

Special Development Committee
Council Chamber, Town Hall, Lerwick
Tuesday 15 March 2016 at 10.00 am

Present:

A Cooper	T Smith
M Burgess	B Fox
R Henderson	A Manson
F Robertson	G Robinson
M Stout	A Westlake

Apologies

None

In Attendance (Officers):

N Grant, Director of Development Services
I McDiarmid, Executive Manager - Planning
P Sutherland, Solicitor
L Adamson, Committee Officer

Chair:

Mr A Cooper, Chair of the Committee, presided.

Circular:

The circular calling the meeting was held as read.

Declarations of Interest

None

11/16 **Shetland Local Development Plan – Development Plans Scheme 2016**

The Committee considered a report by the Executive Manager – Planning (DV-14-16-F), which presented the Development Plans Scheme (DPS) setting out the authority's programme for preparing and reviewing its Local Development Plan (LDP).

The Executive Manager – Planning summarised the main terms of the report. In referring to the significant difficulties in staffing the Development Plan team, the Executive Manager – Planning advised that a number of initiatives are being followed to make best use of limited resources to keep the delivery of the LDP on track. This includes using the Place Standard joint consultation tool, for one time engagement in communities where responses will feed into a range of policies.

The Executive Manager – Planning then responded to questions, and Members noted the following:

- The Shetland LDP identifies allocated sites, Areas of Best Fit in 7 localities and sites with development potential, however 70% of housing has been built on windfall sites. Although there is an allowance in the LDP for windfall development, it could be argued that developments have not taken place in the areas targeted.

- There will be issues for infrastructure providers with developments taking place on windfall sites in regard to planning infrastructure provision; however the alternative would be to prohibit windfall sites in the LDP.
- Compared to Shetland, Orkney and the Western Isles, the majority of local authorities opted to approve areas in their LDPs where proposals would be approved in principle, and these areas have attracted more developments.
- The work to progress the Minerals Supplementary Guidance will be a continuation of the previous work undertaken in 2009, to bring the document in line with more modern Supplementary Guidance (SG).
- A number of SGs are outstanding to get to the final stage, and this is an area that needs to be addressed. All SG requires to be approved by Scottish Ministers.
- As part of the call for sites process for the new LDP, guidance will be developed to inform on the detail to be submitted to support proposals for consideration as future development sites.
- The Service routinely monitors developments as they are approved, to determine housing numbers on sites with development potential and on windfall sites. Should it be found there are any radical issues with the approach in the LDP, the easiest route to make changes to Policy would be through updating SG.
- There is scope to approve applications that are contrary to Policy, through the development management process. There are other options to deliver housing other than to wait for submissions during the call for sites process, for example through the lengthy compulsory purchase process. However, there have been no cases to date where it has been necessary to following the compulsory purchase route to address housing needs in Shetland.
- The Housing Needs and Demand Assessment (HNDA) identifies where all housing has been built, with a good number built as windfall. The HNDA will highlight the demand for housing in the central belt and could be another avenue to look to change SG.

During the discussion, a Member made reference to the conflicts between the Council's Policies on Heritage glazing and carbon reductions, where he suggested that a review of the policies could form part of this process. The Executive Manager – Planning advised that an application for works to a Listed Building would be determined on the quality of the development. In that regard, he advised that the Service had supported approval of an application for double glazing on a Category A building, due to the significant quality of the development and local workmanship.

In response to questions regarding the need to update the Council's recently approved Local Nature Conservation Sites SG and Onshore Wind Energy SG as referred to in Appendix 1, the Executive Manager – Planning undertook to provide further information to Members of the Committee. He confirmed however, that any significant changes to the SGs would require further consultation and reporting to Committee.

The Chair advised on his concern at the set back in terms of progress on the new LDP and SGs due to issues to retain and recruit staff into the Service, however he noted the recent improvements made in terms of staffing. While he acknowledged the pressure on staff to meet the timescale for approval of the new LDP in 2019, he said that there was a need to have confidence that sufficient progress is made by the end of this Council term, to allow the new Council to be in a position to deliver the LDP by the due date. In that regard, the Chair suggested that progress on the LDP should be reported to each meeting of the Committee. During the discussion, Members advised on the importance of the LDP, to meet the needs of local communities in terms of housing and marine developments, and to give developers the certainty to operate within its parameters. Comments were also made in terms of the proposals for joint consultation on the LDP and other Council services, where it is anticipated communities will respond better to a joined up approach and holistic manner.

Mr Robertson moved that the Committee approve the recommendation in the report, and for update reports to be presented to each meeting of Development Committee to inform on progress to produce the next Local Development Plan. Mr Robinson seconded.

Decision:

The Development Committee **RESOLVED** to approve the Development Plan Scheme, and for update reports to be presented to each meeting of Development Committee to inform on progress to produce the next Local Development Plan.

12/16

Consultation Draft Planning Delivery Advice: Housing and Infrastructure

The Committee considered a report by the Executive Manager – Planning (DV-16-16-F) which set out a proposed response to the draft Planning Delivery Advice, for discussion and revision, as appropriate. Copies of the letter from the Cabinet Secretary for Social Justice, Communities and Pensioners' Rights, dated 25 February 2016, as referred to in section 3.3 of the report, were tabled at the meeting (Appendix A).

The Executive Manager – Planning summarised the main terms of the report, and in referring to the letter from the Cabinet Secretary, he advised on the Scottish Government's focus to deliver good quality housing.

The Executive Manager – Planning then responded to questions, and Members noted the following:

- With the Scottish Government's description of major housing developments, being over 100 units, Shetland would have only a limited number of developments at that scale.
- The term 'generosity' as referred to in the draft response, is allowing for more housing sites land to be identified so when some land is not developed there is still enough supply. The current Local Development Plan (LDP) meets that aspiration of the Scottish Government, however the debate at the next level is whether 'windfall' sites can be included in that category.
- The Planning Service has had opportunities to make comment during the early engagement process, where most of the points raised have been taken onboard. There is however no guarantee the finalised Policy will be 100% satisfactory to

Shetland. In that regard, should the outcome look to be unfavourable to Shetland, there may be a need to consider other levels of engagement, which could involve political input.

- Regular meetings take place with the Scottish Government, where there are opportunities to meet with the Depute Chief Planner who has responsibility for island areas to discuss any planning issues pertinent to island authorities.
- The Planning Delivery Advice: Housing and Infrastructure, once finalised, will be a material planning consideration.

During the discussion, a Member made reference to the Scottish Planning Policy document, where Orkney and Shetland are both referenced in regard to the principal of island proofing. In response to a question, the Executive Manager – Planning questioned whether the definition of ‘isolation’ as referred to in the recent planning review will be specified in any detail in Planning Policy.

In response to comments regarding the reference in the Scottish Planning Policy to land quality for agricultural use, a Member enquired whether there will be more scope to reference best land available against land assessed at a national level to be protected. The Executive Manager – Planning confirmed that there is no land in Shetland to be protected at a national level, and he went on to advise on the decision that the LDP would not include an policy to protect agricultural land.

In referring to the draft response, a Member sought clarity in regard to the level of additional information being sought on developer contributions to be included in the LDP. The Executive Manager – Planning said that there had been some doubt on how applicable this would be locally, in terms of the scale of developments in a Shetland context, however assurance has been given that developer contributions will relate to sites of a fairly small size. The Executive Manager – Planning explained that developer contributions had been raised as part of the LDP on the Main Issues Report but it had been rejected by developers and the Council as a Policy not to be pursued at that time. He advised however that a Development Contributions Policy will have to form part of the next LDP.

During debate, a Member recalled when it was standard practice for all planning applications to be assessed against the good agricultural land policy. A comment was made in regard to the decision to discontinue the policy, where in future years there may be a need to cultivate land in Shetland however this will not be possible where houses have been built. Mr Robinson referred to the recent announcement from the Scottish Government for Shetland to receive £3.2 million to deliver more affordable homes, which he said could equate to 36-40 homes per year provided that amount of funding continues. He advised on the importance, especially for the younger generation, that affordable homes are available in Shetland. On the motion of Mr Robinson, seconded by Mr Robertson, the Committee approved the recommendations in the report.

Decision:

The Committee **RESOLVED** to:

- Approve comments in relation to the Draft Planning Delivery Advice: Housing and Infrastructure; and

- Grant delegated authority to the Executive Manager – Planning to complete and submit the proposed response, subject to any revisions from the Committee.

The meeting concluded at 11.10 am.

.....
Chair