

## ANNEX 3 - Early Engagement on Policy Matters

### PEOPLE

**Community Facilities, Culture and Arts, Health** – we would support a settlement first approach with a policy criterion for locations out-with settlements that would have to be supported by a statement on locational requirements/business plan. For our remote non-linked islands, we would support an approach that would look to co-locate these types of facilities so that limited resources can be pooled, with a community hub type approach.

**Digital** – We consider that good digital connectivity is a utility like water and electricity that would enable people to work from home especially in some of our more remote locations such as the non-linked outer islands. If connectivity is improved for all, it would support Orkney's sustainable future. Building Standards may have a role here in considering how digital connectivity should be incorporated in new development.

**Green Infrastructure** – this policy approach has potential to support the aims and objectives of climate change and sustainable development. Approaches should consider how green networks, flood risk and active travel networks can interact, and become part of placemaking. Our current approach in the adopted Plan is in line with SPP.

**Housing (General)** – our approach to housing within settlements accords with SPP with supply calculated through the Housing Needs and Demand (HNDA). This has produced allocations throughout the county that have concentrated on the delivery of numbers. Often some allocations and locations have not been developed because they are not necessarily in locations where people wish to live. The calculations completed through the HNDA are more suited to urban locations within the central belt rather than rural and remote locations. With our housing colleagues we wish to develop an approach that focuses on sustainability and placemaking that considers the local housing market and the future aspirations of all housing sectors within Orkney. This approach would be based on robust evidence with a focus on identifying the most appropriate land, in the right locations. In Orkney we have a tradition of self-build in rural locations where an applicant would self-build or pay for a house to be erected.

In 2019, Scottish Water in effect put a stop on further development for half of Kirkwall's housing land allocations because of foul drainage capacity issues. This problem had not been communicated with the planning authority through the main issues report and proposed plan stages during the development of the Local Development Plan. The processes and procedures adopted by one of the key agencies has therefore not accorded with the principles of a plan led system. This is a matter which requires further consideration by the Scottish Government.

**Housing (Affordable)** – The availability of affordable, fit-for-purpose housing on particularly the non-linked islands in Orkney presents a challenge for island communities. In particular, access to housing affects population decline and influences the decisions of young people to leave or return to the island communities. This in turn affects the sustainability of local services such as schools and shops. House construction on the islands is also more difficult than in many mainland areas due to transportation costs. Within our adopted Plan we developed a different approach to SPP. This is because the blanket approach of 25% provision of affordable housing did not suit all locations throughout Orkney, with some housing development proposals containing more social provision than 25%. Our present approach asks for housing proposals

within settlements to demonstrate how they have considered and incorporated housing types and tenures which meet local housing requirements. We have found this approach to be flexible and responsive to changing requirements. We would therefore ask for a degree of flexibility in the approach taken in NPF4, for affordable housing.

**Housing (Specialist)** – through evidence (presently the Housing Needs and Demand Assessment), it has been established that Orkney does not have a gypsy traveller population and therefore we have not planned for them. We would request to have flexibility in a policy approach that is evidence based, allowing resources to plan for specialist sectors that need assistance rather than ones that are not relevant to our community. Evidence would be collated in conjunction with our colleagues in Housing Services at the Council. In Orkney we consider that there are two other specialist groups to consider. Firstly, housing for our non-linked islands that encourages new families to live and work there. There are a number of housing issues facing non-linked islands that includes a lack of suitable and available vacant houses, no or limited tradespersons in the location to build/adapt properties at an affordable cost, and often a high proportion of vacant/ruinous houses. The second group would be existing households throughout Orkney that are in fuel poverty. Orkney has the highest percentage of fuel poverty in Scotland with often elderly people living in older houses with inefficient and costly oil-based heating systems.

**Sustainable Settlements** –The way we work and live in Orkney has changed dramatically over the last 40 years with less people employed in rural industries such as agriculture and more people working within our main towns. We need to consider where do people want to live now and in the future; and how the countryside may look in 50 years' time if housing development continues at the rate it is now. We also need to consider how people adapt to living with climate change in 50 years' time. This work will form the evidence background to the approach that we may wish to take for our spatial strategy and for housing within our next Local Development Plan.

**Waste** – the policy in the adopted plan is in line SPP with safeguarding of existing facilities and new facilities supported in business and industrial allocations within settlements, or outwith settlements where there is locational justification.

## WORK

**Aquaculture** – the policy approach in our adopted Plan accords with SPP. We support the sustainable future development of this sector and consider that the key objectives in SPP need to be more balanced to take into account other planning considerations. For example, the consideration of navigational routes for lifeline ferries, harbour operations, biodiversity, marine renewable energy and related infrastructure. The language used should ensure there is support for small scale start-up businesses, for example, in shellfish. We would suggest the text of “To support the sustainable growth of the finfish and shellfish sectors to ensure that the aquaculture industry is diverse and competitive. New development is guided to appropriate locations with due regard to the marine environment, carrying capacity and novel technologies, such as closed-containment and non-chemical sea lice treatments for finfish aquaculture.”

Presently the planning system does support this sector and applications for aquaculture development in Orkney are rarely refused. When there is a refusal; it is based on extensive input from key agencies including SNH, Marine Scotland and SEPA. We would request that recent research by SEPA and parliamentary enquires (Scottish Government's REC committee

report and that the Environment, Climate Change and Land Reform Committee) are considered when drafting NPF4. Their work demonstrates that there is an urgent need for better environmental control for finfish farming. The work of the Regulators Technical Working Group to look at providing better spatial planning advice is also supported.

**Business / Employment** – the policy approach within the adopted plan is in line with the policy approach in SPP. We support this approach.

**Energy (Electricity)** – we support the existing approach and the policy in our adopted plan is in line with SPP. We would state that when dealing with wind energy applications there is a resource and training implication in terms of landscape (as SNH now only advise on impacts to wild land) and in the assessment of the net economic impact (the majority of planning officers do not have this skill set). The Council supports an approach that looks at the transformation of the energy sector in terms of improved distribution and demand management, as well as new generation.

**Energy (Heat)** – In our adopted local development plan we developed a heat map for Kirkwall with the potential for heat and electricity. Following some further research work it has been concluded as not being feasible because of scale (energy from waste) and existing housing types, locations etc. being in locations that are difficult to service and access. We would therefore request that a criteria-based policy approach would be more appropriate and provide for flexibility going forward with a 10-year plan.

**Mineral Extraction** – our approach is in line with SPP although we do not have a spatial element to protect mineral resources. When completing the present plan, industry was not forthcoming in discussing their future plans nor did industry provide us with details on future demands. We therefore found it difficult to plan for this sector. Going forward, we would prefer an approach that was criteria based that would protect working quarries with a substantial amount of time left on their permissions and that would allow for extensions/new workings that are considered appropriate, through policy criteria. For an island community it is difficult to predict future demands when only limited materials are available on the island.

**Rural Development** – within our adopted plan the approach taken is in line with SPP. Many parts of our Mainland could be considered as pressured by development (especially areas in easy reach of Kirkwall). But Orkney has other locations that are more fragile (depopulation issues) with accessibility issues where all development that provides financial and social benefit is appropriate. Any approach would have to balance rural development with protecting Orkney's main industries of farming and tourism. We would support a policy approach that allows agricultural diversification and working from home.

**Tourism** – we consider tourism development under policy provisions for rural development or under business and industry policy. We support the Scottish Government's work on the short-term let market and how it can be more regulated in line with the long-term let market. We are pleased that the designation of short-term let areas are optional as we have concerns how this would be enforced and administrated through Planning. We see that there is a role for Local Place Plans to link tourism for a locality with active travel, green networks etc. so that tourism is considered via a "destination for all" approach.

**Town Centres** – NPF3 highlights that there are towns in coastal areas which can act as hubs for services and transport and will be a focus for new development. Orkney has town centres allocated for 2 settlements (Kirkwall and Stromness) which act as coastal hubs. We changed

the SPP approach to be a town centre first approach, then an edge of town centre locations (for Kirkwall and Stromness), then within the settlement boundary and lastly an outwith the settlement boundary approach. This allows for a policy approach more suitable to Orkney, allowing for uses to be located within our other settlements that would add to their vitality and sustainability.

## PLACE

**Air Quality** – As a rural location, Orkney does not have any air quality concerns but we continue to monitor as required by legislation.

**Climate Change** – Our present approach is in line with SPP. Climate change is about more than renewable energy and a low carbon economy; it should fully consider all aspects of development such as landscaping, green spaces, active travel, sustainable management of surface water management, biodiversity, working from home, decentralization etc. Placemaking has a key role to integrate climate change as a central theme within planning outcomes. Within our urban areas we should consider the more effective use of space and the reuse/retro fit of existing buildings (their role in placemaking and identity, as well as realising their embedded energy). We have noted the approach the Council wishes to take in developing their next spatial strategy to consider future development in light of, flood risk, coastal change and sea level rises.

**Climate Change and Future Spatial Strategies for Orkney** – Orkney as an island community has a strong inter relationship between the sea and land; with many coastal settlements including our main town of Kirkwall. We wish to ensure that future growth takes into full consideration climate change predictions affecting the coastal zone. Therefore, we wish to complete mapping/modelling work that will look at future predicted coastal change, future predicted coastal flooding and future predicted sea level rises; in conjunction with SEPA, the Dynamic Coast Team, Orkney's Flood Management Authority (Engineers) and the Scottish Government. This work will ensure that future development is located away from risk areas and that risk locations are considered at a strategic level such as the 7 Super Sites from the Dynamic Coast Team that includes Skara Brae and Bay of Skail in Orkney. This work will benefit from funding and will form the bases of the next Local Development Plan's spatial strategy.

**Coastal Planning** – See Annex 4.

**Flooding** – Our present approach in the adopted Plan is in line with SPP. As noted, we will be considering our next spatial approach by mapping up to date flood risk predictions, coastal change modelling (dynamic coast work) and sea level risk predictions to ensure that growth wherever possible is located away from areas of risk (high and medium).

Going forward, flood risk management should be considered core to the place making agenda, combining flood prevention with green infrastructure, public realm and biodiversity. Land required for flood risk management now and in the future requires to be safeguarded. Flood management needs to be considered in the management of all land, including the agricultural management of land. NPF4 should aim to further improve flood resilience and consider managed retreat. In 30 years time with a 0.3m sea level rise, properties will be abandoned and communities will have to change. In some cases, retreat will be the most sustainable approach. Through the drafting of NPF4 this topic requires further detailed consideration.

**Green Belts** – The Council has not used green belts in the adopted plan to protect open countryside around their urban locations and therefore supports the present approach taken in SPP with the wording of “where a planning authority considers it appropriate...”

**Historic Environment** – We support the existing approach in SPP. We would like more guidance/policy on how to future adapt historic buildings to meet the future demands of climate change.

**Infrastructure** – we support the approach to infrastructure through the review of the planning system which will see focus on the infrastructure needs, co-ordination for future development and for planning authorities to have a greater understanding of site delivery. This has resource implication for local authorities with competing demands on the Planning service. Existing staff may require training and support, and additional staff may be required. We would also seek more guidance on how the planning authority will lead on exploring and deciding infrastructure requirements. What will be classed as infrastructure? And what will be considered as appropriate infrastructure requirements for a location? Who will be paying/completing work required when investigating infrastructure requirements?

**Land Assembly and Compulsory Purchase** – the Council has limited experience of compulsory purchase and would support an approach that is flexible. We would support the development of guidance and advice use by planning authorities.

**Natural Environment** – the approach taken in the adopted Plan is in line with SPP and there have been no major concerns with implementation. We would ask for clarification on how policy and legislation will be changing/adapting to the UK exiting the EU. We would note the regional differences in biodiversity and the importance that national policy reflects this, and allows for these variations to meet our climate change and biodiversity objectives. A national policy stance is required on soils and peat that looks at their conservation and management. Planning authorities require to have a more focussed input into the development of Scotland’s next Land Use Strategy for Scotland in order to ensure a targeted approach to climate change and biodiversity that considers fully local conditions and circumstances. NPF4 and the Land Use Strategy should be closely aligned.

**Peatland** – NPF4 should adopt a clear stance on peatland and soil conservation and management, with clear definitions for different peat and soil types. The approach in our adopted Plan is in line with SPP. Existing documentation from Scottish Government and Agencies is useful but we would request further guidance on how to restore degraded peat. We would support an approach that would allow for peat cutting on already degraded peat areas, e.g. the whisky industry in Orkney uses peat as part of the distilling process. We consider that the wind energy industry will also continue to target upland peat areas because of their limited population and high wind speeds. For development affecting areas of peat we would request that developers undertake remediation work to badly damaged areas. As a result emissions released through development would be considered and mitigated against.

**Placemaking** – The design policies of the adopted Plan are in line with SPP. Moving forward Placemaking should be made central in the creation of sustainable places that positively consider climate change (flood management, surface water management, active travel and green networks). For more positive steps to be made placemaking should be a key focus for all involved in development delivery especially housing, with a focus on quality not quantity. As an authority with both urban and rural areas it should be noted that the creation of good places involves different elements and the language used presently in Scottish Government design

policies and guidance documents does not translate well to a rural/open countryside location. The Scottish Government should consider supporting or creating design tools for more rural locations such as Orkney. In terms of existing tools and documents, the Council has found Designing Streets to be more useful in the consideration and creation of better places in our urban locations.

**Sustainability** – the spatial strategy of our adopted Plan is in line with the SPP. An overarching policy on sustainability should be maintained in NPF4. Delivering sustainable development is a key function of the planning system. It can mean different approaches to development for different geographical locations in Scotland therefore the NPF4 approach requires some degree of flexibility. Delivering net economic benefit is important but the planning system still requires support and guidance on this matter. Where possible NPF4 should be aligned with United Nations Sustainable Development Goals.

**Transport** – the approach taken in our adopted Plan varies from that of SPP. The national approach in SPP is more suited to the urban areas of Scotland and not a rural island community. Orkney has a largely scattered population in rural locations throughout Mainland Orkney and the islands. It is not possible for Orkney's sustainable future to only allow for development in locations that can utilise active travel or public transport. We support an approach that is flexible and responsive to the use of electric vehicles or other low/zero carbon travel, noting that Orkney has the highest numbers of electric and hybrid vehicles in Scotland. NPF4 must reflect the revised National Transport Strategy and support the provision of essential rural transport services including public bus services. An integrated approach to public transport where bus services connect with internal and external ferry and air service is essential.

**Vacant and derelict land** – the definitions used here are focused on larger sites in urban areas rather than the smaller dispersed sites that we have in Orkney (generally historical wartime uses). In some cases, our derelict, vacant or brownfield sites have reverted back to their previous use (agriculture) but would still be considered underused, although they may also have historic merit or biodiversity value. We would therefore ask for a flexible approach that allows for the consideration of all these matters.