

## MINUTE

## ‘A’ & ‘B’

**Special Infrastructure Committee**  
**Council Chamber, Town Hall, Lerwick**  
**Friday 17 March 2006 at 10.30 a.m.**

**Present:**

J C Irvine      L Angus  
R G Feather    F B Grains  
B P Gregson    I J Hawkins  
J H Henry      J A Inkster  
Capt G G Mitchell    J P Nicolson  
F A Robertson J G Simpson  
W N Stove      T W Stove  
W Tait

**Apologies:**

A J Cluness    E J Knight  
W H Manson

**In Attendance (Officers):**

G Spall, Executive Director, Infrastructure Services  
A Hamilton, Head of Planning  
I McDiarmid, Development Manager, Planning  
V Hawthorne, Development Plans Manager  
B C Hill, Acting Divisional Manager, Legal Services  
D Haswell, Committee Officer

**Chairperson:**

Mr J C Irvine, Chairperson of the Committee, presided.

**Circular:**

The circular calling the meeting was held as read.

16/06      **Planning etc (Scotland) Bill Consultation**

The Committee considered a report by the Head of Planning (Appendix 1).

Mr F A Robertson, Chairperson of the Planning Sub-Committee, provided Members with a PowerPoint presentation detailing the main points of the Planning etc (Scotland) Bill. A copy of the presentation is attached as Appendix 1A. Mr Robertson said he welcomed this opportunity to provide Members with information on the Bill and information from discussions at CoSLA meetings.

Members noted that one of many changes that would affect the Council when the Bill was in force would be in relation to the local hearing process.

The Head of Planning said that the Council would have to await the full details of the Bill and, until that time, should make a case to ensure that it was adaptable to local circumstances. He referred to the response that had been sent to the Communities Committee on 6 March 2006 (Appendix 1 to the report) and advised that the letter would be amended, or a supplementary letter would be sent, to reflect the comments made today.

The Head of Planning then took Members through the response and answered questions put to him. A Member suggested that rather than the Council “welcoming” the Bill in the response, the Council should indicate that it “notes” the Bill and awaits further detail. The Committee agreed to amend the response accordingly. It was further suggested that examples should be given with regard to areas of concern to the Council, e.g. the designation of Sullom Voe as a Marine Special Area of Conservation which was designated without a right of appeal by the Council. A Member expressed concern that there was no reference to aquaculture/marine environment in the Bill and asked that the proposed response be amended to strengthen this point.

The Head of Planning confirmed that the suggestions made would be incorporated in the response. He suggested that prior to the response being sent to the Communities Committee, he should liaise with the Convener, the Chairs of Infrastructure Committee and Planning Sub-Committee, the Chair of Marine Development Sub-Committee and the Planning Spokesperson. This group would also be used as a sounding board during the process with advice being sought from the group, when required. The Committee agreed.

The Head of Planning advised that there would be a further opportunity to comment on the Bill in September/October this year. In response to a suggestion, he agreed that a progress report would be presented to the Infrastructure Committee in August.

In response to a suggestion from the Head of Planning, the Committee agreed that Tavish Scott, Minister for Transport, should be briefed with the Council’s views on the Bill. It was further agreed that a copy of the response should be sent to Tavish Scott.

The Committee approved the recommendations in the report, on the motion of Mrs I J Hawkins, seconded by Capt G G Mitchell and agreed that the response would be amended to reflect the comments made today.

1706 **Taking Planning Decisions: Proposals for Change**

The Committee considered a report by the Head of Planning (Appendix 2).

The Head of Planning provided Members with a PowerPoint presentation that highlighted the proposals for change. A copy of the presentation is attached as Appendix 2A.

In support of the recommendations, Mr F A Robertson said that, in his view, it was unnecessary for all 22 Members to sit on the Planning Sub-Committee and he understood that the Council was the only local authority in Scotland that did this. In response to a comment from a Member, Mr Robertson said that the issue of public perception that the planning process was a democratic one was very important.

Accordingly, Mr F A Robertson moved the Committee approve the recommendation in the report. Mr B P Gregson seconded.

There followed a brief discussion with regard to the situation where the Member for the area would be entitled to attend Planning Sub-Committee meetings and speak in support or against an application but would be required to leave the Council Chamber and take no part in voting when the Council was making any necessary final decision. The Head of Planning advised that whilst he needed to do more detailed work on this position, Members who were not Members of the Sub-Committee would be able to be an advocate. The Code of Conduct allowed for a clear advocacy role for Members.

Mr L Angus said that although he had no difficulty with the planning process being reviewed, he maintained that the current establishment of the Planning Sub-Committee was very democratic.

Mr L Angus moved as an amendment that the Committee considers reviewing planning procedures in light of recent experiences but membership of the Planning Sub-Committee should be retained at 22 Members. Mr W Tait seconded.

Members noted that consideration would have to be given to the multi-Member wards that would come into effect in 2007. Also, it was pointed out by a Member that there was already a Committee Structure Review Member/Officer Working Group that might have some input into the proposals. It was noted that the Chairperson of the Working Group, Mr T W Stove was in the process of arranging an early meeting of the Working Group. The matter of site visits and how they would fit into any new procedure would also have to be considered.

In response to comments from Members, the Head of Planning said that over the years, there had been a combination of issues that had affected the Planning Service, e.g. how the Council was managed and the changes that have come from planning legislation. There was now less staff time available to deal with more complicated problems. Officers had been saying for some time that the Planning Service needed to be expanded and this was without taking account of the provisions of the Bill.

After summing-up, voting followed by a show of hands and the result was as follows:

Motion (Mr F A Robertson) 8

Mr T W Stove wished it to be recorded that he abstained from voting.

The Chairperson reiterated the comments with regard to giving consideration to multi-Member wards that would come into effect in 2007 and said that, in his view, it would be proper to leave any recommendations to the incoming Council in 2007.

The meeting concluded at 12.25 p.m.

CHAIRPERSON