

MINUTE

A&B - Public

Planning Committee
Council Chamber, Town Hall, Lerwick
Monday 27 May 2019 at 2pm

Present:

E Macdonald	A Manson
D Sandison	D Simpson
C Smith	G Smith
T Smith	

Apologies:

M Bell	C Hughson
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In Attendance (Officers):

I McDiarmid, Executive Manager – Planning
J Holden, Team Leader – Development Management
P Sutherland, Solicitor
L Adamson, Committee Officer

Chair

Mr T Smith, Chair of the Planning Committee, presided.

Circular

The circular calling the meeting was held as read.

Declarations of Interest

Ms Manson declared an interest in Item 1, Application 2018/328/VCON, and she left the Chamber.

7/19 **Minutes**

The Committee confirmed the minutes of the meeting held on 15 April 2019 on the motion of Mr Sandison, seconded by Mr G Smith.

8/19 **2018/328/VCON - Section 42 application to vary the terms of condition 2 of planning permission 2014/109/VCON - Temporary Residential Accommodation, Sella Ness Industrial Estate, Graven, Mossbank, Shetland ZE2 9UP, by Malthus Uniteam (UK) Ltd**

The Committee considered a report by the Planning Officer – Development Management, to be considered as a Hearing.

In response to a question from the Chair, the Planning Committee unanimously agreed that a site visit was not necessary to determine the application.

The Chair advised on the order of events for the Hearing, which would commence with a presentation from the Planning Service. That would be followed by any representations from objectors. He reminded those making representations to avoid any areas of repetition or similar statements, which take up time. The Chair then sought confirmation of the objectors in attendance who intended to address the

meeting. Ms C McKenzie, Scalloway Hotel, and Mr J Rocks, representing Shetland North Accommodation Providers (SNAP) indicated their intention to address the Committee.

Mr D Harrington, agent for the applicant, also indicated his intention to address the meeting.

The Chair advised the representatives of the objectors and applicant, that they would be allowed a maximum of five minutes for their presentations.

The Team Leader – Development Management gave a presentation which illustrated the following:

- Site Plan
- Key Issues:
 - Acceptability of allowing a further extension to a temporary permission.
 - Applicant's submission on the need for the accommodation facility for future projects.
 - Objectors case that the presence of the accommodation facility is detrimental to other accommodation providers.
 - Shetland Local Development Plan 2014

The Team Leader then advised the Committee on the following: *"This application has only considered whether it is appropriate to extend the lifetime of the permission beyond the timescale granted under 2014/109/VCON. The accommodation facility was originally required to house the workforce required to construct the gas processing plant. The gas plant has been now been completed. Due to the unique circumstance of a clearly specified short-term requirement for accommodation at this location related to the gas processing plant construction project the original development was found to be acceptable on the basis that it was for a temporary period only. The main thrust of the objections that have been received is on the basis of the impact of the retention of the accommodation block on the interests of other accommodation providers within Shetland. There is also included in these objections a questioning of the processes carried out by the Planning Service in the handling of the application, and for the purposes of clarification I can confirm that the application has been the subject of Environmental Impact Assessment Screening. Assertions with regard to economic impact on existing facilities cannot be easily quantified. Impacts which could result in a loss of trade or increased competition are not a material planning consideration.*

On the basis of the information submitted, the proposal is contrary to Policy GP2 part i) as the facility currently occupies a section of land with development potential for industrial use and potentially also sterilises areas around it. As residential accommodation in its current location the proposal is also contrary to SLDP Policies GP1 and H7. However it is considered that subject to the conditions recommended, not in the least with regard to the timescale for retention, the application is not a significant departure from policy. As it is not a significant departure it does not require to be notified to the Scottish Ministers. The Planning Service considers that the two periods of temporary use granted were for a specific purpose, and that the special circumstances that were prevalent at that time are similarly predicted on the balance of probabilities to exist in the near future due to the projects such as the Viking Wind Farm that are intended to take place. These major development proposals would bring with them a need for temporary migrant workers, and they would need to be accommodated in a manner that has the least impact on the wider community. To

grant a further extension of the timescale by the variation of condition 2, and to allow the retention of such a temporary facility while contrary to the development plan would not be inconsistent with the approach that the Planning Service and Council has taken before to support the delivery of major infrastructure and sustainable developments.

Notwithstanding this, a timescale of a further 6 years is not considered necessary or appropriate to establish whether the special circumstances arise as anticipated at this time. A further period of 2 years from 2020 for the retention of the accommodation facility is therefore recommended in order to evaluate whether or not the accommodation is necessary for such predicted and proposed projects, and whether or not it can continue to be considered as a special circumstance. The extended timescale recommended keeps options open given the anticipated timescales for decisions on these projects. It is recommended that the Planning Committee resolves to grant approval of the application, subject to conditions, under which the timescale for the accommodation facility would expire on 30 November 2022."

The Chair thanked the Team Leader for the presentation, and he welcomed questions from Members to the Team Leader. He reminded Members that the Committee were to determine the variation of a condition only.

Ms Macdonald sought clarity on the definition of 'temporary' permission, in planning terms. The Team Leader said that there was no definition as such, however he advised that there have been a number of timescales put on as temporary permissions, of 2, 3 and 5 years, with 5 years being the longest period of temporary permission granted. He added that there can be a succession of temporary permissions granted but there would come a time following a number of consecutive approvals for the applicant to present a case for temporary permission to be made permanent. In response to a question from the Chair, the Team Leader advised that consecutive temporary permissions would be considered when there was a need to monitor for problems with a development's structure or its appearance and to check that there had been no change in circumstances that had had a bearing on the determination made previously.

Mr Sandison sought clarity on the Environmental Impact Assessment (EIA) screening as referred to in the presentation. The Team Leader explained that each application requires to go through a screening exercise by the Planning Authority, and he confirmed that the application at the time had been subject to a screening exercise but not an actual EIA. Mr Sandison referred to the recommendation by the Planning Service in terms of the 2 year extension for retention of the accommodation, rather than 6 years as had been applied for, and enquired whether the applicant had been in agreement to the reduced temporary extension of 2 years. The Team Leader explained that the Planning Committee can decide to grant an application as presented in terms of the timescale applied for, or to change the timescale, subject to conditions. He added that the Planning Committee is the decision making body for a major development in this case, however if any change to the proposal as submitted in terms of timescale is made by condition, and the applicant was to be aggrieved, there is the ability for the applicant to go to Scottish Ministers with an appeal.

In response to a comment, the Team Leader referred to the original application in 2010, to provide temporary accommodation for the workers constructing the gas processing plant. He advised that at that time, the operator of the gas plant had doubled occupancy of the 400 rooms, however the applicant is currently proposing single occupancy per room. Mr Sandison however questioned whether the opportunity could exist in the future to change to multi-occupancy rooms under this

application. The Team Leader said that increase would be possible, with the occupancy rates being a decision between the contractor and owner of the accommodation facility.

Ms Macdonald sought clarity should the Planning Committee refuse the application, whether the applicant could reapply and at that time provide additional information. The Team Leader said that the applicant would always have the right of appeal to the Scottish Ministers. He also advised that there was a timeframe within the current procedures where the applicant could make no repeat application, and that to be able to submit a further application there would need to be a difference in circumstances or evidence to put forward as part of their case.

The Chair invited Ms McKenzie to address the meeting.

In addressing the Committee, Ms McKenzie, Scalloway Hotel, referred to the following paper, *"Thank you for allowing me the opportunity to speak to the Scalloway Hotel's objection today. It's a matter of some disquiet that this was not a privilege granted to ourselves, nor to any potential objectors in 2014, when the previous extension to the camp's planning application was agreed. Why it went through on the nod, with no community engagement is anyone's guess, and perhaps some serious questions remain to be asked about whether due process was followed on that occasion, but we are where we are today, considering a further extension to the camp taking us through to 2026."*

I am here because I am worried about my business, and the implications for the accommodation sector in Shetland, in general. However, I am well aware that business competition and over provision are not valid reasons for planning refusal.

I am - frankly - at a loss to understand why this is even being considered today. I would draw members' attention to the decision issued by the planning department when the five year extension was granted in April 2014. It states "the permission hereby granted, in so far as it relates to the occupancy of the building, shall be valid until 30th November 2020, or until completion of the construction phase of the gas processing plant, whichever is later. On expiry of this period (unless a subsequent application for full planning permission has been granted) the building shall be reinstated in accordance with the decommissioning and reinstatement scheme required by Condition 5 of this permission."

Now it seems pretty clear cut to me, that when this current application was submitted, the camp owners should have been reminded of this condition and told that, if they wanted the camp to remain after November next year, they need full planning permission. Surely that should be the end of the story.

However, if you still feel it incumbent upon you to deliberate upon this application today, I would ask you to consider the following. The extension granted on 2014 was to allow the camp - and this is again a direct quote - "to continue to provide temporary accommodation for the workforce employed on future developments that are likely to arise in the oil, gas energy and other sectors within Shetland".

If you look at the accommodation demand and supply report which supports this application, it has more red herrings than a Jimmy Perez storyline. It refers to the beds needed for offshore workers - what we know as the Scatsta stopovers. This is an accommodation requirement that's existed for decades. It refers to around one

hundred beds for the Total gas plant, currently in other accommodation. Or what about the ongoing requirement for contractors working on maintenance at SVT.

None of these would constitute what can rightly be called future developments, and it's frankly pretty disingenuous to suggest that they are.

The report makes great play of the major renewables projects in the pipeline, but that's all they are - in the pipeline. This is pure speculation. Nothing has been confirmed, and surely in the current political climate, nothing can be taken as a given.

Planning officials are recommending a two year extension which I can only politely describe as a fudge. I know full well that you can only refuse this application if you have adequate grounds on which to do so, and which are not likely to be challenged on appeal.

Can I respectfully suggest that granting a further extension will be contravening the planning conditions this council set in 2014 if it is agreed today. Thank you for your time“.

In referring to Ms McKenzie's comment in her presentation regarding due process on the 2014 application, the Chair stated that he had every confidence that due process had been followed. Ms McKenzie then accepted that this would have been the case.

The Chair invited questions from Members to Ms McKenzie.

Mr Sandison enquired on the evidence, in the years since the gas plant construction has finished, that the existence of the accommodation facility has moved trade away from existing accommodation providers. Ms McKenzie outlined to the Committee on the difference in income from workers staying at the Scalloway Hotel last year, compared to previous years. She advised that she was aware that contractors who would want to stay at the Scalloway Hotel, have been told they are not allowed. In responding to a question on occupancy rates during the construction phase of the gas plant, Ms McKenzie advised that during the tourist season occupancy rates could be approximately 60%, but off season were down to 20-30%.

Mr J Rocks, representing Shetland North Accommodation Providers (SNAP), read from a prepared paper, as follows: *“Before I begin, I should like to mention that the information and opinions I would like to share with you would take about 9 minutes if you were to allow it. I realise that 5 minutes is my allocated time span but I was unable to compress my presentation down to this. Accordingly, I have built in a cut-off point at about 5 minutes, but feel you may be lacking information vital for your decision making if I have to stop at that point. But if I must, I shall.*

The Shetland Gas Plant was constructed from Oct 2010 and opened February 2016. Peak Workforce was over 2000 pax. That was a 'special circumstance' and involved numbers not seen since the construction days at SVT. Between SVT construction ending in the early 80's & the construction of the Shetland Gas Plant from 2010, there were several occasions (special circumstances) when a temporary workforce, sometimes in the late hundreds, was required on Shetland, mainly, if not exclusively, to do with SVT. And when required, it happened, and they were housed. When demand was exceptionally high, Flotels/Barges provided the solution. And all of that was before a permanent 100 bedroom hotel was added to the available facilities. All of these were a 'special circumstance' as the Planning Dept describe them, the

accommodation requirement they generated was managed with a combination of existing and genuinely temporary augmentation (Flotels/Barges).

The peak workforce for the proposed Viking Windfarm & converter station will be less than 500, a quarter of the Gas Plants requirement. Far fewer than the number required for the CUI project in the late 80s. And we have 100 more permanent bedrooms available on Shetland.

Quote from current Planning Committee Report - page 20 "The main thrust of the objections is on the basis of the impact of the retention of the accommodation block on the interests of other accommodation providers within Shetland"....It goes on to say "Impacts which could result in a loss of trade or increased competition is not a material planning consideration." ...but misses that the objections are more importantly about the subsequent social & economic impact on local communities. And if that isn't a key consideration, possibly the key consideration, we should all just go home.

Followed by, same page: "Objectors have questioned the need for the accommodation and it has been asserted that the existence of the accommodation block has had a devastating impact on local accommodation providers" and "The Planning Service cannot verify these conclusions" and the report also says "Similarly, assertions with regard to economic impact on existing facilities cannot be easily quantified. "

If knowledge of the quantifiable effects of the presence of Sella Ness were required by planning dept in order to be informed, why did planning not seek that information? They wouldn't have been told ' Aye, things are nae sa guid'. They'd have been told turnover is down by 40% and profit by more than 80%. Not enough left to pay the mortgage/loan/overdraft. They'd have been told about the lack of new jobs in local businesses where previously there had been a constant stream.

But they didn't ask. And now they say they couldn't formulate an informed opinion. No, it's true, without seeking information, they weren't informed.

But when it comes to being informed, the people who built Sells Ness in close consultation with Total know that the people who built Moorfield in close consultation with Total knew that Moorfield was not built on the strength of Shetlands leisure visitor trade.

Every hotel & guest house on Shetland is able to exist because of a year round requirement from non-leisure visitors.

Last week, in response to Lonely Planet listing of Shetland as 6th of the 10 Best Travel Destinations - Globally, terrific achievement, the chief exec. of Visit Scotland said "We can't be complacent however and it is important that we encourage the tourism industry to provide world-class service, facilities, events and attractions to keep up with ever-changing consumer demands". How do hotels fund those improvements if they can't pay the mortgage/loan/overdraft first? And how do you encourage such service & facilities? Like this,? I Repeat, Shetland accommodation providers can only exist because of a mix of leisure visitors, business trade and local clientele. Take away any one of those & you can't support a leisure tourism trade to a point where it thrives and has a buoyant future. My 40 year association with Shetland has taught me this. And while much has changed over that time, much has remained the same. Benidorm & Ibiza are holiday resorts. Their hotels exist solely on leisure visitors - tourists. Hotels outwith holiday resorts exist by blending together various

strands, leisure visitors, business visitors, local diners, weddings etc.. Shetland is not a holiday resort, it is a living, working, breathing place. But it's accommodation providers are suffocating, unable to breathe. Unable to grow due to lack of money, unable to invest in their own future. Hell, unable to pay their bills.

(At this point Mr Rocks received confirmation from the Chair to go beyond the 5 minute deadline for his representation).

Mr Rocks continued, as follows: Consider this statement from Total's Social & Economic Impact Report from 2010, Page 63- Local Accommodation providers: while they may lose out in the short term in terms of additional business it was felt that they were still likely to get SVT contractors as well as offshore fog bound passengers from Scatsta. Some fear that the facility may accommodate Non-Total UK Ltd workers and contractors.

Now I'm not going to suggest to you that Sullom Voe, Scatsta & Gas Plant are instructing their sub-contractors to use Sella Ness. I'm going to quote from their email instructions. They ".....have been instructed that all vendors now have to stay at Sellaness, irrespective of whether they can get a better deal elsewhere."

At a Public Presentation at Brae Hall on 25th May 2010 Total gave an assurance not to use Sella Ness for either Scatsta or SVT business except in the event of an emergency offshore evacuation. There has been no dialogue with the industry to indicate that they no longer wish to be bound by their own assurance. Not in 2014 and not now. I have seen no such changes in all the documentation submitted in support of the 2 temporary extensions.

An extract from the Planning Statement 30th June 2010, Page 11, 3.11, The final decommissioning of the development will be dependent upon the progress which is made with the construction of the gas plant, however the proposed date for the decommissioning of the site is the third quarter of 2014. At that time all of the temporary buildings will be removed and the site reinstated.

Also and similarly from the Pre Application Consultation Report 30th June 2010, Page 9, comment from public: "It will be necessary to ensure that the site is properly reinstated. It will be important to ensure that it is left in a condition which is better than its current state."

Response from Total: "We can confirm that the site will be fully reinstated. Upon completion of the gas plant, the building will be removed entirely from the site."

Development Plans Team Response: 2014 "It is recognised that there is an accommodation shortage due to the ongoing construction projects occurring in Shetland at the moment and that this accommodation facility provides an opportunity to meet some of this demand".

2019 For need to be clearly established for this development on an inappropriate site, assessment should be conducted of both alternative sites and accommodation solutions to requirements at Sullom Voe and other projects across Shetland. Further information should also be provided in respect of whether the facility does address any actual capacity issues in the temporary accommodation sector (especially in relation to seasonal requirements).

Finally: but in the absence of any such assessments or the provision of such further information they suggest you let it run for another 2 years to wait and see... It's already what, 3 years since end of gas plant construction & we've seen it's' continued presence is killing the accommodation providers. This is your last chance to keep a hotel industry which can cater for leisure visitors into the future. Sella Ness by its own admission cannot. But it can, will, has and does by its continued existence and disregard for its previous commitments destroy the establishments which can meet leisure visitors, and local community, requirements".

The Chair welcomed questions from the Committee, to Mr Rocks.

Mr G Smith enquired how the existing accommodation providers balance conflicting demands for accommodation. Mr Rocks advised that the different establishments mainly focus on different visitor trade, with some on workers and some more on leisure holiday visitors. He said that holiday visitors usually book a considerable time in advance, but oil industry workers can be working on a 14 day timescale. He explained that for Busta House, there is an open reservation book at the start of each year, and while more reservations are made from holiday visitors, the oil industry could take up the remaining spaces. Mr Rocks added that this has worked very well in conjunction with the other accommodation providers.

The Chair invited the representative of the applicant to address the meeting. Mr D Harrington, agent to the applicant, and Mr I Jamieson, Managing Director of Malthus Uniteam came to the table.

Mr D Harrington, agent to the applicant, read from a prepared paper, as follows: *"Thank you Chair for the opportunity to address the Committee on this application to extend the temporary permission for the workers accommodation facility at Sella Ness. I am a chartered town planner with NORR and I am representing our Client Malthus Uniteam UK. I am joined by Mr Ian Jamieson, Managing Director of Malthus Uniteam UK. I will provide a short summary of the considerations of the application and why we submitted this application to extend the temporary permission. Should you have questions both Ian and I would be able to provide you with comment to assist you in the decision making process.*

The facility at Sella Ness was originally built to provide accommodation for construction workers of the Shetland Gas Plant at Sullom Voe. The facility continues to provide a valuable asset for the workers associated with Shetland Gas Plant and Sullom Voe Terminal operations. The facility provides accommodation to core workers and it is not available to the general public or tourists and is therefore quite distinct from other hotels in Shetland.

There remains demand for itinerant workers due to the specialist nature of the workforce required at Sullom Voe. With increasing confidence in the oil and gas sector, and other major construction projects in the short-term pipeline, we were appointed to discuss the continued use of the facility with the planning authority.

Through pre-application discussion a further temporary extension was deemed to be the most appropriate way to consider this. We were requested to produce an assessment of the future demand to allow the planning authority to consider the formal request for an extended planning permission.

We appointed Biggar Economics to undertake this assessment on the basis of their experience in this field. They also have first-hand knowledge of the Viking Energy

Project and the likely impact of this. Biggar undertook an assessment of the current accommodation provision, current requirements and future demand for accommodation.

There is forecast to be demand for construction workers from the:

- Existing workers at Sullom Voe and Shetland Gas Plant;*
- Additional planned maintenance at Sullom Voe and Shetland Gas Plant;*
- Large scale wind farm projects; and,*
- The high voltage Interconnector transmission network.*

As increase in accommodation requirements is expected as a result of these projects. Based on discussions with the companies involved the total projection is estimated at between 690-910 accommodation spaces, although this will vary according to lead in time, actual commencement dates, etc.

The Biggar report concluded: Firstly, with this facility already having been constructed it provides an option close to much of the demand to provide the infrastructure to accommodate the required workers. This availability provides greater logistical surety for those planning major construction projects. The alternative to provide new accommodation or barges will have increased cost, logistical and socio-economic implications.

Secondly, the requirements for providing accommodation to construction workers on longer-term contracts are very different to the requirements for business and leisure tourists. The Sella Ness facility is specifically focused on dealing with construction workers. An influx of construction workers can detract from the offer to other transitional business and leisure tourists. The workers demand will be largely year round and will clash with peak tourist seasons and the difficulties are expected to be greater during these periods. There are aspirations to continue to capitalise on the growth in the tourism sector in Shetland and having sufficient accommodation capacity already established for large construction teams is considered to be of benefit.

All feedback received from oil and gas sector companies operating in Shetland, especially those presently using the accommodation facility, suggests that current active workforce levels will be maintained to 2025, and that with future growth in the industry, including those associated with most recent discoveries, there will be opportunities available requiring an increased workforce which will be important to the local economy. With a continued requirement for itinerant workers the accommodation facility is important to these companies. The focused facilities offered allows for transportation and travel times to be minimised, which is particularly important to ensure the health, safety and wellbeing of their employees.

The temporary use of this site will not adversely affect the ability to meet business needs and, combined with the activity at Sullom Voe, and the support that it provides to companies in this vicinity, it is considered to support the business use in the area. This was the view held by planning when the original approvals were granted and since then there has been no conflict between the accommodation use and the surrounding businesses. Along with the plentiful supply of land the temporary nature of the facility ensures that this does not compromise the support for Business and Industry.

We understand that there is a balanced judgement to be made on this proposal and that the shorter extension recommended allows for greater certainty of the timing of

future projects. Malthus Uniteam UK are happy to continue to work closely with the Planning Authority in the future to consider the requirements at the appropriate time.

The Sella Ness facility currently meets a requirement for itinerant workers and also provides greater flexibility to meet needs associated with major construction projects. Retaining the facility can provide support to major projects and investment in Shetland and it is hoped that his committee can support the planning officer's judgement and approve this application".

The Chair welcomed questions from Members to Mr Harrington and Mr Jamieson.

Mr Sandison referred to the assertion made by some objectors, that takeaway food is being served and is available at the camp, and he questioned if that was the case, and if so, whether it was licenced. Mr Jamieson clarified that Malthus Uniteam were the owner of the accommodation facility, but not the operator. Mr Jamieson said however that he had asked the operator, who had said takeaway food was not being provided. Mr Jamieson said therefore, that to the best of his knowledge, the operators were not providing takeaway food, and that he would expect that the operators would apply for the necessary licence if they were providing takeaways.

In response to a question, Mr Jamieson advised that there were currently 150 workers staying at the accommodation facility. In referring to the figures given in Mr Harrington's presentation that 699/910 accommodation spaces may be required, Mr G Smith enquired on yearly projections on accommodation spaces required until 2026. Mr Jamieson advised on the requirement at this time for workers at the accommodation facility; there would be the subsequent requirement for maintenance projects at Sullom Voe Gas Plant, then he understood that the wind farm project would increase the overall numbers to 690/900 to be housed in the accommodation sector. In responding to a further question on yearly projections, Mr Jamieson reported on the definite number of workers at this time being 150, on the requirement for approximately 400 accommodation spaces in 2021, which he clarified would need to be provided by all accommodation providers in Shetland.

In response to a question from the Chair, Mr Jamieson explained that the workers at this time are temporary to the camp, and there are itinerant workers who if they work late have the option to stay at the facility.

Ms Macdonald enquired on whether Malthus Uniteam had written confirmation from Viking Energy on their requirements to use the accommodation facility. Mr Jamieson advised that there had been discussions with Viking Energy, Peel Energy and the Council, but there is still uncertainty if the projects will go ahead, and where the workers would stay. Mr Jamieson advised however that the numbers being discussed for the projects are the numbers in their projections. Mr Jamieson commented that there would not be enough accommodation in Shetland if the projects come to pass.

Reference was made to the letter of objection from Delting Community Council, where it states that Viking Energy are not considering the Sella Ness accommodation for their workers. Mr Jamieson however advised that an email from the sub-contractor informs that Sella Ness would be their preferred option, but at this time there has been no commitment.

In response to a question, Mr Jamieson advised that the volume of short overnight stays at the Sella Ness accommodation could be approximately 20-40, which would mainly be weather related stopovers.

In response to a question, regarding the preference of the operators of Sullom Voe Terminal and the Gas Plant to increase more domiciled staff, and to be less reliant on the accommodation, Mr Jamieson advised that the operators do not open up much on their proposals, however he understood they were trying to get local workers as far as possible.

In referring to Mr Rocks' presentation, the Chair advised on his concern at the statement from the oil and gas industry instructing sub-contractors that they have to stay at the Sella Ness accommodation, irrespective of the cost. Mr Jamieson said that he had no knowledge of such a requirement. He went on to advise on his experience of the oil and gas clients, as money is paramount, the best value option is sought.

Mr C Smith referred to the statement in Section 2.3 of the report, namely, "The permission hereby granted, in so far as it relates to the occupancy of the accommodation facility, shall be valid until 30 November 2020. On expiry of this period (unless a subsequent application for Full Planning Permission has been granted) the building shall be decommissioned and removed," Mr C Smith enquired why it had been decided for an application for temporary permission to be submitted, when it was clear on the requirement for full planning permission to be sought. Mr Harrington advised that a pre-application meeting had been held with the Planning Service, to determine the best way to take the application forward, and that the type of application lodged had been so as it continued to enable the Planning Service to have control over decommissioning of the site and the land to business use.

In responding to a comment on the lack of commitment in terms of future projects to use the accommodation at Sella Ness, Mr Harrington advised that the terms of the existing granted permission would require the facility to be removed by 2020. The extension would allow accommodation to continue to be provided to ongoing projects. He added that if the facility is removed, that would be the end of accommodation at Sella Ness.

The Chair enquired on timescales for removal of the facility should approval not be given for the extension. Mr Harrington advised from his understanding, that the facility can be in operation until November 2020. A decommissioning plan would have to be followed from that date.

In response to a comment from Ms Macdonald, that Malthus Uniteam UK could technically re-apply in 2020, should evidence be forthcoming from projects on the need for accommodation, Mr Harrington said that in technical terms they could submit an application as long as it is determined prior to the expiry date of November 2020.

During debate, Mr G Smith stated that notwithstanding the advice from the Planning Service to apply for temporary permission or not, this was a speculative application, and he has heard nothing to confirm demand for accommodation, other than the workers currently staying at the camp. He said that the applicant has permission to operate the facility until 2020, and some speculative demand may, or may not, become more firm by that time. Mr G Smith said that the application is contrary to a number of policies in the Local Development Plan, namely, GP1, GP2 and H7. Mr G Smith advised on his intention to put forward a motion for the application to be refused at the appropriate time. Ms Macdonald advised on her support for that stance, commenting that she had not seen any evidence of definite demand for the accommodation. Ms Macdonald acknowledged however that the accommodation

facility employs a number of people, who would be affected should the application be refused.

Mr Sandison referred to the argument that the impact on other parts of the economy in the area cannot be considered as a material planning condition, which he accepted was the case purely from a planning perspective. He said that the application site was an area designated for industrial development, the temporary permission sought was purely speculative and he advised that he would support a motion not to extend the temporary consent.

The Chair outlined his concerns regarding the application, including that the future demand for the facility was speculative and to date unproven, and at this time there is no clear evidence of future demand. The proposals would be contrary to the Local Development Plan, and sited within an industrial estate. He said that while not a material planning consideration, two statutory consultees, namely the two community councils of Delting and Northmaven have objected. In that regard, he added that to get planning to work properly it was important to take account of the views of the local communities. The Chair stated that the facility has temporary permission until November 2020, being still a year and a half away, which he considered would give time for the applicant to prepare a better case, if possible, for the retention of the accommodation, rather than it being speculative and unproven as presented today. He also referred to the unhealthy situation to allow frequent ongoing applications for a temporary structure. Mr T Smith stated that he would support refusal of the application.

Mr Simpson said that he supported all the points put forward for refusal of the application, adding that the latter extension of permission had been for the gas sweetening plant, which never materialised. Mr C Smith referred to the speculative nature of the application, and confirmed that he would support refusal.

Mr G Smith moved that the Committee refuse the application, given that the proposals are contrary to policies GP1, GP2 and H7 of the Local Development Plan. Ms Macdonald seconded.

There was no one otherwise minded.

Decision

The Committee RESOLVED to refuse the application, given the proposals are contrary to policies GP1, GP2 and H7 of the Shetland Local Development Plan (2014).

The meeting concluded at 3.15pm.

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Chair