

By email to:
devplan@orkney.gov.uk

Our ref: 12170212

16 September 2015

Dear Development Plans Team

ORKNEY LOCAL DEVELOPMENT PLAN MAIN ISSUES REPORT

Thank you for providing the Scottish Government with the opportunity to comment on the above Main Issues Report (MIR). We wish to make the following comments:

Question 2

Scottish Planning Policy (SPP) includes sustainability as a principal policy, which underpins all other policies in the SPP. It will be important for the proposed plan to ensure the key points on sustainable development set out in the SPP (paragraph 29) are reflected. This will also be relevant to the approach the plan takes to Orkney's sustainable settlements as referred to in paragraph 1.1 of the MIR.

Main Issue 2 – Housing in Orkney

Housing - General Comments

Preferred Option 2.24 states that “The planning authority will work with private and public house builders to ensure the provision of housing that addresses the local housing requirements identified in the Housing Needs and Demand Assessment (HNDA) and the Local Housing Strategy (LHS)”. It would have been helpful if the MIR had made reference to the HNDA figures, setting out how these would translate into a Housing Supply Target (HST).

The Proposed Plan should clearly set out the HST, separated into market sector and affordable, and the housing land requirement for each housing market area as required by SPP (paragraph 120 and Diagram 1). If the Council chooses to use the output from the HNDA to directly translate into a HST, this should be fully explained in the Proposed Plan.

In addition to the above, the MIR did not provide any evidence of the scale of the housing land requirement. The MIR text mentions meeting the HNDA output and the provision of 10-20% generosity, but in the absence of any supporting figures it cannot be determined whether a generous supply has been allocated. SPP (paragraph 116) requires that the overall HST is increased by a margin of 10-20% to establish the housing land requirement, in order to ensure that a generous supply of land for housing is provided

We note the table on 'Windfall Contribution to Housing Delivery', which demonstrates that a high percentage of housing completions between April 2010 to March 2015 were completed on windfall sites. Paragraph 2.3 of the MIR states that "In the emerging LDP, the identified demand will largely be met through formal housing allocations although details of projected windfall developments will also be included". In establishing the housing land requirement for the Proposed Plan, regard should be had to SPP (Paragraph 117) which sets out how this can be met from a number of sources including windfall sites. SPP (paragraph 117) states that "Any assessment of the expected contribution to the housing land requirement from windfall sites must be realistic and based on clear evidence of past completions and sound assumptions about likely future trends".

Question 5

The alternative approach may be more appropriate to the most remote rural locations, so that there is less likelihood of the main spatial/settlement strategy within the plan being undermined by sporadic development and the potential suburbanisation of the more accessible countryside locations with closer proximity to key settlements and services is reduced.

Question 8

These may not be the only definitions that could describe such forms of development but it is for the Council to decide how it wants to define development scenarios. For clarity they should be explained within the plan or a related glossary.

Question 9

A pragmatic approach for the plan would be to support the majority of housing designations within the most sustainable settlements that have services. However it may be prudent to allow some flexibility to provide a limited number of small-scale allocations within smaller settlements that might have good accessibility to the services within sustainable settlements that have more services.

Main Issue 3 – Marine environment

Marine and terrestrial planning interface

We welcome the reference to marine planning and the benefits of alignment with terrestrial planning. We believe the emphasis that marine planning is given in the MIR is appropriate.

While mindful that the Pilot Pentland Firth and Orkney Waters Marine Spatial Plan (PFOW MSP) is still in consultation, we welcome the preferred approach that the MSP will be adopted as Planning Policy Advice. We believe this offers the flexibility for it to be considered within decision making until which time it may be replaced by a statutory Regional Marine Plan developed and adopted within the framework provided by the Marine (Scotland) Act 2010 and within the development plan cycle. However, as the current PFOW MSP combines the Scottish Marine Regions of Orkney and North Coast, work may be required to adapt the Plan so that it is suitable for use for the Orkney region alone.

In developing policy on flood risk it is important to be aware of paragraph 88 of the SPP which states that development plans should confirm that new development requiring new defences against coastal erosion or coastal flooding will not be supported except where there is a clear justification for departure from the general policy to avoid development in areas at risk. In addition paragraph 88 states that where appropriate, development plans should identify areas at risk and areas where a managed realignment of the coast would be beneficial. This should be taken into account in the preparation of the proposed plan.

Question 22

If the flood risk management plan recommends that there should be a presumption in favour of flood alleviation measures then we have no objection to this being included in the LDP. It should be noted however, that in accordance with the flood risk framework set out in the SPP, the provision of flood alleviation does not necessarily mean that new development will be appropriate. Cognisance should also be taken of paragraph 88 of the SPP on new development requiring coastal defences (see above).

Main Issues 4 – Energy and Infrastructure

We note that there is no reference to *Draft Sectoral Marine Plans for Offshore Wind, Wave and Tidal Energy in Scottish Waters* or the National Marine Plan (see chapter 11) in this section despite there being four tidal, one wind and one wave options identified in the Orkney area. This may be because offshore and marine renewables are covered by the PFOW MSP, but we suggest these documents are at least referenced given their importance to offshore wind and marine renewable development

As mentioned earlier, the National Marine Plan has statutory effect for any public authority taking decisions which may affect the marine environment. We recommend this is reflected in the Proposed Plan. The intent to adopt the PFOW MSP as Planning Policy Advice is noted, but we still consider it is important to reflect the potentially wide reaching impacts of the NMP and its position as part of the wider planning framework in Scotland.

Question 25

This approach would appear to meet the requirements defined by SPP paragraph 162 and the identification within Supplementary Guidance is unlikely to detract policy consideration against the wind farm spatial framework which would be expected in the Proposed Plan. It may also provide an additional useful steer to the development industry. In order to ensure full compliance with national policy reference should be made to the Scottish Government's Some Questions Answered - <http://scotgovplanningarchitecture.com/2014/12/05/onshore-wind-questions-answered/> and to the recently published SNH Guidance on spatial planning for onshore wind turbines - natural heritage considerations - <http://www.snh.gov.uk/docs/A1663759.pdf>

Question 26

We have no opinion, however would note caution as to how the areas might be viewed against the spatial framework and any constraints identified therein.

Question 27

The identification of a need for community charging facilities within each of Orkneys settlements would be a welcomed commitment to reducing the environmental impact of the island's transport infrastructure.

Question 28

We would welcome provision of charging points for electric vehicles within housing developments.

Question 30

Yes we agree. SPP paragraph 172 makes provision for national policy support for energy storage solutions.

Question 31

Yes this would be welcomed. However, there may be other opportunities for energy storage sites outwith these areas, but in proximity to energy generation infrastructure. This should be considered where there may be opportunities for repowering wind farm sites and for any new wind farm or renewable generation sites where grid capacity continues to present issues to deployment.

Question 32

Yes we agree. We are aware that the Council has been participating in the Heat Network Partnership Strategy Programme and should therefore have started preparing a heat strategy for the Orkney area. We would expect the proposed plan to take full account of this strategy and to have supportive policy to aid its implementation. The policy should be complemented by a spatial diagram which identifies where heat networks, heat storage and energy centres exist or would be appropriate in order to comply with paras 158 -160 of SPP. This is particularly relevant as NPF3 requires "New development should be future-proofed to ensure that connections to existing or planned heat networks are taken forward as soon as they are viable".

Question 33

The Council should use the heat map to identify where there may be other opportunities for district heating systems and present this spatially within the plan in accordance with SPP paragraphs 158 - 160. In addition paragraph 184 of SPP sets out that plans should safeguard existing waste management installations.

It is noted that the preferred approach is to have a strong emphasis in favour of the expansion of existing waste transfer stations as well as the provision for new facilities within industrial locations. This is in accordance with SPP paragraph 185 but could perhaps be widened to also refer to sites identified for employment or storage. Further, with regard to new sites, the Council should consider appropriate locations for these (if possible), in line with paragraph 187 of SPP.

It is noted that the main issues report does not refer to other types of waste infrastructure other than waste transfer stations. The Council should satisfy themselves that the proposed policies of the plan will meet the requirements of SPP paragraphs 178 to 187.

Question 34

As currently drafted the preferred option indicates that the level of contribution will be set out in the LDP Settlement Statements, site-specific development briefs and masterplans. Paragraph 139 of Circular 6/2013 'Development Planning' provides guidance on matters that should be included within the plan and within supplementary guidance with regards to developer contributions. Paragraph 139 states that items for which financial or other contributions, including affordable housing, will be sought and the circumstances (locations, types of development) where they will be sought should be within the plan. The exact level

of developer contributions or methodologies for their calculation are suitable for supplementary guidance, provided there is an appropriate context in the plan.

Additional Comments

The Current Policy N2 in the adopted LDP, which will be carried through to proposed plan, requires modification to comply with the current SPP. We would therefore suggest that the following is inserted to the current Para 208 - " compensatory measures are provided to ensure that the overall coherence of the Natura network is protected."

We note that you intend to carry forward policy C5 Minerals of the adopted LDP. You may wish to consider HOPS Energy and Resources sub-committee Position Statement on the operation of financial mechanisms to secure decommissioning, restoration and aftercare of development sites. Available at <https://hopscotland.files.wordpress.com/2014/08/hops-6-7-15-position-statement-on-bonds-with-appendices2.pdf>

Historic Scotland Comments

Historic Scotland is generally content with the spatial strategy, but they do not support the inclusion of Dounby Site 8 in the proposed plan. Further details on this and commentary on other allocations and the MIR are included in Annex 1.

I hope the above comments are of use. Please contact me if you would like to discuss them in more detail. We would also welcome the opportunity to provide comments on draft versions of the Proposed Plan.

Yours sincerely

Simon Pallant
Senior Planner

Enc - Annex 1 – Historic Scotland Comments

In light of this, they would object to this area's inclusion in the spatial strategy of the local development plan and any subsequent planning application in this area. They would recommend that the scheduled area should be removed from the allocation if the entire allocation is not to be removed from the local development plan.

2. Historic Scotland advice on other proposals

Dounby Site 10

This is a preferred allocation for residential development. There is a scheduled monument located to the E of this site: *Knowe of Makerhouse, burnt mound 100m ESE of Makerhouse* (Index No. 1302), a prehistoric domestic site with upstanding remains. Historic Scotland would reiterate the comments made for this allocation during the consultation for the current LDP.

Finstown Sites 3 & 4

These are preferred allocations for residential development. There is a scheduled monument (also a Property in the Care of Scottish Ministers) located to the SW of these sites: *Cuween Hill, chambered cairn* (Index No. 90092), a well-preserved Maes Howe type chambered cairn. Historic Scotland would reiterate the comments made for these allocations during the consultation for the current LDP (2014).

Finstown Site 5

This is a preferred allocation for residential development. There is a scheduled monument located to the NE of this site: *The Hilloch, broch* (Index No. 1448), a prehistoric domestic and defensive site with upstanding remains. Consideration should be given to the setting of the scheduled monument in any development proposals for the allocation.

St Mary's Site 2

This is a preferred allocation for residential development. There is a scheduled monument located to the SW of this site: *Loch of Ayre, broch at N end of, St Mary's* (Index No. 1462), a prehistoric domestic and defensive site with upstanding remains. Consideration should be given to the setting of the scheduled monument in any development proposals for the allocation.

Tingwall Site 2

This is a preferred allocation for residential development. There is a scheduled monument located to the W of this site: *Tingwall, broch & mound 90m W of Tingwall House* (Index No. 1473), a prehistoric domestic and defensive site with upstanding remains. Consideration should be given to the setting of the monument in any development proposals for the allocation.

Kirkwall Site 1

This is a preferred allocation for residential development. There are category B listed buildings located to the N of this site: *Ayre Road, Grainbank House, including ancillary range and walled garden* (HB No. 45972). Consideration should be given to the setting of the buildings in any development proposals for the allocation, the Council should be mindful of the historically open nature of their surroundings which are a key characteristic of their setting.

Stromness Site 14

This is a preferred allocation for residential development. There are category C listed buildings located to the E of this site: *Back Road, Quildon Cottage including former kiln* (HB No. 41804) and *Back Road, Quildon House including outbuildings and boundary walls* (HB No. 45348). Consideration should be given to the setting of the buildings in any development proposals for the allocation, the Council should be mindful of the historically open nature of their surroundings which are a key characteristic of their setting.

Stromness Site 16

This is a preferred allocation for residential development. There is a category B listed building located to the E of this site: *Whitehouse Lane, White House, outbuildings to rear* (HB No. 45452). Consideration should be given to the setting of the building in any development proposals for the allocation, the Council should be mindful of the historically open nature of its surroundings which is a key characteristic of its setting.

Stromness Site 17

This is a preferred allocation for residential development. There is a category B listed building located within this site: *Citadel Farmhouse, including outbuildings* (HB No. 45354). Consideration should be given to the setting of the building in any development proposals for the allocation, the Council should be mindful of the historically open nature of its surroundings which is a key characteristic of its setting.

OTHER SECTIONS OF THE MIR

Vision

Historic Scotland welcomes that the vision statement for the next LDP refers to the historic environment, the aim of preserving cultural heritage assets and the importance of cultural heritage to the quality of life in the islands.

Potential policies for the Proposed Plan

Historic Scotland welcome that the historic environment and cultural heritage will be included as a potential policy in the Proposed Plan and we note that where necessary detailed guidance and interpretation of the policies will be produced and published in either statutory Supplementary Guidance or non-statutory Planning Policy Advice.

They note that those policies not included as Main Issues will follow the approach taken in the current LDP, however, they would be grateful for early sight of forthcoming draft policies for the Proposed Plan in relation to the historic environment and cultural heritage should any alterations or amendments to wording be considered. They would also wish to have the opportunity to comment on any proposed statutory Supplementary Guidance or non-statutory Planning Policy Advice proposed.

Main Issue 3 – The Marine Environment

Historic Scotland welcomes that this Main Issue recognises the threat posed to the historic environment from flooding and coastal erosion and we are pleased to see that the emerging Pilot Pentland Firth and Orkney Waters Marine Spatial Plan will be adopted as Planning Policy Advice.

They welcome that the Council proposes to support steps taken to preserve cultural heritage sites from the threat of coastal erosion and are pleased to see reference to ensuring that such measures must be sympathetic in scale and design to the asset to be protected.

Main Issue 4 - Energy and Infrastructure

Historic Scotland welcomes that the historic environment is recognised as a consideration within this Main Issue.

Potential Strategic Areas for Wind Energy Development

Historic Scotland's consider that the Alternative Option is preferable; that is for individual applications to be considered on their merits against the development criteria in the Wind Energy Supplementary Guidance with no additional steps taken to identify areas for large scale turbines to be supported in principle. They have specific comments regarding some of the proposed Areas of Potential Strategic Wind Energy Development if the Council take forward their preferred option.

North Mainland Moorland Hills (Area 4)

They have significant concerns about the use of this area as a strategic development area for wind energy because of the potential impact on the Heart of the Neolithic Orkney World Heritage Site. Although there are existing wind energy sites in this area further development has the potential to impact on the Outstanding Universal Value of the Heart of the Neolithic Orkney World Heritage Site. There is also the potential for development in this area to impact on the numerous scheduled monuments in the surrounding area. As a consequence we would recommend that this area is not taken forward as a Potential Strategic Wind Development Area.

Hoy (Area 1c)

They have significant concerns about the use of this area as a strategic wind development area for wind energy because of the potential impact on the setting of the Category A listed buildings located within and in close proximity to the proposed strategic development area. There is also the potential for development in this area to impact on the setting of the scheduled Martello towers at Hackness and Crockness.

Fara (Area 1a), Sanday (Area 6), Stronsay (Area 5), South Mainland Moorland Hills (Areas 3a & 3b), Flotta (Area 1b), South Ronaldsay (Area 2)

They consider that there may be the potential for some further development in these areas without it raising significant issues for Historic Scotland's remit. However, any development would need to take into account and conform to existing national and local historic environment policies.

Energy Storage

Historic Scotland note that sites suitable for storing energy will be identified within the industrial area adjacent to Lyness. They recommend that any such sites should be carefully considered with regard to potential impacts on the setting of the Category A listed buildings in this area.

Historic Scotland
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Historic Environment Scotland – 1st October 2015

On 1 October Historic Environment Scotland will take on its full powers from Historic Scotland. From 1 October 2015 all consultations relating to development plans should be sent to the HES general casework inbox: hs.heritagemanagement@scotland.gsi.gov.uk

If you have any specific queries the contacts for development plan work are:

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