

Supplementary Guidance  
Business & Industry

# Shetland

## Local Development Plan 2012



Shetland Islands Council



# **Business and Industry Supplementary Guidance – Draft 1**

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## **Business and Industry Supplementary Guidance – Draft 1**

The Shetland Local Development Plan (the Plan), together with any Supplementary Guidance, sets out the policies and criteria against which planning applications submitted in Shetland will be considered.

This Supplementary Guidance sets out detailed policy advice to help you meet the requirements of the Plan. It is therefore recommended that it is read in conjunction with the policies in the Plan and any other Supplementary Guidance relevant to the type of development proposed.

The purpose of this Supplementary Guidance (SG) is to set out detailed policies and maps relating to business and industrial developments in Shetland.

### **Introduction**

The policies contained within this Supplementary Guidance aim to ensure that the business and industrial needs of Shetland are met whilst protecting, sustaining and enhancing the environment.

Scottish Planning Policy requires the Shetland Local Development Plan to identify appropriate locations for business and industrial developments in order to safeguard these sites from inappropriate uses. The Shetland Local Development Plan states;

#### **Shetland Local Development Plan Policy ED1**

The Council encourages the creation of sustainable economic development opportunities and business developments in accordance with General policies (GP1, GP2, and GP3). Areas for business and industrial uses have been identified through the Local Development Plan process and are contained within Supplementary Guidance –Business and Industry.

Residentially compatible development will be encouraged within settlements throughout Shetland in order to contribute to the development of strong, healthy, vibrant and sustainable rural communities.

These sites have been identified through the ‘Call for Sites’ process. The sites have been assessed as ‘sites with development potential’ for business and industry through the rigorous site assessment process. A number of defined industrial areas included in the Shetland Local Plan 2004 have also been taken forward in to this guidance. The industrial areas and sites with development potential for industry are

identified on maps 1-5 within this document. A site profile for each site with development potential for industry can be found within the Plan.

**Appendix 1** of this document provides a list of the sites with development potential for industry identified within the Plan for reference.

Scottish Planning Policy also requires that the sequential approach is adopted when considering locations for retail and commercial developments within established centres. This approach requires that locations for such developments are considered in the following order:

- Town centre
- Edge of town centre
- Other commercial centres identified in the development plan
- Out of centre locations that are or can be made easily accessible by a choice of transport modes

This guidance sets out policy on the application of the sequential approach within Lerwick as the identified commercial centre within Shetland. Policy for retail and commercial developments in rural areas are also contained within this guidance.

**Appendix 2** contains the Town and Country Planning (Use Classes) (Scotland) Order 1997.

This Guidance should be used alongside the Shetland Local Development Plan and supports the following Local Development Plan policies:

#### **Shetland Local Development Plan Policy ED1**

The Council encourages the creation of sustainable economic development opportunities and business developments in accordance with General policies (GP1, GP2, and GP3). Areas for business and industrial uses have been identified through the Local Development Plan process and are contained within Supplementary Guidance –Business and Industry.

Residentially compatible development will be encouraged within settlements throughout Shetland in order to contribute to the development of strong, healthy, vibrant and sustainable rural communities.

### **Shetland Local Development Plan Policy ED2 Commercial and Business Developments**

The Council will support proposals for retail and commercial and business developments, which promote employment opportunities, community benefits, rural diversification and tourism related ventures and contribute to the viability of existing settlements where they comply with general requirements policies (GP1, GP2, and GP3) and do not conflict with residential amenity.

### **Shetland Local Development Plan Policy ED 3 Lerwick Town Centre**

The Council supports the ongoing regeneration and development of the Lerwick town centre to ensure the future vibrancy, vitality and sustainability of the area.

*Supplementary Guidance – Lerwick Town Centre* outlines priorities for the Town Centre and provides detailed guidance on town centre developments.

## **MAPS 1-5 SHOWING INDUSTRIAL AREAS AND SITES**

Industrial Areas



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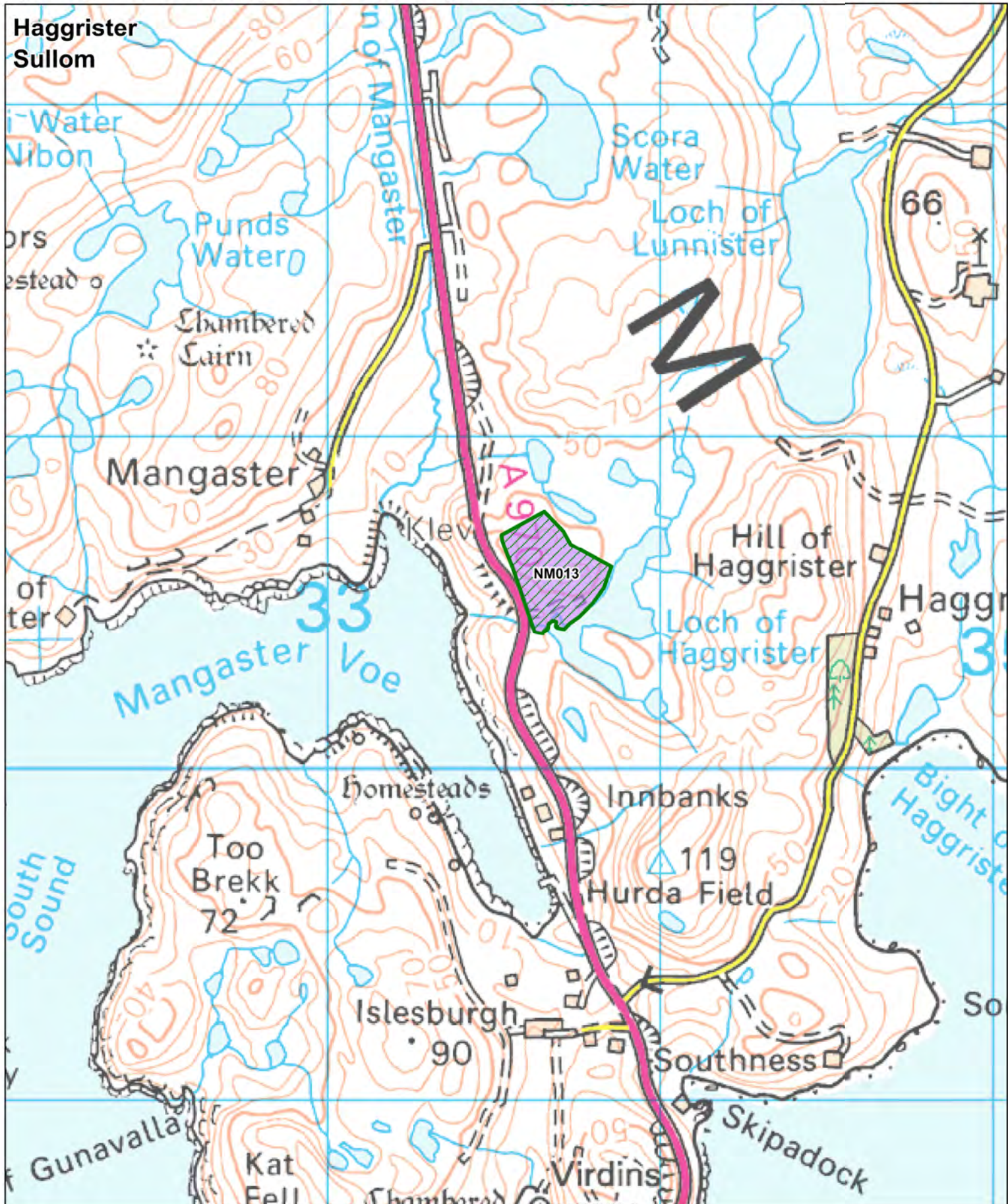


Shetland  
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- Industrial Area 
- Site Allocations with Industrial Potential 

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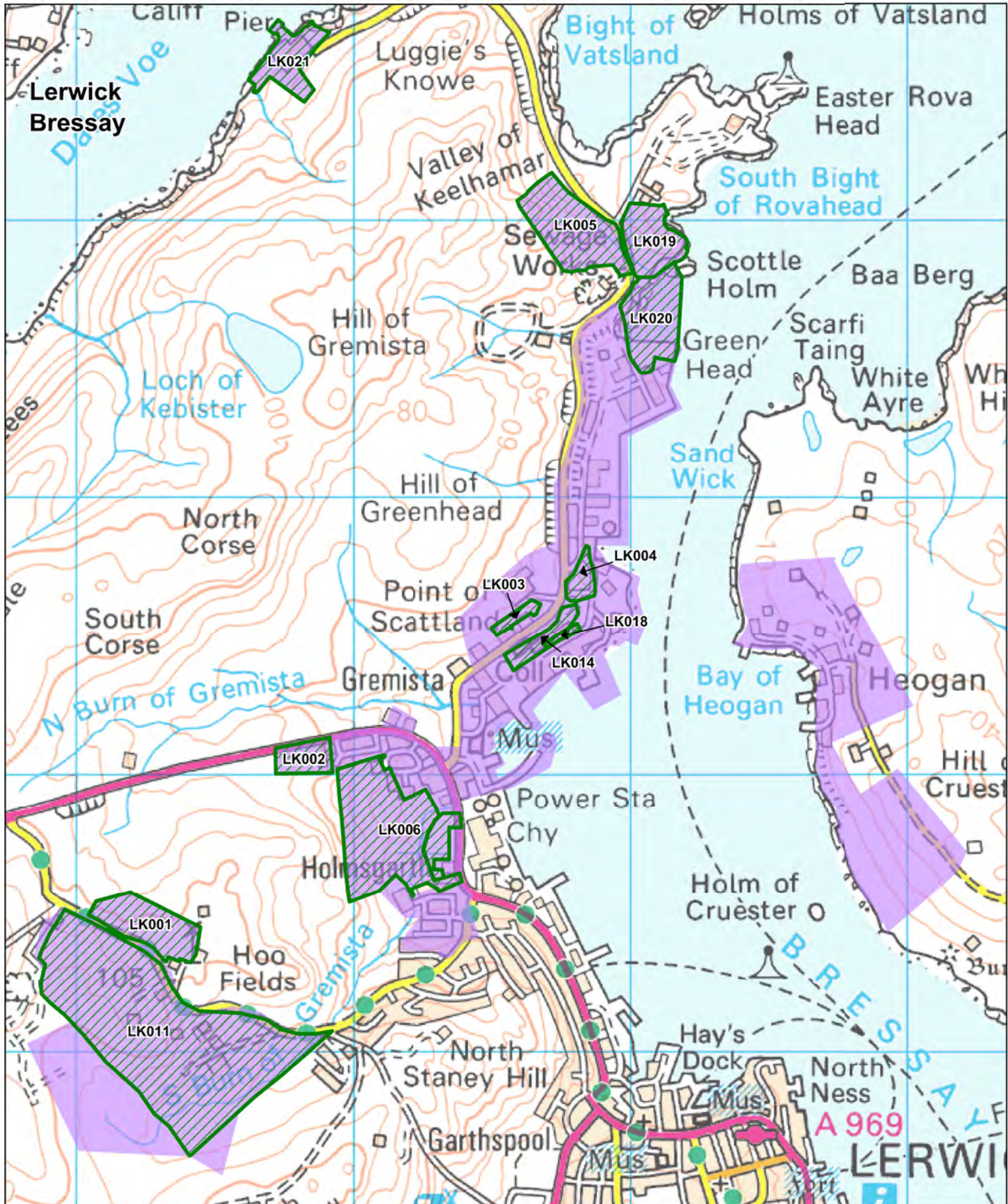


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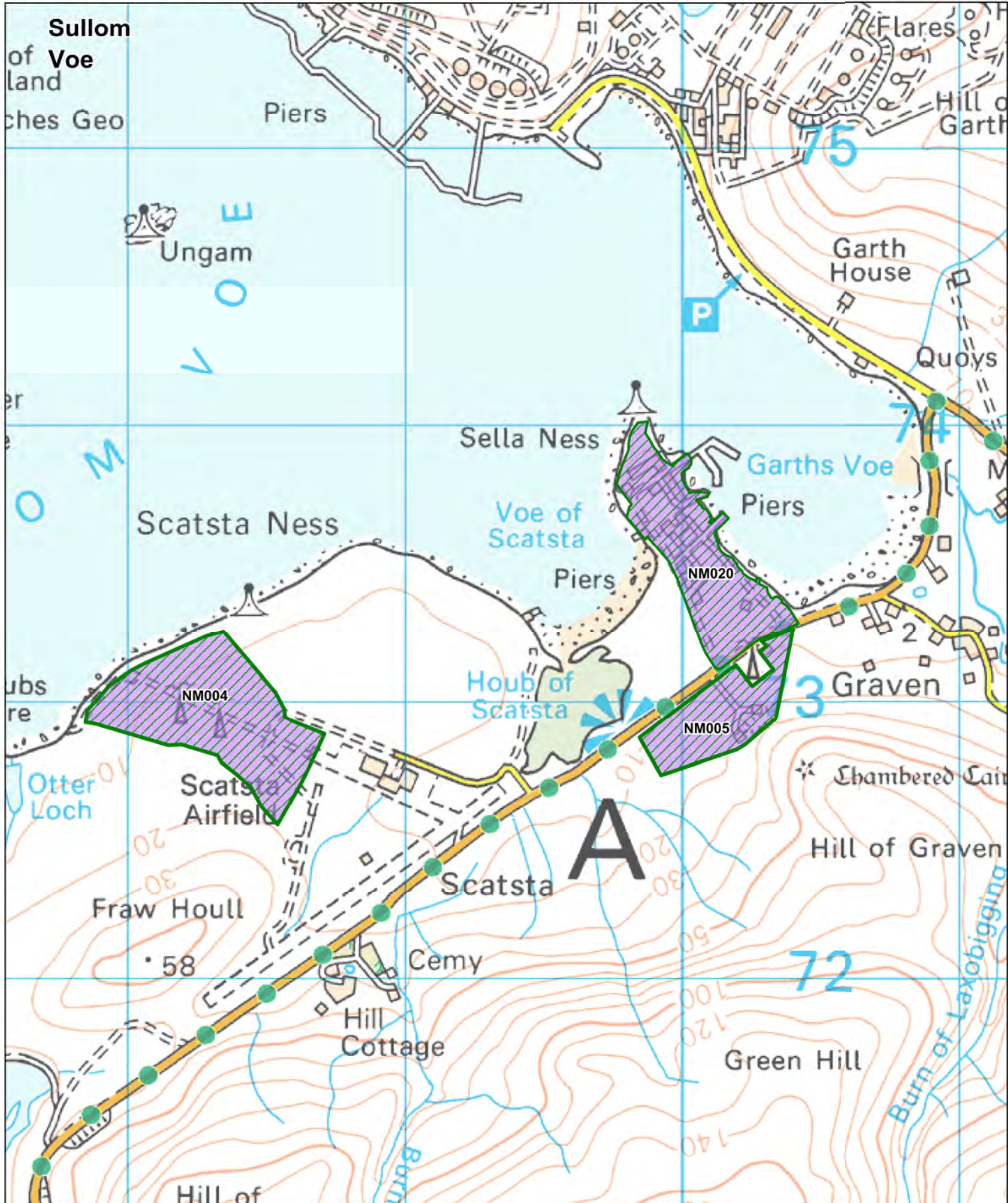


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## **SGED1 Industrial areas and Sites with Development Potential**

The development of new, or extensions to existing, business and industrial enterprises in Classes 4, 5 and 6 will be supported within the defined industrial areas, sites with development potential for business and industry and brownfield sites where the proposal meets all relevant policies set out within the Plan and corresponding supplementary guidance.

Proposals for waste management facilities will be supported within the defined industrial areas providing all relevant policies within the Plan are met.

Special consideration will be given to the siting of industrial uses that are hazardous or might potentially give rise to noxious emissions

### **Justification**

In accordance with Scottish Planning Policy this policy identifies a supply of land for industrial developments in Use Classes 4, 5 and 6. This is a key action in delivering the Council's commitment to sustainable economic growth throughout Shetland. The Action Programme identifies the indicative timescales for the development of the sites with development potential for business and industry.

## **SGED2 Business and Industrial Developments within Existing Rural Settlements**

Planning permission for business and industrial developments in Classes 4, 5, 6 and 7 will be granted in existing rural settlements which have not been identified for such purposes provided that;

- There are no suitable sites with industrial development potential within the settlement
- in residential locations the proposed development would not erode the residential character of the area, or adversely affect local residents, through an increase in traffic levels, noise, fumes or hours of operation;
- The proposal complies with all relevant Local Development Plan policies;
- technical standards in terms of parking, traffic circulation, vehicular access and servicing, and pedestrian access are met in full;
- the design, scale and siting of the new development respects the character and appearance of the surrounding area;

Residentially compatible developments will primarily be encouraged within Areas of Best Fit in accordance with Plan policy H2 Areas of Best Fit

The conversion or change of use of existing buildings to industrial or other employment generating uses will generally be encouraged if the above criteria are met. According to the type and lifespan of the development proposed, the Planning Authority may impose conditions limiting the duration of planning consent.

### **Justification**

Scottish Planning Policy highlights the importance of sustainable economic growth and diverse economies in rural areas. This policy aims to encourage suitable business and industrial developments in existing settlements in order to strengthen their viability and vitality in accordance with the Plans spatial strategy and, in particular, Policy H2 – Areas of Best Fit.

Encouraging business and industrial developments to locate, where appropriate, within existing settlements this policy facilitates opportunities for sustainable economic growth in accordance with Plan policy ED1

### **SGED3 Business and Industry Proposals in the Open Countryside**

Proposals for the development of new, or extensions to existing business and industrial development in the open countryside will only be permitted where:

- the applicant can demonstrate that the proposed development cannot be located within a defined industrial area, a site with industrial development potential or an existing settlement;
- the possibility of re-using suitable existing redundant buildings and brownfield sites has been considered and proven to the satisfaction of the Planning Authority to be impracticable;
- the criteria for development outlined in SGED2 can be fully met;
- if appropriate, restoration proposals which enhance biodiversity are agreed at the application stage;

Depending on the scale and type of development proposed, where appropriate, agreements, including those under Section 75 of the Town and Country Planning (Scotland) Act 1997 and a financial bond may be entered into for the purpose of restricting, regulating or facilitating the development or use of land on and off-site.

Generally, any infrastructure requirements e.g. roads, sewerage, water, etc., would have to be provided at the developer's own expense.

The granting of planning permission for exploration or appraisal proposals will be without prejudice to any subsequent application to develop at that location.

### **Justification**

The favoured locations for business and industrial developments are:

- Defined industrial areas
- Sites with development potential for business and industry
- Existing rural settlements, particularly those identified as Areas of Best Fit in Policy H2.

This approach is consistent with the Council's core objective of promoting sustainable economic growth throughout Shetland.

However, it is recognised that on occasions particular industries may have a locational need to be sited out with the favoured locations for business and industrial developments.

Therefore, developments in the open countryside will only be supported where the applicant can clearly demonstrate that there is a locational need and that opportunities for the re-use of redundant buildings and brownfield sites are assessed in a supporting statement to the planning application.

## **SGED4 Buildings and Plant**

Proposals for buildings and plant, or any other forms of construction or works relating to industrial and business operations will be assessed according to all the following criteria:

- the appearance and the proposed location and design of plant, buildings or stockpiles, with particular emphasis on the proposed scale, height and colour of any buildings or structures;
- the adequacy of the screening or landscape proposals for the site and the access routes;
- effects on the character of the surrounding area;
- the anticipated generation of noise, dust or other nuisance; and
- traffic generation and circulation.

### **Justification**

Associated buildings and plant can sometimes have a greater environmental impact on the community than the operation itself. Industrial and commercial operations often include very large buildings and structures: in the case of quarries or wind farms they can often appear very prominent in the landscape.

However, sensitive design and siting of buildings, plant or stockpiles can substantially reduce their visual impact. Access arrangements are likely to be of particular concern at remote sites, where the visual impact of access roads and construction work will be more obvious. In addition, roads and construction work may have a direct effect on the local hydrology of the area and an indirect impact on wildlife habitats.

## **SGED5 Services Infrastructure**

Applicants submitting proposals for laying pipes and cables etc. that are not classed as permitted development may be required to submit additional information in support of their application.

### **Justification**

Although most underground work carried out by service providers does not require planning permission, it is important to recognise that the laying of pipes and cables involves disturbance and extensive digging of trenches. Such works are likely to disrupt roads, footpaths, trees, roadside features and street furniture, natural and built heritage sites. In particular, trees can be inadvertently killed as a result of root damage. As there are relatively few trees in Shetland, it is important that existing trees are protected from any construction works and inconvenience to the public during construction is minimised.



## **SGED6Telecommunications Developments**

Proposals for Communications developments that support the expansion and improvement of the communications network throughout Shetland will be supported providing:

- The proposal demonstrates consideration of scale, siting and design ensuring the positioning of equipment is as sympathetic as possible to the surrounding area.
- It can be demonstrated that existing communications infrastructure or sites cannot be shared
- Existing services will not be adversely affected
- Redundant equipment will be removed and land reinstated at no cost to the Council

Planning applications for communications infrastructure must be accompanied by supporting material providing details of how the proposed development will fit within the existing telecommunications network and any associated cumulative effects. Applicants are required to provide details of design, scale and materials of all components alongside a declaration of compliance with ICNIRP \* guidelines.

\* International Commission on Non-ionising Radiation Protection

### **Justification**

Advances in information communications technology (ICT) have changed the way modern businesses operate. The use of the broadband internet, email, networking and video conferencing are all vital for the viability of new and existing businesses. The Council are committed to providing reliable and resilient telecommunication services to ensure that Shetland is a desirable location to do business. The Council recognise that providing a high level telecommunications network is an essential component of sustaining the population of Shetland in the future. The use of ICT can reduce the need to travel both within and out with Shetland and in doing so contribute the sustainability of the Islands as a whole.

## **SGED7 Commercial and Retail Uses within Lerwick**

Within Lerwick, business proposals in Class 1,2,3 and 4 of the Town and Country Planning (Use Classes) (Scotland) Order 1997, will be supported, provided that:

- The sequential approach has been followed
- greenfield sites are avoided, if brownfield land is available close by;
- the residential character of the central residential area, as shown on the Lerwick Locality Map, is not eroded
- the amenities of surrounding properties and residents are safeguarded;
- the proposal would not adversely affect local residents through an increase in traffic levels, noise, fumes and hours of operation;
- technical standards in terms of parking, traffic circulation, vehicular access and servicing, and pedestrian access are met in full
- the visual amenity of the area is safeguarded;
- the design, scale and siting of new development respects the character and appearance of the surrounding area and the Conservation Area, as appropriate;
- The proposal complies with all relevant Local Development Plan policies and Supplementary Guidance;

The conversion or change of use of existing buildings to suitable business uses will be supported, if the above criteria are met.

Proposals that are considered to have a potentially significant impact on the viability and vitality of the town centre should be accompanied by an impact assessment.

### **Justification**

Lerwick is identified as an administrative and cultural centre for Shetland. The town centre has an important function in providing employment opportunities and services for local communities as well as providing a focal point for civic activity.

High quality retail and leisure uses within the town centre are essential in concentrating other activities within the area and adding to the overall wellbeing of the area. Therefore, this policy supports a range of community and commercial activities within Lerwick town centre.

Where a development cannot be accommodated within the town centre the applicant should seek to site the development on the edge of the town centre as the next most favourable location.

In line with Scottish Planning Policy out-of-centre locations will only be considered ;

1. Where the applicant can demonstrate that all town centre and edge of town centre locations have been assessed and discounted.
2. Where the scale of the development is considered inappropriate for the Town Centre
3. Where appropriate the applicant will be required to demonstrate, through a retail impact assessment, that there would be no significant adverse effect on the vitality and viability of existing centres.

## **SGED8 Retailing in the Rural Areas**

Outside Lerwick, proposals to create new, or to extend existing, retailing developments in Use Class 1(shops) will only be accepted if the applicant can satisfy\* the Planning Authority that:

- the need for the new proposal cannot be met in an existing shop unit or on a vacant site within an established settlement;
- technical standards in terms of parking, traffic circulation, vehicular access and servicing, and pedestrian access are met in full;
- there are no unacceptable adverse effects on the amenity of neighbouring residents;
- the proposal complies with all relevant Local Development Plan policies and Supplementary Guidance

This Policy also applies to shops attached to garages, Class 4 offices, car showrooms or petrol filling stations, but does not apply to retail units which are ancillary to an adjacent manufacturing enterprise or farm shops.

\* In some instances a retail impact study may be required.

### **Justification**

Throughout Shetland commercial and business developments including, rural shops and post offices, play a crucial role in maintaining existing settlements and facilitating them to thrive as prosperous and sustainable communities.

Therefore, proposals for retail developments and other services will only be permitted where it can clearly be demonstrated that the development will not have a detrimental impact upon existing rural services. In addition it should be shown that there are no suitable buildings or sites within existing settlements that could accommodate the proposal.

## **SGED9 Home Based Offices**

Where planning permission is required, the Council will permit small scale offices (Classes 2 and 4) to operate from residential properties, provided that:

- the proposal does not detract from the amenity of neighbouring residential properties;
- adequate off-street car parking facilities can be provided;
- the use can be accommodated within the existing premises;
- the proposal complies with all relevant Local Development Plan policies and Supplementary Guidance.

### **Justification**

Scottish Planning Policy requires planning authorities to adopt a flexible approach to work from home where possible. This policy supports the Spatial Strategy of the Plan by enabling rural businesses to thrive and providing potential employment opportunities across Shetland.

## **SGED10 Large-scale\* Food Shops & Supermarkets**

New large-scale\* food shops or supermarket developments or proposals to extend or to increase the sales area of any existing large-scale\* food shops or supermarkets will be permitted provided the following criteria are met in full:

- an independent retailing study (carried out at the applicant's expense) has demonstrated, to the satisfaction of the Planning Authority, that the vitality and viability of existing centres and rural shops is not prejudiced;
- the buildings are designed and constructed to a high standard;
- the applicant signs a Section 75 planning agreement limiting the amount of non-food shopping floorspace;
- technical standards in terms of parking, traffic circulation, vehicular access and servicing, and pedestrian access are met in full

\* A large-scale food shop is considered to have a gross floor area in excess of 1000sq.m. (inclusive of any extensions).

### **Justification**

Proposals of this type will be subject to an independent retail impact assessment (at the developer's expense) being submitted as part of the application in order to satisfy the Council that the proposal will not jeopardise the vitality and viability of existing centres and rural shops.

## **SGED11 Car Showrooms and Fuel Filling Stations**

Proposals for car showrooms or fuel filling stations will only be permitted where the following criteria are met in full, namely:

- vehicular access is directly off the primary road network or the site is within an industrial estate or commercial site with established access;
- technical standards in terms of parking, traffic circulation, vehicular access and servicing, and pedestrian are met in full;
- where an associated shop is proposed, planning conditions may be imposed restricting the use of the garage buildings and the amount of retail floorspace to be provided including the type of goods sold, in accordance with policy SGED8 and SGED10.
- there are no unacceptable adverse effects on the amenity of neighbouring residents;
- the proposal complies with all relevant Local Development Plan policies and Supplementary Guidance

### **Justification**

Fuel filling stations generate significant volumes of traffic at all hours of the day. Car showrooms normally involve large forecourts, buildings and sizeable advertising signs. Showrooms are often associated with fuel and vehicle repair garages, which can all generate significant noise and volumes of traffic. In order to maximise their accessibility to drivers and to reduce their impact on residential areas, they should only be located on a primary road or within industrial estates.

Many petrol filling stations now provide a wide range of retail goods in the associated shop. Many function as a local shop or small supermarket serving passing traffic and the surrounding population. The important role of such local provision is recognised.

## **SGED12 Schedule 3 Developments**

Proposals for development of a class requiring publication of the application under Schedule 3 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 will only be permitted where:

- there are no unacceptable adverse effects on the amenity of neighbouring residents;
- the proposal includes appropriate measures to reduce the impact of noise, smells etc.;
- there are no significant transport, amenity or public service provision objections;
- technical standards in terms of parking, traffic circulation, vehicular access and servicing, and pedestrian access are met in full
- the proposal complies with all relevant Local Development Plan policies and Supplementary Guidance

Developments that are subject to advertisement in the local press on account of the class they fall within require a site notice to be displayed from their commencement through to completion.

### **Justification**

Developments and uses that require publicity (including hot food outlets, pubs and clubs) often occur within or adjacent to residential areas and many of these involve high customer turnover and unsociable hours. Therefore, it is essential that any such proposals meet the criteria within this policy.



## **Appendix 1.**

### **List of Sites with Development Potential for Business and Industry.**

- 1. LK001 Former Decca Station, Lerwick**
- 2. LK002 Black Hill Industrial Estate**
- 3. LK003 Gremista, Lerwick**
- 4. LK004 Gremista, Lerwick**
- 5. LK005 Rova Head, Lerwick**
- 6. LK006 Port Business Park/Black Hill Industrial Estate, Lerwick**
- 7. LK007 Port Business Park, Lerwick**
- 8. LK011 Lerwick**
- 9. LK014 Lerwick**
- 10. LK018 Gremista, Lerwick**
- 11. LK019 North Greenhead, Lerwick**
- 12. LK020 North Greenhead, Lerwick**
- 13. LK021 Dales Voe, Lerwick**
- 14. NM004 Scasta Airport**
- 15. NM005 Scasta Airport**
- 16. NM013 Loch of Haggrister, Sullom**
- 17. NM020 Sellaness, Scasta**
- 18. SM019 Scatness, Virkie**

## **Appendix 2**

### **Town and Country Planning (Use Classes) (Scotland) Order 1997 Schedule 3**

#### **Class 1. Shops**

Use—

- (a) for the retail sale of goods other than hot food;
  - (b) as a post office;
  - (c) for the sale of tickets;
  - (d) as a travel agency;
  - (e) for the sale of cold food for consumption off the premises;
  - (f) for hairdressing;
  - (g) for the direction of funerals;
  - (h) for the display of goods for sale;
  - (i) for the hiring out of domestic or personal goods or articles;
  - (j) as a launderette or dry cleaners; or
  - (k) for the reception of goods to be washed, cleaned or repaired;
- where the sale, display or service is principally to visiting members of the public.

#### **Class 2. Financial, professional and other services**

Use for the provision of—

- (a) financial services;
- (b) professional services; or
- (c) any other services (including use as a betting office);

which it is appropriate to provide in a shopping area and where the services are provided principally to visiting members of the public.

### **Class 3. Food and drink**

Use for the sale of food or drink for consumption on the premises.

### **Class 4. Business**

Use—

(a) as an office, other than a use within class 2 (financial, professional and other services);

(b) for research and development of products or processes; or

(c) for any industrial process;

being a use which can be carried on in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

### **Class 5. General industrial**

Use for the carrying on of an industrial process other than one falling within class 4 (business).

### **Class 6. Storage or distribution**

Use for storage or as a distribution centre.

### **Class 7. Hotels and hostels**

Use as a hotel, boarding house, guest house, or hostel where no significant element of care is provided, other than premises licensed for the sale of alcoholic liquor to persons other than residents or to persons other than persons consuming meals on the premises and other than a use within class 9 (houses).

## **Class 8. Residential institutions**

Use—

(a) for the provision of residential accommodation and care to people in need of care other than a use within class 9 (houses);

(b) as a hospital or nursing home; or

(c) as a residential school, college or training centre.

## **Class 9. Houses**

Use—

(a) as a house, other than a flat, whether or not as a sole or main residence, by—

(i) a single person or by people living together as a family, or

(ii) not more than 5 residents living together including a household where care is provided for residents;

(b) as a bed and breakfast establishment or guesthouse, where at any one time not more than 2 bedrooms are, or in the case of premises having less than 4 bedrooms 1 bedroom is, used for that purpose.

## **Class 10. Non-residential institutions**

Use, not including residential use—

(a) as a crèche, day nursery or day centre;

(b) for the provision of education;

(c) for the display of works of art (otherwise than for sale or hire);

(d) as a museum;

(e) as a public library or public reading room;

(f) as a public hall or exhibition hall; or

(g) for, or in connection with, public worship or religious instruction, or the social or recreational activities of a religious body.

## **Class 11. Assembly and leisure**

Use as a—

(a)cinema;

(b)concert hall;

(c)bingo hall or casino;

(d)dance hall or discotheque; or

(e)swimming bath, skating rink, gymnasium or area for other indoor or outdoor sports or recreation, not involving motorised vehicles or firearms.