

MINUTES

“Public”

Special Shetland Islands Council
Council Chamber, Town Hall, Lerwick
Wednesday 10 October 2012 at 12.05pm

Present:

M Bell	M Burgess
P Campbell	G Cleaver
A Cooper	S Coutts
B Fox	R Henderson
A Manson	D Ratter
F Robertson	G Robinson
D Sandison	C Smith
G Smith	T Smith
M Stout	J Wills
A Westlake	A Wishart
V Wishart	

Apologies:

A Duncan

In attendance (Officers):

N Grant, Director of Development Services
I McDiarmid, Executive Manager - Planning
A Cogle, Team Leader - Administration
A Taylor, Team Leader - Development Plans and Heritage
L Fiske, Planning Officer
H Taylor, Planning Officer
S Shearer, Planning Officer
L Rosie, Communications Officer
L Adamson, Committee Officer

Chair

M Bell, Convener of the Council, presided.

Circular

The circular calling the meeting was held as read.

Declarations of Interest

None

96/12

Shetland Local Development Plan – Proposed Plan

The Council considered a report by the Team Leader – Development Plans and Heritage (PL-22-12-F), which presented the proposed Shetland Local Development Plan.

In referring to the full debate on the LDP at the earlier Special meeting of Development Committee, Mr Cooper acknowledged the concerns raised by Members relating to Gulberwick and Scalloway and that discussions would continue to provide clarity on the decisions taken.

Mr Cooper moved that the Council resolves to adopt the recommendation from Development Committee, namely to:

- a) Approve the Local Development Plan as the Council's settled view and commence a 6 week period for representations.
- b) Agree that the Supplementary Guidance accompanying the report be the subject of a 6-week consultation period with the public and stakeholders.

Mr Robertson seconded.

Mr Cooper advised on the proposal that a Special meeting of Development Committee would be held on 14 December to consider the representations, and a Special meeting of Shetland Islands Council on 19 December to consider the recommendation from Development Committee.

Dr Wills moved as an amendment, that the Planning Service reconsider:

- the proposals on Natural Habitat Conservation,
- the Policy on protecting agricultural land,
- the procedures for selecting potential development sites, and
- the restrictions on the representation period for the LDP.

Mr C Smith seconded.

Dr Wills advised that he had outlined his concerns regarding habitat conservation during the earlier Development Committee, in that consideration should be given to adopting a conservation blanket for the whole of Shetland rather than protecting only certain areas. There was also a need to develop a Policy that works in regards to good agricultural land rather than to abandon the Policy, and he had concerns at the restricted procedures during the representation period.

In response to concerns regarding the proposals for the representation period, the Executive Manager – Planning highlighted the requirements from Section 55 of Planning Circular 2009/1, *"Scottish Ministers expect the proposed plan to represent the planning authority's settled view as to what the final adopted content of the plan should be. This stage should not be used to 'test the water': new or controversial elements of plan content should already have been aired at the main issues report stage (at least as options). Representations by stakeholders and the general public should be concise (no more than 2,000 words plus any limited supporting productions), but should fully explain the issues that people wish to be considered at the examination. There is no automatic opportunity for parties to expand on their representation later in the process. Authorities may therefore wish to consider offering a longer period, of up to 12 weeks for complex plans, to give parties sufficient time to formulate the entirety of their case."*

A member speaking in support of the amendment clarified that his main concern related to individuals and stakeholders having only one opportunity to make representation at this stage of the LPD.

During the discussion it was acknowledged that the issue of agricultural land generally was manifold, with there being very little high index land in Shetland as classified by Macaulay Institute.

Regarding the proposal in the amendment for a review of the natural habitat conservation element of the LDP, it was reported that any fundamental change to the LDP could have a significant impact on the progress of the Plan, and could result in the Plan being delayed. Mr Robertson reported on how environment and sustainable developments, featured highly during the Scottish Government's decisions on modernising the Planning System. He explained how a blanket habitats conservation designation would not necessarily be of benefit to Shetland, as each planning application is assessed during the application process, and Supplementary Guidance would address and protect particular areas.

It was suggested that during the representation period consideration should be given to expanding on the phrase, "... look after our stunning environment...", which is included in the Vision of the LDP, and some explanation on how the phrase links to dealing with planning applications.

During the discussion, Members speaking in support of the motion referred to the Planning Act 2006 being pro-development. The LDP would provide a good balance for protecting the environment as far as possible, with the current planning system being far from ideal in terms of the zoning system. Reference was made to the huge amount of work and consultation undertaken in developing the LDP over a number of years, and it was noted that the LDP would be subject to further consultation and scrutiny by the Scottish Government.

In response to a question, it was clarified that the limit of 2,000 words related to comments submitted during the representation period on the LDP, but there was no word restriction on submissions during the consultation period on the Supporting Guidance.

(Mr Coutts gave notice of a further amendment).

Voting took place by a show of hands, and the result was as follows:

Amendment (Dr Wills)	6
Motion (Mr Cooper)	14

In referring to Recommendation (b), Mr Coutts moved as an amendment, that the consultation period on the Supplementary Guidance be extended from 6 weeks to 12 weeks. Mr Stout seconded.

Mr Cooper agreed, with the consent of his seconder, to accept the extended consultation period for the Supplementary Guidance into his motion.

Decision

The Council **RESOLVED** to:

- Approve the Local Development Plan as the Council's settled view and commence a 6-week period for representations; and
- Agree that the Supplementary Guidance accompanying this report be the subject of a 12-week consultation period with the public and stakeholders.

The meeting concluded at 12.35pm.

.....
Chair