offered Local Authorities opportunities for early engagement. Planning Officers from the Council were involved in several workshops in late 2015 and had the opportunity to comment on an early draft document in January 2016. The Executive Manager – Planning has also contributed to the submission by Heads of Planning (Scotland). The opportunity for early engagement was welcomed as is

the inclusion of several references to rural and island authorities' specific issues and solutions within the Draft Document.

- 3.2 An independent review of the Scottish Planning System is currently underway. The issue of Housing and Infrastructure delivery is a key part of the ongoing review. The Advice note will be published ahead of the report on the findings of the review which is expected in May 2016 but the advice will be re-visited as the recommendations of the independent panel are taken forward.
- 3.3 A letter from the Cabinet Secretary for Social Justice, Communities and Pensioners' Rights, Alex Neil MSP, dated 25 February 2016, was published on the subject of Planning and Housing Delivery, this letter emphasizes the important role planning must play in enabling and facilitating the delivery of housing .
- 3.4 The draft advice highlights the modern role of the planners, particularly in relation to viability and marketability of sites. It also emphasizes the importance of the Action Programme as a delivery tool and the expectation that it should be a corporate document adopted not only by the Local Authority but also by Stakeholders, Infrastructure providers, Community Planning Partnerships and Developers.
- 3.5 The Planning Service is expected to work closely with Housing, Community Planning, Transport, Finance, Education and Roads services, amongst others, within the Authority to facilitate delivery and overcome constraints to development. Establishing a process of continuous engagement with infrastructure providers, key stakeholders and developers to identify Infrastructure requirements, development constraints and act as both a co-coordinator and an enabler to housing and infrastructure delivery is also detailed in the draft advice.
- 3.6 Planning Authorities are now to assemble infrastructure costs for a development included within the Local Development Plan. While this is not expected to be undertaken in isolation and there is acknowledgement that precise costings for infrastructure will develop as the projects progress through the site brief, master planning and planning application stage, planners are expected to be involved at all these stages as well, and this represents a new and significant workload.
- 3.7 The increasing requirement for planners to be facilitators and enablers of development has resource and skills development implications for the Planning Service.
- 3.8 The Planning Service welcomes the content of the draft advice and the use of good practice examples, but seeks to comment on specific issues, including those relating to windfall, generosity and self build to the Scottish Government, details of which are outlined in Appendix 1 (Council Response to the Consultation on the Draft Planning Delivery Advice: Housing and Infrastructure).

4.0 Implications

Strategic

- 4.1 Delivery on Corporate Priorities – When finalised and published the Planning Delivery Advice: Housing and Infrastructure will be the Scottish Government's up-to-date statement of planning policy for Scotland on housing and infrastructure delivery and will be a material consideration in the planning system that carries significant weight in terms of both development planning and development management. The Advice note highlights that Corporate priorities should be encapsulated in, for example, the Action Programme.
- 4.2 Community/Stakeholder Issues – The Scottish Government is the responsible authority for undertaking the relevant consultations for Draft Planning Delivery Advice: Housing and Infrastructure.
- 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 Draft Planning Delivery Advice: Housing and Infrastructure.
- 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 the Draft Planning Delivery Advice: Housing and Infrastructure.
- 4.6 Environmental - The Scottish Government is the responsible authority for undertaking the relevant Environmental assessments for the Draft Planning Delivery Advice: Housing and Infrastructure.

Resources

- 4.7 Financial – None.
- 4.8 Legal – None.
- 4.9 Human Resources - The proposals, though welcomed, will add to the workloads of an already understaffed section, and at the very least will require additional training.
- 4.10 Assets and Property – None.

5.0 Conclusions

- 5.1 The report outlines the consultation response relating to the Draft Planning Delivery Advice: Housing and Infrastructure on behalf of the Council.

- 5.2 The Committee should consider and, if appropriate, amend the proposed response to the updated consultation by the Scottish Government on Draft Planning Delivery Advice: Housing and Infrastructure

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08 March 2016

List of Appendices

Appendix 1: Council Response to the Consultation on the Draft Planning Delivery Advice: Housing and Infrastructure.

Background documents:

[Draft Planning Delivery Advice: Housing and Infrastructure](#)

Letter from the Cabinet Secretary for Social Justice, Communities and Pensioners' Rights Alex Neil MSP, 25 February 2016

END

Shetland Islands Council response to Draft Planning Delivery Advice: Housing and Infrastructure

Shetland Islands Council welcomes the Housing and Infrastructure Planning Delivery Advice note and what it aims to achieve. The Council is encouraged to see that the advice note will lead to a more consistent approach to housing delivery across the whole of Scotland.

The Council supports a large percentage of the draft document and is pleased to see rural and island authority issues taken into account throughout.

The Council would like to make further comment on several topics within the document where it has some concern. The key points are highlighted below.

Windfall

More explanation on how windfall can contribute to Housing Supply Targets (HST). Rural authorities rely heavily on windfall to deliver market sector demand especially. Island authorities have typically seen around 70% of all housing supplied through windfall.

It is important to include it at HST stage as a means of delivery not just Housing Land Requirement stage. Windfall is an important delivery mechanism in rural areas, especially for market sector housing. It should (with appropriate evidence to demonstrate past trends) be included as a delivery option at the HST stage, not just to help fulfill generosity.

Also it is restrictive to only allow windfall to be included when permission has been granted when there is clear evidence to support an allowance for a percentage to be delivered via windfall.

Generosity

There is a need to explain more clearly that generosity allows for the delivery of HST when some sites included in the Local Development Plan/Action programme will, for a variety of reasons out with the control of the Council as Planning Authority, never progress to the development stage. Generosity is not just an allowance for over delivery of the HST.

Self Build

Self build is the norm and not particularly innovative in rural and island authorities, it is a well established delivery solution. More information on how the traditional single self build dwelling, often in remote rural locations can fit into the effective land supply is sought in this advice note.

Developer Contributions

The advice note indicates that more information on developer contribution requirements are to be included in the Local Development Plan. Is this level of detail not more appropriate in either a Supplementary Guidance or the Action Programme where updating is relatively frequent and easy?

Resources

This document outlines a number of additional roles and responsibilities for planners. The move toward more delivery focused working practices is welcome, however there is a requirement for additional support and training and the resource implications of this on Authorities needs to be acknowledged.