

By email to:
Stuart West, Planning Manager
devplan@orkney.gov.uk

Our ref: A14585271

16 June 2016

Dear Stuart

ORKNEY LOCAL DEVELOPMENT PLAN PROPOSED PLAN

Thank you for consulting the Scottish Government on the Orkney Local Development Plan - Proposed Plan (PP). We wish to make the following representations:

Representation 1 – Spatial Strategy

Change sought:

As the Housing Supply Target (HST) is lower than the Housing Needs and Demand Assessment (HNDA) estimate, the Plan should identify what factors the Council has taken into account to translate the HNDA estimate into the HST. Some of the factors that should be considered for the HST are listed in the HNDA Manager's Guide.

Why change sought?

It is not clear how the HST is informed by the key findings of the HNDA

The Plan should make clearer the following:

- The HNDA is the future estimate of additional housing units needed = 1,159 (page 6)
- The HST is the amount of housing that can will delivered/funded = 1,011 (page 7)
- The HLR is the HST plus generosity = 1,214 (page 7)

Representation 2 – Spatial Strategy (Affordable Housing)

Change sought:

The Plan should set out the role that planning will have in addressing the affordable housing shortage identified in the plan, in line with the requirements of Scottish Planning Policy paragraph 128.

Why change sought?

The Plan does not appear to have an affordable housing policy, the only mention of affordable housing is in relation to the figures set out for housing supply targets.

Representation 3 – Specialist Housing Provision

Change sought:

The Plan does not refer to the need for specialist housing provision. If the Council has identified a need for specialist housing in Orkney then it should prepare a policy to support the delivery of appropriate housing and consider allocating specific sites as set out in Scottish Planning Policy.

Why change sought?

If there is an identified need for Gypsy/Traveller and Travelling Showpeople, local development plans should identify suitable sites for these communities, in accordance with SPP para, 133.

Representation 4 - Policy 4

Change sought:

We would seek the following wording change for section E - Single Houses and housing clusters in the countryside.

Outwith the settlements, on the mainland and linked south Isles, developments of single houses will be supported where it involves one of the following:

- vii) The provision of a single dwelling house for a rural business where 24 hour supervision is an operational requirement (~~including agricultural workers or crofters~~) (avoiding occupancy restrictions where possible); or
- viii) The provision of a single dwelling house to allow for the retirement succession of a viable farm holding (avoiding occupancy restrictions where possible).

Why change sought?

SPP paragraph 83 states that in remote rural areas, where new development can often help sustain fragile communities, plans and decision making generally should not impose occupancy restrictions on housing.

Representation 5 - Policy 5 (Waste)

Change sought:

We would seek the inclusion of the following phrase.

5D(ii) (page 18): 'Subject to appropriate reference to the waste hierarchy, the expansion of these facilities, or the incorporation of new methods to manage waste, such as energy from waste projects, will be supported'.

Why change sought:

Energy from waste technology has a role to play in Scotland's waste strategy, however, this needs to be in line with the waste hierarchy, in accordance with SPP para, 178.

Representation 6 - Policy 7 (Energy)

Change sought:

D. Onshore Wind Energy Development Clause (vi) should be revised to make it clear that consent for wind energy is granted in perpetuity.

Why change sought?

Clause (vi) states that wind energy development will be granted for a maximum period (usually 25 years). This appears contrary to paragraph 170 of the SPP which states that areas identified for wind farms should be used in perpetuity. Unless there is a specific reason why a maximum period is stipulated we consider this clause should be revised. While we recognise that a wind farm may come to the end of its operational life and the site restored, the permanent suitability of a site for wind farm use (perpetuity) is important as it has a relationship to the potential repowering of a site and the expectation that a wind farm in use today will in principle be acceptable in the long term if reconfigured.

The Planning Authority should review our online advice 'some questions answered' for further information <http://www.gov.scot/Topics/Built-Environment/planning/Policy/Subject-Policies/low-carbon-place/Heat-Electricity/renewables-advice/Questions>

Representation 7 - Policy 10

Change sought:

We would request that Policy 10 be amended to include specific reference to safeguarding the existing allotments in Orkney (in Kirkwall and Stromness), identify any further potential allotment sites (if there is demand) and to encourage opportunities for community growing spaces.

Why the change is required:

There are no specific references to either allotments or community growing spaces within this Proposed Plan, this should be include in accordance with SPP para, 227.

Representation 8 - Policy 10

Change sought:

We would seek an additional paragraph - the following lines could be inserted, after paragraph 10.2:

“Temporary greening can be an appropriate way to create safe and attractive places until development comes on stream. The Council will support the use of temporary greening of land awaiting development, where appropriate. Consideration will be given to whether greening of a site could bring about a positive impact to the local environment and overall amenity of the area, without prejudicing the effectiveness and viability of the site, if it is allocated for development in the longer term.”

Why the change is required:

The Proposed Plan does not include text on temporary greening. Including the suggested text will improve alignment with SPP para, 229.

Representation 9 – Policy 10 / Policy 11

Change sought:

We would request that Policy 10 or 11 be amended to include specific reference to ‘Outdoor Sports Facilities’, and to safeguard these from development subject to the exceptions as expected by SPP.

Why the change is required:

The Proposed Plan does not use the term Outdoor Sports Facilities, which have a specific meaning and definition in Scottish Planning Policy (2014) and the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

Outdoor Sports Facilities are defined in the SPP’s Glossary. SPP sets out specifically in paragraph 226, under the section on Development Planning, that outdoor sports facilities should be safeguarded from development except in a series of defined circumstances. The Scottish Government accordingly expects local development plans to include policy provision to safeguard outdoor sports facilities, in line with SPP.

Representation 10 - Policy 11 and Policy 14

Change sought:

Further detail should be provided within the Plan setting out the types of development that will be expected to make contributions and the locations of such development.

Why the change is required:

Para 139 of Circular 6/2013 sets out matters which should not be included in Supplementary Guidance, but that should be within the Plan. This includes: ‘items for which financial and other contributions including affordable housing will be sought and the circumstances (locations / types of development) where they will be sought’.

Conversely, para 11.1 of Policy 11 states that:

iii. 'details of where contributions will be sought is set out in the relevant master plan or development brief and within planning policy advice: Developer contributions'.

In addition, para 14.2 of Policy 14 states that:

'Any such contributions will be highlighted within the relevant urban design framework, master plans or development brief'.

Representation 11- Policy 12 (Coastal Development)

Change sought:

Paragraph 12.1 should be amended to acknowledge the statutory status of National Marine Plan under the Marine (Scotland) Act 2010 given the potential for some coastal development and decision making under the proposed development plan to impact on the marine area, in particular those areas covered by Policy(ies) 12.

Why the change is required:

Policy 12: Coastal Development - The reference to integrated terrestrial and marine planning frameworks in paragraph 12.1 is welcomed and the intention of adopting the Pentland Firth Orkney Waters Pilot Marine Spatial Plan as Planning Policy Advice clearly identifies a step towards alignment. For clarity it should be made clear that forthcoming Regional Marine Plans prepared in accordance with the Marine (Scotland) Act 2010 and adopted by Ministers will form part of the statutory marine planning regime and will therefore differ from Planning Policy Advice.

A statutory National Marine Plan was adopted and published by Scottish Ministers in 2015. The Plan applies from Mean High Water Springs and covers both Scottish inshore waters (out to 12 nautical miles) and offshore waters (12 to 200 nautical miles).

Relevant marine legislation (Marine (Scotland) Act 2010 and UK Marine and Coastal Access Act 2009) require that

- public authorities taking authorisation or enforcement decisions that affect or might affect the marine area must do so in accordance with the National Marine Plan and any subsequent regional marine plan once adopted, unless relevant considerations indicate otherwise. This includes decisions on terrestrial planning applications and enforcement action which affect the UK marine area.
- public authorities when making decisions which are capable of affecting the marine area which are not authorisation or enforcement decisions, must have regard to National and regional marine plans. This applies to the preparation and adoption of terrestrial development plans.

Representation 12 – Policy 14

Change sought:

An exemplar walking and cycling friendly settlement should be included to the text of this policy, to demonstrate how active travel networks can be significantly improved.

Why the change is required:

Paragraph 5.14 of NPF3 states that:

‘As a key part of the low carbon agenda, we will encourage local authorities to develop at least one exemplar walking- and cycling-friendly settlement to demonstrate how active travel networks can be significantly improved in line with meeting our vision for increased cycling. These settlements, as well as wider core path networks, will act as key nodes on the national walking and cycling network’.

Yours Sincerely

**Jane Tennant
Graduate Planner**