

Item: 9

Development and Infrastructure Committee: 15 February 2022.

National Planning Framework 4.

Report by Interim Executive Director of Finance, Regulatory, Marine and Transportation Services.

1. Purpose of Report

To consider the Council's response to the Scottish Government's consultation on the draft National Planning Framework 4.

2. Recommendations

The Committee is invited to note:

2.1.

That, on 10 November 2021, the Scottish Government issued a consultation on the draft National Planning Framework 4, with a closing date of 31 March 2022.

2.2.

That the Council contributed to two rounds of pre-engagement on the National Planning Framework, namely the Call for Ideas from February to May 2020 and the consultation on the National Planning Framework 4 Position Statement from November 2020 to February 2021.

2.3.

That, in April 2021, the Council submitted Orkney's Indicative Regional Spatial Strategy to the Scottish Government, to inform the drafting of National Planning Framework 4.

2.4.

That the Harbour Authority, as a Statutory Harbour Authority, will be submitting a response to the consultation on the draft National Planning Framework 4, as a developer and operator, after due consideration by the Harbour Authority Subcommittee.

2.5.

The Council's draft response to the consultation on the draft National Planning Framework 4, attached as Appendix 1 to this report.

It is recommended:

2.6.

That the response to the consultation by the Scottish Government in respect of the draft National Planning Framework 4, attached as Appendix 1 to this report, be approved.

2.7.

That the Interim Executive Director of Finance, Regulatory, Marine and Transportation Services should submit the response in relation to the consultation on the draft National Planning Framework 4, to the Scottish Government, on behalf of the Council, by the deadline of 31 March 2022.

3. Background

3.1.

National Planning Framework 4 (NPF4) is a long-term plan for Scotland that sets out where development and infrastructure is needed. Looking forward to 2045, NPF4 will guide spatial development, set out national planning policies, designate national developments and highlight regional spatial priorities.

3.2.

The requirement for Scottish Ministers to prepare the National Planning Framework is set out in Town and Country Planning (Scotland) Act 1997, as amended. Under the reformed planning system, NPF4 incorporates Scottish Planning Policy and has enhanced status as part of the statutory development plan, directly influencing planning decisions.

4. Previous Engagement with NPF4

4.1.

The current draft NPF4 consultation builds on two previous rounds of stakeholder engagement by the Scottish Government:

- The Call for Ideas, which ran from February to May 2020.
- The consultation on the NPF4 Position Statement, which ran from November 2020 to February 2021.

4.2.

The Call for Ideas sought early views on NPF4 and invited stakeholder contributions. In February 2020, Development and Marine Planning held two seminars: one with Elected Members and officers, and the other with stakeholders, including local industry representatives from the renewable sector, the aquaculture sector and construction sectors. Both seminars were attended by senior members of the Scottish Government's Planning and Architect Team. In addition, an electronic stakeholder survey was carried out to identify Orkney's long term development aspiration to inform NPF4 and Orkney's Regional Spatial Strategy. The findings from

these workshops were submitted to the Scottish Government alongside the Council's response to the Call for Ideas.

4.2.1.

On 4 February 2020, when considering participation in a regional partnership to work towards preparation of a Regional Spatial Strategy and to provide input into development of National Planning Framework 4, the Development and Infrastructure Committee recommended that the Council should actively engage in preparation of National Planning Framework 4 as an individual local authority rather than through a regional working group of local authorities.

4.3.

The Scottish Government published a Position Statement on NPF4 in November 2020 which aimed to reflect the information received through the Call for Ideas engagement programme. An officer response to the Position Statement was submitted in February 2021.

4.4.

In April 2021, following consideration by the Development and Infrastructure Committee on 30 March 2021, the Council submitted Orkney's Indicative Regional Spatial Strategy (OiRSS) to the Scottish Government to inform preparation of NPF4. OiRSS identifies strategic development and priorities for Orkney.

5. Draft NPF4 Consultation

5.1.

Draft NPF4 provides a framework for local development plans and planning decision making, including identification of a National Spatial Strategy, National Developments and a National Planning Policy Handbook. The Draft NPF4 document can be accessed via the weblink [here](#).

5.2.

The Scottish Government laid Draft NPF4 in the Scottish Parliament for scrutiny on 10 November 2021. The Scottish Parliament will consider the Draft NPF4 for a period of up to 120 days. Alongside Parliamentary consideration of the draft, the Scottish Government is running a public consultation to gather views and has invited comments to inform the final NPF4. This consultation is open until 31 March 2022.

5.3.

The Council's draft response to the Draft NPF4 consultation is attached as Appendix 1 to this report. This response has been formulated by Development and Marine Planning with wider Council service input on housing, waste, harbours, engineering and flooding, transport, development management, roads and active travel matters. The key issues raised in the consultation response are:

- The planning policies in draft NPF4 require further clarity, detail and supporting guidance to enable effective implementation by planning authorities.
- Policy provision is required within NPF4 to enable the Orkney Local Development Plan to take forward bespoke planning policy approaches to rural housing, affordable housing, rural business development, aquaculture and coastal development.
- The policy to reintroduce people and development into uninhabited areas, needs to be appropriately managed by planning authorities through local development plan spatial strategies, with due regard to maintaining sustainable communities.
- The acknowledgement in Draft NPF4 that the application of the 20 Minute neighbourhood will vary across the country and will need to be adjusted to suit local circumstances, particularly in rural areas, is welcomed by the Council.
- The proposed mechanism for identifying National Development status needs be simplified.
- Orkney Harbours, including Scapa Deep Water Quay and Orkney Logistics Base (Hatston), should be a stand-alone national development in NPF4.
- The Council would welcome engagement with the next iteration of Scotland's Infrastructure Investment Plan to address Orkney's infrastructure requirements.
- The Council supports the acknowledgement in Draft NPF4 that economic recovery will benefit from a better resourced planning service, and that the recent decline in the capacity of planning authorities needs to be addressed.

5.4.

The Council response requests further opportunities to engage with the drafting of NPF4 to ensure that the final plan appropriately addresses the issues raised.

5.5.

The Harbour Authority, as a Statutory Harbour Authority, will also be submitting a response to the consultation on the draft National Planning Framework 4, as a developer and operator, after due consideration by the Harbour Authority Sub-committee.

6. Links to Council Plan

6.1.

The proposals in this report support and contribute to improved outcomes for communities as outlined in the Council Plan strategic priority theme of Quality of Life.

6.2.

The proposals in this report relate directly to Priority 5.19 – Establish and implement terrestrial and marine planning policy and environmental monitoring systems, of the Council Delivery Plan.

7. Links to Local Outcomes Improvement Plan

The proposals in this report support and contribute to improved outcomes for communities as outlined in the Local Outcomes Improvement Plan priorities of Connectivity, Community Wellbeing and Sustainable Recovery.

8. Financial Implications

The preparation of the Council response to Draft NPF4 has been resourced within the existing Planning Service budget.

9. Legal Aspects

9.1.

There are no legal implications arising directly from the recommendation in this report.

9.2.

However, once approved by the Scottish Parliament and adopted by the Scottish Ministers (expected during 2022), NPF4 will become part of the statutory development plan and will directly influence planning decisions. The amended Town and Country Planning (Scotland) Act 1997 directs that planning decisions be made in accordance with the statutory development plan, unless material considerations indicate otherwise.

10. Contact Officers

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11. Appendix

Appendix 1 – Council’s draft response to Draft National Planning Framework 4.

Draft Council Response to Draft National Planning Framework 4 Consultation

Overarching Comments on National Planning Framework 4 (NPF4)

This Orkney Islands Council (OIC) response to the draft NPF4 consultation aims to help the Scottish Government refine NPF4 so that it provides a stronger framework for decision making as part of the statutory development plan and meets the needs of Orkney communities. The National Spatial Strategy and supporting planning policies need to enable Orkney communities to contribute to national outcomes and enable the Scottish Government to investment in our communities to deliver net-zero, economic growth, protect our environment and enhance wellbeing and quality of life.

OIC is concerned that Orkney as a remote island community does not receive the same level of financial support as other authorities in Scotland when considering issues associated with connectivity. All communities should have the same access to digital and physical connectivity to support sustainable growth in Scotland.

Our comment on NPF4 has been drafted with due consideration to the recent Scottish Government publication of Local Development Planning – Regulations and Guidance Consultation. We note that there is provision for local guidance to be produced by a planning authority and that a local development plan can include matters that the planning authority consider appropriate to include; and that provides clarification and assistance to National Planning Framework.

The planning system should play a pivotal role to tackle and adapt to climate change, restore biodiversity loss, improve health and wellbeing, build a strong economy and create great places with developments that respond to local context. As we recover from the pandemic, Orkney should be supported to make a significant contribution towards achieving net zero in a way that tackles longstanding challenges and inequalities for our island communities. With investment in infrastructure, people and places, Orkney can help deliver the six statutory national outcomes for the National Planning Framework. To help deliver these outcomes, OIC emphasises the following overarching comments on draft NPF4:

- As currently drafted, the policies in draft NPF4 require further clarity, detail and supporting guidance to enable effective implementation. As part of the development plan, planning decisions need to be made in accordance with NPF. It is therefore important that policies are clear, unambiguous and deliver appropriate outcomes. Where this is not the case, comments and proposed policy amendments have been provided within the OIC response for consideration by Scottish Government.
- Orkney is geographically, economically and culturally distinct from the Scottish mainland and other island communities. These unique characteristics present specific opportunities and challenges for development, strategic planning and planning policy. This consultation response highlights when flexibility will be required with NPF4 to enable the Orkney Local Development

Plan to take forward bespoke policy approaches to address planning issues in Orkney.

- The draft NPF4 National Spatial Strategy identifies Orkney in the *North and west coastal innovation* Action Area. Orkney is geographically, economically, culturally, and from a transport connectivity perspective, more closely linked with the east coast/Aberdeen, the north coast, A9 Corridor and Shetland, than the west coast. It is therefore proposed that an Action Area linking Orkney with North-east Scotland and Shetland, and the associated transport and infrastructure connections/assets, would be more appropriate, and would better align with Orkney's Indicative Regional Spatial Strategy.
- Some of the content in draft NPF4 would result in more complex assessment and decision-making processes, this is particularly the case in relation to the proposed definition of national development status using the Hierarchy of Development Regulations. It would be a more targeted and streamlined approach if NPF4 named specific national developments, as in NPF3. This would provide greater upfront government buy-in and certainty to specific developments. NPF4 could name specific national developments, e.g., Scapa Deep Water Quay, and also identify classes of development to which national development status would apply in given locations. This would achieve national buy-in to specific well-advanced projects and the flexibility for future proposals to be supported through national development status.
- Given the scale and positive impact of the Orkney Harbours development projects, and their stand-alone ability to deliver on national priorities, it would be appropriate to include the Orkney Harbours as a stand-alone National Development in NPF4. This should include the following specific named projects as National Developments:
 - a) Scapa Deep Water Quay (Scapa Flow)
 - b) Orkney Logistics Base (Hatston)
- The Island Communities Impact Assessment (ICIA) states that NPF4 will seek '*to tackle island specific issues through the national spatial strategy and thematic policies while providing flexibility at the local development plan stage for local and specific island circumstances to be recognised*'. This statement is strongly supported, though this island specific flexibility needs to be more clearly articulated within the NPF4 planning policies. NPF4 Policies 7, 9, 10, 11, 21, 25, 31 and 35 should specifically include policy provision for island planning authorities to take forward bespoke local development plan approaches to:

- Local development plan spatial strategies that address the needs of islands, including the appropriate application of the 20 minute neighbourhood concept;
 - The use of electric cars and vehicles, and other technologies, to allow for the appropriate use of the private car in rural and remote locations where the development pattern is dispersed;
 - Planning for affordable housing, rural housing and rural business development;
 - Aquaculture; and
 - Coastal development.
- The NPF4 policy to reintroduce people and development into areas that are currently uninhabited, though where previously inhabited, is challenging to achieve in line with our climate commitments and wider aspirations to create sustainable communities. Orkney's uninhabited islands have no transport infrastructure, no schools, no healthcare facilities, no waste collection services, limited digital connectivity and can be places with internationally recognised natural heritage. NPF4 should state that local development plans need to be able to identify islands and rural areas where development/population growth will not be supported in accordance with sustainable development principles and assessment of sustainable service provision e.g., schools, ferries, waste collection and health services.
 - Draft NPF4 states that the Scottish Government '*recognise that our economic recovery will benefit from a better resourced planning service, and that the recent decline in the capacity of planning authorities needs to be addressed*'. This recognition by the Scottish Government is welcomed by OIC and should be supported by additional government funding, reform of planning fees and support/training opportunities for policy topics within NPF4 that are not traditional planning matters.
 - Draft NPF4 states that '*once adopted, National Planning Framework 4 will also inform the next iteration of Scotland's Infrastructure Investment Plan*'. OIC would welcome engagement with this process to identify the infrastructure requirements for Orkney.
 - It would be beneficial if the final version of the NPF4 had paragraph numbers so that policy text can be more easily referenced in decision making.

OIC would welcome further opportunities to engage with the drafting of NPF4 to ensure that the final plan appropriately addresses the issues raised in this consultation response.

Part 1 - A National Spatial Strategy for Scotland 2045

Sustainable places

Our future net zero places will be more resilient to the impacts of climate change and support recovery of our natural environment.

Q 1: DO YOU AGREE THAT THIS APPROACH WILL DELIVER OUR FUTURE NET ZERO PLACES WHICH WILL BE MORE RESILIENT TO THE IMPACTS OF CLIMATE CHANGE AND SUPPORT RECOVERY OF OUR NATURAL ENVIRONMENT?

Orkney Islands Council (OIC) supports addressing the Climate Emergency and the nature crisis through the planning system. That said, sustainable places, and particularly island communities, have more diverse needs and infrastructure/investment requirements beyond supporting net-zero, climate adaptation and restoring biodiversity. Currently draft NPF4 does not address the broader infrastructure requirements of islands including Orkney and is overly focused on planning and development in urban settlements.

Draft NPF4, National Spatial Strategy, page 4, states that *'Our rural areas will have vibrant communities and their natural assets are a significant opportunity for long-term carbon sequestration and a greener, fairer and more inclusive wellbeing economy. Cities and towns will be models of healthier and greener living, and a focus for investment in the wellbeing economy. And our islands and coasts will support climate innovation and the blue economy'*. These broad policy statements are supported in principle but are too limited in scope to address the diverse nature of island economies and community needs.

Innovation, research and development in renewable energy, zero-carbon fuels and local energy networks have established Orkney as a global centre of excellence. These emerging sectors thrive alongside a buoyant agricultural, marine and tourism economy. Currently draft NPF4 groups the islands together under the national development banner of Island Hub for Net Zero, with associated infrastructure vaguely identified under the project descriptions. This approach is not supported as it fails to address the broader planning and infrastructure requirements of Orkney and does not address the needs and aspirations of our communities. A key policy objective in draft NPF4 is to enable more people to live and remain in rural and island areas and to transform areas of past decline. This ambition needs to be supported by investment, development, projects and actions that focus on delivering against this policy objective. Apart from development and projects relating to Net Zero, there are no developments or projects highlighted to address wider island issues e.g., affordable housing, digital connectivity or transport investments.

National Spatial Strategy map, page 5, needs to identify *'Strategic Connections'* for the Aberdeen to Kirkwall lifeline ferry link, Kirkwall to Lerwick ferry link.

The overarching spatial principle of *'sustainable places'* is broadly supported including:

- Investment in reducing carbon emissions;
- Maximising the new economic and wellbeing opportunities from a just transition to a net zero;
- encourage low- and zero-carbon design and energy efficiency, reduce the need to travel unsustainably, and diversify and expand renewable energy generation;
- Communities being more resilient to the impacts of climate change;
- support the recovery and restoration of our natural environment; and
- encourage sustainable design and use of resources, including circular economy approaches to construction and development.

The National Spatial Strategy is intended to be a shared vision that will guide future development in a way that reflects the overarching spatial principles. There is therefore a need for greater clarity on how the spatial principles should be applied in practice.

NPF4 should acknowledge that it will be necessary to take forward different spatial strategy approaches in different contexts e.g. in urban areas, in urban hinterland, rural and island areas that have dispersed patterns of development and infrastructure. For example, travel by electric vehicle (EV) in more dispersed rural areas can underpin a sustainable spatial strategy in a local development plan i.e. EV travel should not be considered '*unsustainable travel*' in NPF4.

Liveable places

Our future places, homes and neighbourhoods will be better, healthier and more vibrant places to live.

Q 2: DO YOU AGREE THAT THIS APPROACH WILL DELIVER OUR FUTURE PLACES, HOMES AND NEIGHBOURHOODS WHICH WILL BE BETTER, HEALTHIER AND MORE VIBRANT PLACES TO LIVE?

The overarching spatial principle of '*liveable places*' is broadly supported including:

- *ensuring that we live in communities that are inclusive, empowered, resilient and safe. It will also help us to be healthy and active, creative and diverse, so that people grow up loved, safe and respected, and realise their full potential.*

The statement that '*we will create places with good-quality homes close to local facilities and services by applying the concept of 20 minute neighbourhoods*' needs to be tailored to address the rural island context. The 20 minute neighbourhood concept works well in towns and cities, and potentially smaller rural settlements. In the wider rural and island context, the concept of the 20 minute neighbourhood is unachievable. Rural and island planning authorities need to be able to work with local communities to develop bespoke spatial strategies underpinned by sustainable development principles that include reducing the need to travel unsustainably. These development strategies can support active travel, public transport networks, electric vehicle use, protect productive agricultural land, natural heritage and support vibrant communities, for example, but within a more dispersed development pattern.

Productive places

Our future places will attract new investment, build business confidence, stimulate entrepreneurship and facilitate future ways of working – improving economic, social and environmental wellbeing.

Q 3: DO YOU AGREE THAT THIS APPROACH WILL DELIVER OUR FUTURE PLACES WHICH WILL ATTRACT NEW INVESTMENT, BUILD BUSINESS CONFIDENCE, STIMULATE ENTREPRENEURSHIP AND FACILITATE FUTURE WAYS OF WORKING – IMPROVING ECONOMIC, SOCIAL AND ENVIRONMENTAL WELLBEING?

The overarching spatial principle of '*productive places*' is broadly supported including:

- *having a globally competitive, entrepreneurial, inclusive and sustainable economy, with thriving and innovative businesses, quality jobs and fair work for everyone.*

Key terms including '*wellbeing economy*', '*green investment*' and '*community wealth*' need to be more clearly defined to support implementation through local development plans and planning decisions.

The statement that '*The way we work is changing, and we will need to be flexible to facilitate future business and employment that benefits communities and improves places*' is supported. OIC considers that a bespoke approach to planning policy for business development in the countryside, and within our urban locations, will be required in Orkney to meet local needs. Developing business alongside houses in the countryside can reduce travel for business operators. Businesses in rural locations that create a significant increase in car journeys should not generally be supported unless there is a locational requirement or adequate sustainable travel provisions.

The statement that '*we will play to the economic strengths and opportunities of each part of Scotland*' is supported. Orkney has many economic strengths with a diverse economy that has both established and emerging sectors, including agriculture, marine, food and drink, renewable energy and tourism. Though we are a relatively prosperous place, we also face a number of economic challenges. Remoteness from traditional economic, population and government centres, results in relatively expensive transport connectivity and associated challenges for developing businesses. NPF4 should acknowledge these challenges and support the provision of investment to unlock the economic potential of island communities. Currently, draft NPF4 is overly focused on the Island Hub for Net Zero and does not adequately address the broader investment and infrastructure needs in Orkney.

Distinctive places

Our future places will be distinctive, safe and pleasant, easy to move around, welcoming, nature-positive and resource efficient.

Q 4: DO YOU AGREE THAT THIS APPROACH WILL DELIVER OUR FUTURE PLACES WHICH WILL BE DISTINCTIVE, SAFE AND PLEASANT, EASY TO MOVE AROUND, WELCOMING, NATURE-POSITIVE AND RESOURCE EFFICIENT?

'Safe and pleasant, easy to move around' would sit better under the *'liveable places'* principle. This would allow the *'distinctive places'* principle to focus on the importance of protecting and enhancing the built and natural environment.

The strategy to *'value, enhance, conserve and celebrate our best places and to build better places for future generations'* is supported. Orkney consistently comes out near the top of national quality of life rankings. The factors that contribute to this include sense of community, trust, belonging, health, safety, high levels of employment, wellbeing, and happiness. The quality of the environment is a significant factor. Each island and community has its own special character and it is this diversity that makes Orkney a unique and interesting place to live and to visit. Local communities value their environment and wish to see it safeguarded for current and future generations. The emphasis on protecting the environment and restoring biodiversity in draft NPF4 is therefore broadly supported.

Q 5: DO YOU AGREE THAT THE SPATIAL STRATEGY WILL DELIVER FUTURE PLACES THAT OVERALL ARE SUSTAINABLE, LIVEABLE, PRODUCTIVE AND DISTINCTIVE?

The National Spatial Strategy map/diagram on page 05 is very high level and lacks detail regarding the location of nationally important infrastructure, the location of national developments and natural assets. The spatial strategy would benefit from inclusion of these features.

The National Spatial Strategy map/diagram on page 05 should include:

- The Aberdeen to Kirkwall lifeline ferry route;
- The Kirkwall to Lerwick lifeline ferry route;

In the map the map/diagram on page 05, the electricity grid transmission connection between the north coast of Scotland and Orkney should be moved to the west to link Dounreay to the Orkney West Mainland.

Identifying the importance of the blue economy and Orkney Harbours, including Scapa Flow, as a major port is welcome. Reference throughout Draft NPF4 to the need to align coastal development proposals with the national marine plan and relevant regional marine plans is also positive. There will be a need for National Marine Plan 2 to be aligned with NPF4.

The legal jurisdiction of the National Planning Framework (NPF) in relation to the marine area needs to be clarified within the NPF4 document. The Planning Acts, in terms of development planning, apply to the land area of Scotland to Mean Low Water Springs (MLWS), and the marine area (out to the 3 nautical mile limit) around Scotland but only in so far as it relates to marine fish farming. The requirement for planning permission for fish farms applies out to 12 nautical miles.

The Planning Acts are limited to the above jurisdictions for the above purposes. Therefore, the status of NPF forming part of the statutory development plan only applies to these jurisdictions i.e. to MLWS for land based development and to 3 nautical miles for fish farming development only. In light of this, the Major and National Development provisions in the Planning Acts, and supporting regulations, cannot be applied to developments below MLWS apart from for fish farming. It is therefore unclear how marine development types can be given Major or National Development status in NPF4 under the existing statutory provisions. See comments in response to Question 19 for further information.

Spatial principles

Q 6: DO YOU AGREE THAT THESE SPATIAL PRINCIPLES WILL ENABLE THE RIGHT CHOICES TO BE MADE ABOUT WHERE DEVELOPMENT SHOULD BE LOCATED?

The spatial principle of '*Compact Growth*' is supported for our towns of Kirkwall and Stromness. For rural areas, rural settlements and more remote islands, the Orkney Local Development Plan will need to have appropriate flexibility to define sustainable rural settlements and wider development patterns that respond to local circumstances and sustainable development principles. More dispersed rural development patterns can support sustainability objectives and net-zero targets in an island context like Orkney. Note that "*Compact Growth*" needs to refer to green infrastructure and the need to put infrastructure requirements first.

For '*Local Living*', the principle of the 20-minute neighbourhood has not considered the rural and island context, as noted in the wider OIC response. The Orkney Local Development Plan should be able to identify and deliver a locally appropriate sustainable spatial strategy for rural and more remote island areas. Local liveability, reducing the need to travel unsustainably, promoting and facilitating walking and cycling, improving access to services, decentralising energy networks and building local circular economies, can all be considered within this bespoke approach. The use of electric vehicles (EV) and zero carbon fuel vehicles should be acknowledged as sustainable forms of transport in NPF4, particularly in islands with higher levels of EV ownership/use.

'Balanced Development' includes the objective '*to enable more people to live and remain in rural and island areas, and to actively transform areas of past decline so that we can make best use of our assets*'.

OIC agrees that the planning system has a key role to play to enable more people to live and remain in island communities including Orkney. However there is concern

that the policy to grow population in rural and island areas needs to be more targeted from a demographic and geographic perspective.

The demographic characteristics of Orkney are very different from that of other island communities, and Scotland. Population in Orkney has been growing since the late 1990s due to positive net inward migration. Between 1998 and 2020, the population of Orkney has increased by 14.3%. This is the 6th highest percentage change out of the 32 council areas in Scotland. Orkney has specific demographic challenges including a declining population within the 18 to 40 age group. OIC wishes to focus strategy and resource on addressing these challenges, especially for our more fragile islands communities.

It would therefore be more appropriate to acknowledge in NPF4 that island communities like Orkney, have experienced population growth in recent decades but with declines and increases in certain elements of its demographic. To support sustainable island communities in the long term, it is particularly important to grow the population of young and working age people. Planning policy, investment and growth needs to target these particular demographic challenges.

Reintroducing people and development into areas that are currently uninhabited, though where previously inhabited, cannot be achieved in line with our climate commitments and wider aspirations to create sustainable places. Our uninhabited islands have no transport infrastructure, no schools, no healthcare facilities, no waste collection services, limited digital connectivity and can be places with internationally recognised natural heritage. It is therefore critical that local planning authorities are able to determine where reintroduction of people and development would and would not be appropriate.

The Council would support a statement in NPF4 that the Scottish Government, through the National Islands Plan, will assist and financially support sustainable island populations by addressing demographic challenges in a targeted manner with OIC and our Community Planning Partners. For example, by investing in economic development, infrastructure, affordable housing and digital connectivity in Orkney.

The *'Conserving and recycling assets'* spatial principle aligns with the indicative Orkney Regional Spatial Strategy priorities for development to work with Orkney's distinctive character, identity and natural assets. We support the positive statement on refurbishing existing building stock to reduce carbon emissions, as well as delivering more affordable, energy efficient new homes. This statement requires to be backed by appropriate and flexible funding at a local level to ensure this work can take place.

The *'Urban and rural synergy'* principle should highlight the need to spread the benefits of investment and infrastructure outwith urban centres to more peripheral areas including island communities. This would support a more equitable spread of economic benefits and would support the Scottish Government's community wealth building policy priority.

The *'Just transition'* principle should state that host communities for major industrial developments, such as onshore and offshore renewable energy, need to directly

benefit from those developments through quality job creation, the use of local supply chains and investment in supporting infrastructure. A just transition would need to address the inequity of fuel poverty and high energy costs in energy-rich island communities such as Orkney.

Spatial Strategy Action Areas

Q 7: DO YOU AGREE THAT THESE SPATIAL STRATEGY ACTION AREAS PROVIDE A STRONG BASIS TO TAKE FORWARD REGIONAL PRIORITY ACTIONS?

No. The National Spatial Strategy identifies Orkney in the '*North and west coastal innovation*' action area. Orkney is geographically, economically, culturally, and from a transport connectivity and services perspective, more closely linked with Shetland, the east coast/Aberdeen, the north coast, A9 Corridor and Inverness city region. It is proposed that an action area grouping Orkney with these areas, transport links, services and assets, would be more appropriate to align with the indicative Orkney Regional Spatial Strategy. It appears that Orkney has been grouped with Argyll and Bute, the west coast, Western Isles and Shetland to reflect the Islands Growth Deal region. From a land use and infrastructure planning perspective, it would be more appropriate for Orkney and Shetland to be grouped with the north and north east of Scotland.

Q 8: DO YOU AGREE WITH THIS SUMMARY OF CHALLENGES AND OPPORTUNITIES FOR THIS ACTION AREA?

On page 12, the following identified assets and opportunities for islands are supported:

- *islands will be at the forefront of our efforts to reach net zero emissions by 2045.*
- *The Scottish islands are one of the most renewable energy rich localities in Europe with significant natural resources, and there is a real opportunity for this part of Scotland to support our shared national outcomes.*
- *The area benefits from an exceptional environment with coastal and island landscapes that are an important part of Scotland's national identity.*
- *The islands vary in character. Each has a rich history and distinctive cultural heritage. These assets require careful and sustainable management.*
- *Environmental wellbeing, clean and affordable energy, strong communities, culture and identity are also priorities.*
- *Kirkwall and Stromness provide important services to their wider hinterlands.*

The statement on page 12, that there are '*relatively high levels of community land ownership*' does not reflect the situation in Orkney. Land ownership in Orkney is characterised by more fragmented and small-scale private landownership, which helps to support sustainable economic development with direct benefit to local communities. The landownership patterns in Highland and Western Isles, for example, with large estates and land units, are not characteristic in Orkney. This is another reason why the proposed '*North and west coastal innovation*' action area is

not appropriate. Orkney has a strong and long tradition of farming and fishing that continues today. These industries have shaped our land, our coast and our communities. This is not reflected within this element of draft NPF4.

It is important to highlight that island and other coastal communities could be disproportionately affected by the impacts of climate change due to sea level rise, extreme weather events and the associated impacts of coastal erosion and flooding. The relevant statements on page 12 of Draft NPF4 should be supported by a policy to prioritise coastal adaptation planning, actions, infrastructure, and associated funding/investment in these vulnerable areas, as identified by Dynamic Coast, including Orkney.

As highlighted in the response to question 6, population decline is not a blanket issue across all islands. A more targeted approach and statement within this section of NPF4 is required to reflect the diversity of demographic challenges across Scottish islands, including Orkney.

On page 13, it is good to see mention of housing and public service provision, transport, energy consumption and fuel poverty as key issues that need to be addressed. However, to state that they will continue to be significant challenges is a negative statement. This should state that investment will be made to address these issues.

Stating that employment varies across the area, and can tend to rely on the public sector, tourism and lower wage sectors, limiting the scope and choice of skilled jobs in some locations, does not reflect the diversity of job opportunities in Orkney, which can be highly skilled and highly paid (energy sectors including renewable energy and low carbon technologies and international shipping). Again, this statement is negative and is not truly reflective of Orkney.

The following statements on page 13 are strongly supported, *'In this area we will:*

- *create carbon-neutral coastal and island communities;*
- *support the blue and wellbeing economies;*
- *protect and enhance blue and green infrastructure; and*
- *strengthen resilience and decarbonise connectivity'.*

Additional policy statement should be to:

- support a just transition to net zero by investing in infrastructure, including ports and harbours, investing in the local workforce and skills, and supporting island supply chains;
- invest in affordable housing provision and associated infrastructure; and
- invest in reliable and affordable digital and transport connectivity, including ferries and active travel.

North and west coastal innovation map on page 14 should identify:

- ‘*Strategic Connections*’ for the Aberdeen to Kirkwall lifeline ferry link, Kirkwall to Lerwick lifeline ferry link and the Scrabster to Stromness lifeline ferry link.

In the map the map on page 14, the electricity grid transmission connection between the north coast of Scotland and Orkney should be moved to the west to link Dounreay to the Orkney West Mainland.

The above ferry link and grid connection amendments should also be made to the ‘*Northern Revitalisation*’ map on page 20 and amendments for the Aberdeen to Kirkwall, and Kirkwall to Lerwick lifeline ferry link, should be made to the ‘*North east transition*’ map on page 26.

As highlighted in response to the National Developments section of Draft NPF4, Orkney Harbours (see OIC response to Question 21) and Caithness to Orkney grid connection should be highlighted as National Developments on the map.

<p>Q 9: WHAT ARE YOUR VIEWS ON THESE STRATEGIC ACTIONS FOR THIS ACTION AREA?</p>

Action 1: Create carbon neutral coastal and island communities

Island and coastal communities will need a bespoke and flexible approach to the concept of 20 minute neighbourhoods. This statement on page 15 is strongly supported. This statement should acknowledge that 20 minute neighbourhoods cannot practically be delivered in many rural and island areas and that local development plan spatial strategies will be underpinned by bespoke sustainability principles that respond to the local context.

‘Increased coastal flooding and erosion arising from future climate change will need to be considered along with impacts on associated infrastructure such as bridges and transport networks’. This should also refer to impacts on land use in coastal areas e.g., large areas of coast will be unsuitable for future development and land will need to be allocated to relocate essential infrastructure and services. Existing and essential infrastructure that requires a coastal location will require investment so that it is climate change ready.

‘Ports and harbours can be a focal point for electric vehicle charging as well as employment’. This should be a stronger statement that ports and harbours are drivers for economic growth and regeneration in coastal and island communities.

OIC agrees that *‘Communities will need greater choice and more flexible and affordable homes to support varying needs’.* Scottish Government and other partners will need to invest in affordable housing provision through direct and flexible funding to the Islands Councils to deliver on this ambition and address community needs.

It is good to see acknowledgement that there are additional costs for homebuilding and development more generally in islands, and that these challenges need to be factored into a planned approach. NPF4 should state that the quality of building and development in islands will not be compromised in response to these cost pressures.

Government infrastructure funding needs to factor in the higher cost of building/development in island communities.

Page 15 states that *‘Further action should be taken where appropriate to reintroduce people to previously inhabited areas where it can be achieved in line with our climate commitments and wider aspirations to create sustainable places that incorporate principles of 20 minute neighbourhoods and active travel networks’*. This aspiration to repopulate previously inhabited areas runs contrary to the *‘Compact Development’* principle and reducing the need to travel. It will not be possible to apply the 20 minute neighbourhood concept in more remote rural and island contexts. When considering repopulating areas, local authorities will need to take account of impacts on service provision. Repopulating uninhabited areas will further stretch public service budgets which could reduce the quality-of-service provision for existing communities.

This statement is supported, *‘Collaboration and strong alignment of terrestrial and marine planning, at all levels, will also be needed’*. There is a potential role for Regional Spatial Strategies to support alignment of land use and marine planning, as we are doing in Orkney. This should be acknowledged in NPF4.

Action 2: Blue and Wellbeing Economies

Page 16 states a requirement for *‘strong collaboration and alignment of terrestrial and marine planning, especially as further development of related blue economy activities in the terrestrial environment may increase competition for marine space and resources offshore’*. It is considered more likely that largescale marine development, such as the ScotWind sites, will increase the requirement for development onshore e.g., ports and harbours, grid, operation and maintenance bases etc), rather than terrestrial development increasing competition for marine space. It is marine development that is increasing competition for marine space.

This statement is strongly supported, *‘To significantly reduce greenhouse gas emissions more renewable energy generation will be needed, bringing unprecedented opportunities to strengthen local economies, build community wealth and secure long-term sustainability’*.

Paragraph 2 on page 16, should state that island communities are building on a legacy of innovation, not just the natural advantage of having significant energy resources. Within this paragraph there is reference to the Islands Hub for Net Zero and to new facilities and works in Oban and the Outer Hebrides. An additional sentence is required to state that *‘Orkney has been home to the European Marine Energy Centre since 2003 and the first phase of Orkney Research and Innovation Campus (ORIC) in Stromness was completed in 2020 providing a focus for Orkney’s renewable and low carbon industries and research facilities’*. Due to demand within this sector, the Islands Growth Deal includes a 2nd phase to ORIC.

Paragraph 2 on page 16 states, *‘The lessons we have learned from the pandemic about remote working could also help to grow communities by extending the range of high quality jobs available locally’*. This needs to come out more strongly as a stand

alone policy statement, highlighting the opportunity for jobs to be dispersed from urban centres. The Scottish Government should commit to leading by example by providing the opportunity for people in island communities to work in a range of Government roles.

Paragraph 3, page 16 states the importance of ports and harbours as a focus for investment but does not mention servicing offshore wind development or the provision of low/zero carbon fuelling for shipping in this context. Investment in port infrastructure and facilities in Scapa Flow is mentioned '*as part of the Islands Growth Deal*'. This statement needs to reflect that the development of Scapa Flow as a strategic asset, is much broader in scope than the projects within the Islands Growth Deal i.e., much broader than the Future Fuels Hub at Scapa Deep Water Quay. See responses to NPF4 Call for Ideas from OIC and the Orkney Harbour Authority for further detail.

It is good to see recognition of the Orkney World Heritage Site Gateway project in draft NPF4 and the need for measures to ensure long-term sustainability in tourism management and development.

Within the 5th paragraph on page 16 regarding the food and drink sector, there is no reference to farming. Farming is Orkney's main industry that provides beef, lamb, milk, cheese and butter to international and national markets, as well as a local source of food and quality produce for our restaurants, cafes and hotels. An additional sentence is needed. "Within Orkney, farming is still the main industry providing quality beef, lamb, milk, cheese and butter for local consumption and quality produces for Scotland's food and drink sector."

4. Strengthen resilience and decarbonise connectivity

The proposal to take forward an Islands Connectivity Plan to consider the role of ferries, fixed links and low carbon aviation in securing lifeline links and marine access for both leisure and freight is strongly supported. We consider this statement as a commitment for the Scottish Government to fund the ferry investments that are required in Orkney to ensure our inter-island ferry service is up to date and provides our communities with the same connectivity that is enjoyed by the other island groups of Scotland.

The commitment in draft NPF4 to investment in ultrafast broadband to ensure every property is connected and to improve mobile coverage is strongly supported.

The acknowledgement of a need for improved grid connections, including high voltage grid cables connecting the three island groups to the mainland, is welcomed.

The acknowledgement of a need to support innovation in low and zero carbon fuels, the roll out of locally distributed energy systems and address significant fuel poverty is also welcomed.

Northern revitalisation

Q 10: DO YOU AGREE WITH THIS SUMMARY OF CHALLENGES AND OPPORTUNITIES FOR THIS ACTION AREA?

This section of draft NPF4 should acknowledge the importance of the ferry connections to Orkney between Scrabster - Stromness and Gill's Bay – St Margaret's Hope.

Q 11: WHAT ARE YOUR VIEWS ON THESE STRATEGIC ACTIONS FOR THIS ACTION AREA?

No comments.

North east transition

Q 12: DO YOU AGREE WITH THIS SUMMARY OF CHALLENGES AND OPPORTUNITIES FOR THIS ACTION AREA?

This section of draft NPF4 should acknowledged the importance of the lifeline ferry connections between Aberdeen, Orkney and Shetland.

Q 13: WHAT ARE YOUR VIEWS ON THESE STRATEGIC ACTIONS FOR THIS ACTION AREA?

No comments.

Central urban transformation

Q 14: DO YOU AGREE WITH THIS SUMMARY OF CHALLENGES AND OPPORTUNITIES FOR THIS ACTION AREA?

No comments.

Q 15: WHAT ARE YOUR VIEWS ON THESE STRATEGIC ACTIONS FOR THIS ACTION AREA?

No comments.

Southern sustainability

Q 16: DO YOU AGREE WITH THIS SUMMARY OF CHALLENGES AND OPPORTUNITIES FOR THIS ACTION AREA?

No comments.

Q 17: WHAT ARE YOUR VIEWS ON THESE STRATEGIC ACTIONS FOR THIS ACTION AREA?

No comments.

National Spatial Strategy

Q 18: WHAT ARE YOUR OVERALL VIEWS ON THIS PROPOSED NATIONAL SPATIAL STRATEGY?

The National Spatial Strategy identifies Orkney in the 'North and west coastal innovation' action area. Orkney is geographically, economically, culturally, and from a transport connectivity and services perspective, more closely linked with Shetland, the east coast/Aberdeen, the north coast, A9 Corridor and Inverness city region. It is proposed that an action area grouping Orkney with these areas, transport links, services and assets, would be more appropriate to align with the indicative Orkney Regional Spatial Strategy. It appears that Orkney has been grouped with Argyll and Bute, the west coast, Western Isles and Shetland to reflect the Islands Growth Deal region. From a land use and infrastructure planning perspective, it would be more appropriate for Orkney and Shetland to be grouped with the north and north east of Scotland.

The National Spatial Strategy would be more positive and directional if the identification of national developments was clearer and more specific, and these national developments were clearly identified spatially.

Part 2 - National developments

Q 19: DO YOU THINK THAT ANY OF THE CLASSES OF DEVELOPMENT DESCRIBED IN THE STATEMENTS OF NEED SHOULD BE CHANGED OR ADDITIONAL CLASSES ADDED IN ORDER TO DELIVER THE NATIONAL DEVELOPMENT DESCRIBED?

Listing Classes of Development under larger umbrella projects or networks to identify designated national developments, without the identification of specific well advanced development projects, is of concern for the following reasons:

- The approach will create significant ambiguity regarding whether a specific development proposal is or is not a national development.
- National developments should benefit from the associated planning status and greater certainty from the outset. The approach in draft NPF4 relies on screening assessments to determine whether a proposal should, or should not, be considered a designated national development. As an example, a marine quay under Class f) of the national development *7 Islands Hub for Net Zero*, that is under two hectares, would need to have undergone EIA screening to determine whether it was a Schedule 1 development under the EIA regulations, to make a determination regarding major development status under the Hierarchy of Development Regulations. Therefore, national development status could only be established late on in the development of such a project when the project envelope, for the purposes of EIA, has been determined.
- The approach in draft NPF4 will increase process and bureaucracy for planning authorities as proposals will need to be screened to establish the

status of the development under the NPF Classes of Development and the Hierarchy of Development Regulations.

The identification of national developments would be more targeted and streamlined if specific named national developments were identified, as in NPF3. This would provide greater upfront government buy-in and certainty to specific developments. National developments should be identified on the basis of their contribution to national objectives, outcomes and benefits. Developments that do not exceed the major development thresholds in the Hierarchy of Development Regulations in terms of scale, can still deliver outcomes of national significance.

NPF4 could take forward a hybrid approach, with name specific national developments, e.g., Scapa Deep Water Quay, and identify classes of development to which national development status would apply in given locations. This would achieve national level buy-in to specific well-advanced projects and the flexibility for future proposals to be supported through national development status.

For national development 6. *Digital Fibre Network, Class a) Installation of new and/or upgraded broadband cabling on land and sub-sea for fixed line and mobile networks*, it is difficult to envisage any scenario where a development of this type would be considered a major development under the Hierarchy of Development Regulations, and therefore be considered a national development under draft NPF4. Significant permitted development rights apply to new and/or upgraded broadband cabling. There is also no development class in Schedule 1 of the Hierarchy of Development Regulations under which new and/or upgraded broadband cabling is likely to be categorised as a major development. Therefore, under current provisions, there is no clear mechanism that would enable such a project to be attributed national development status. Similar issues apply to national development 1. *Central Scotland Green Network*.

National development 7. *Islands Hub for Net Zero, Class a) Buildings, land and structures for development providing employment related to delivering the Islands Hub for net-zero*, is too ambiguous and broad in scope.

The legal jurisdiction of the National Planning Framework in relation to the marine area needs to be clarified within the NPF4 document. The Planning Acts, in terms of development planning, apply to the land area of Scotland to Mean Low Water Springs (MLWS), and the marine area (out to the 3 nautical mile limit) around Scotland but only in so far as it relates to marine fish farming. The requirement for planning permission for fish farms applies out to 12 nautical miles.

The Planning Acts are limited to the above jurisdictions for the above purposes. Therefore, the status of NPF forming part of the statutory development plan only applies to these jurisdictions i.e. to MLWS for land based development and to 3 nautical miles for fish farming development only. In light of this, the major and national development provisions in Planning Acts, and supporting regulations, cannot be applied to developments below MLWS apart from for fish farming. It is therefore unclear how the following marine development types can be given major or national development status in NPF4 under the existing statutory provisions:

- Offshore infrastructure for energy generation from renewables of or exceeding 50 megawatts capacity;
- Offshore electricity transmission cables and converter stations exceeding 132kv;

The national development provisions in the Development Management Procedure Regulations do not apply in the marine area, and there is no current equivalent provisions under marine licensing or section 36 consent.

For developments that straddle the land/marine interface including electricity transmissions cables and quays/harbours, only the parts of these developments located above MLWS (apart from fish farming) can be given major or national development status under the associated planning acts/regulations.

Q 20: IS THE LEVEL OF INFORMATION IN THE STATEMENTS OF NEED ENOUGH FOR COMMUNITIES, APPLICANTS AND PLANNING AUTHORITIES TO CLEARLY DECIDE WHEN A PROPOSAL SHOULD BE HANDLED AS A NATIONAL DEVELOPMENT?

No. See response to Question 19.

Q 21: DO YOU THINK THERE ARE OTHER DEVELOPMENTS, NOT ALREADY CONSIDERED IN SUPPORTING DOCUMENTS, THAT SHOULD BE CONSIDERED FOR NATIONAL DEVELOPMENT STATUS?

Having reviewed the content of draft NPF4 and the projects promoted for National Development status, OIC proposes that:

Given the scale and positive impact of the Orkney Harbours development projects, and their stand-alone ability to deliver on national priorities, it would be appropriate to include *Orkney Harbours* as a stand-alone National Development in NPF4. This should include the following specific named projects as National Developments:

- a) Scapa Deep Water Quay (Scapa Flow)
- b) Orkney Logistics Base (Hatston)

Orkney Harbours, as a strategic asset, includes many components that contribute to its national strategic significance including the vast 324.5 km² sheltered natural harbour of Scapa Flow, and a diverse portfolio of the harbour infrastructure at the Hatston Terminal, Kirkwall Harbour, Lyness, Copland's Dock, Scapa Pier and the Flotta Oil Terminal. This collective asset, and the associated nationally significant development projects in Scapa Flow and Hatston, will deliver major socio-economic benefits for Scotland and will support the Scottish Government policies to address the Climate Emergency, just transition, community wealth building, the wellbeing economy and seek to address nature recovery.

In draft NPF4, the Orkney Harbours strategic development projects are currently hinted at under the classes of development d), f) and h) within National Development

7. *Islands Hub for Net Zero*, but are not specifically named. This approach does not give the necessary status or certainty that National Development status should provide, to help establish the need for the development, and support wider buy-in and investment.

The Orkney Harbours development projects are not considered a good fit under the Islands Hub for Net Zero national development. As well as supporting transition to net-zero through offshore wind deployment and logistics, and the Scapa Flow future fuels hub, the Orkney Harbours development projects will support many other sectors, and associated outcomes, including aquaculture, fishing, oil and gas transition, marine recreation and tourism. Therefore, OIC considers that Orkney Harbours should sit outwith the Islands Hub for Net Zero within NPF4, as a stand-alone National Development. This would not preclude the Scapa Flow future fuels hub also being captured under the Islands Hub for Net Zero, as currently proposed in draft NPF4, under development class 'd) *Infrastructure for the production, storage and transportation of low and zero-carbon fuels...*'.

The following proposed text has been prepared for consideration by Scottish Government for inclusion within NPF4 to identify Orkney Harbours as a stand-alone National Development:

Orkney Harbours

The transformation of Orkney's port infrastructure is a nationally significant project that will not only enhance the local social and economic fabric of Orkney but enable Scotland to fully realise its potential for green energy.

Several commercially focussed harbour developments come together to form a cluster of strategic assets that will play a pivotal role in enabling Scotland to harness offshore wind from its northern waters, as well as facilitating and supporting transition from oil and gas to net zero.

As well as the assembly, installation, marshalling, operations and maintenance activities associated with offshore wind, a future fuels hub will be leading the way in storage and distribution of transition and green fuels, supporting decarbonisation in our shipping sector. Scapa Flow will continue to support the oil industry through its diversification and transition.

Following publication of the Orkney Harbours Masterplan Phase 1, a strategic framework to guide the development of harbour infrastructure in Orkney, several key projects are being developed.

A new deep water port facility – Scapa Deep Water Quay – is being developed in Scapa Flow and is the core strategic asset.

This asset comprises 20 metres depth of water and more than 20 hectares of quayside and hinterland area. It offers Scotland a competitive advantage over its European neighbours in terms of ability to accommodate large vessels and structures alongside and is regarded as the optimal hub and base for



offshore wind construction and assembly for those ScotWind sites located in the north. The future fuels hub will be located here too with the potential to act as an important fuel source not only for Scotland and the UK but Northern Europe.

Work on Scapa Deep Water Quay is underway with site investigations and environmental assessments.

The Orkney Logistics Hub located at Hatston plays an important role alongside Scapa Deep Water Quay, as the optimal location for operations and maintenance activities associated with offshore wind – as well as other industry activities. The transformation of Hatston into Orkney’s logistics hub is already underway – a 300m quay extension (with water depth of 10 metres) and an additional 7 hectares of operational land adjacent to the quayside and substantial hinterland available for a range of activities across multiple sectors: renewable energy, oil and gas, aquaculture, logistics, cruise and boat repair.



These developments will foster port activity and industrial development through offshore wind and other activities, which will provide significant economic opportunity for Orkney and Scotland, promoting inclusive growth, transition and growth in skills both locally and nationally and community resilience, supply chain bolstering and population retention locally.

The projects will be subject to the necessary consenting requirements and processes.

Location

Scapa Deep Water Quay (Scapa Flow) and Orkney Logistics Base (Hatston).

Need

This national development supports the transformation of harbour infrastructure in Orkney that will foster and support transition to net zero for Scotland, whilst enabling economic and inclusive growth locally and nationally.

Designation and classes of development

A development in the location within one or more of the Classes of Development described below and that would otherwise have been of a scale or type that is classified as ‘major’ by ‘The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009’ is designated a national development:

- a) *New quay to service renewable energy development, green fuels, energy transportation and other marine economic sectors including new or enhanced associated laydown or operational area at Scapa Flow and Hatston (Kirkwall);*

Or should the proposed Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 mechanism for identifying national developments not be taken forward in the final NPF4 it is recommended that the following developments should be specifically identified as national developments:

- c) *Scapa Deep Water Quay (Scapa Flow)*
- d) *Orkney Logistics Base (Hatston).*

Part 3 - National Planning Policy

Sustainable Places

We want our places to help us tackle the climate and nature crises and ensure Scotland adapts to thrive within the planet’s sustainable limits.

Q 22: DO YOU AGREE THAT ADDRESSING CLIMATE CHANGE AND NATURE RECOVERY SHOULD BE THE PRIMARY GUIDING PRINCIPLES FOR ALL OUR PLANS AND PLANNING DECISIONS?

Sustainable development should remain the primary guiding principle for plans and planning decisions. OIC agrees that addressing climate change mitigation and adaption, and nature recovery, are fundamentally important policy objectives for the planning system. However, these factors should be placed within a framework of wider sustainable development principles to balance social, economic and environmental considerations. This will enable a just transition to net zero and an appropriate response to COVID-19 economic recovery.

Policy 1: Plan-led approach to sustainable development

Q 23: DO YOU AGREE WITH THIS POLICY APPROACH?

OIC supports the principle that all local development plans should manage the use and development of land in the long term public interest. NPF4 states *‘This means that new local development plans should seek to achieve Scotland’s national outcomes (within the meaning of Part 1 of the Community Empowerment (Scotland) Act 2015) and the UN Sustainable Development Goals’*. Policy 1 should also

acknowledge the need for local development plans to achieve local objectives and outcomes.

Policy 2: Climate emergency

Q 24: DO YOU AGREE THAT THIS POLICY WILL ENSURE THE PLANNING SYSTEM TAKES ACCOUNT OF THE NEED TO ADDRESS THE CLIMATE EMERGENCY?

Policy 2 a):

The requirement to give significant weight to the Climate Emergency in planning decision making is supported.

Policy 2 b):

The Council is supportive of this statement. Traditionally, in the consideration of new development, the role of considering emissions and energy efficiency has lain with Building Standards. Consideration and clarification are required as to the role of the planning authority and that of Building Standards within this element of policy to avoid duplication and develop strategy with the sector that has an existing background and experience.

Policy 2 c):

The intention of this policy to require more robust assessment of emissions and emissions minimisation for development is supported.

The policy needs to be supported by more detailed guidance and training for planners to enable implementation through planning decisions.

What is meant by '*significant emissions*' and how the assessment of development viability should be carried out needs to be clarified in guidance.

The need to consider emissions from development '*in combination with other proposals, allocations or consented development*', will overly complicate assessment requirements with no clear benefit. 'Other proposals' will be assessed in their own right through planning permission with measures to minimise emissions under Policy 2 a). Emissions from consented development just form part of the existing baseline of global emissions. The proposed approach would make sense for air quality assessment in a local area but not for reducing greenhouse gas emissions which are contributing to a global accumulation in the atmosphere.

Developers will need to work to Scottish Government approved guidance on how to prepare whole-life cycle assessments of greenhouse gas emissions from developments, to ensure that assessments are accurate, consistent, and comparable between developments.

Further policy and guidance are needed on how off setting measures, particularly off-site, should be delivered through planning decisions.

Policy 2 d):

Significant new funding will be required for data (e.g. LiDAR) to inform the assessment of flood risk and coastal change adaption plans. This will enable informed decisions to be made about appropriate adaption measures for buildings, infrastructure, and spaces. This funding should be prioritised for areas most at risk including Orkney.

The settlements at most risk from climate related impacts of coastal erosion and flooding in Orkney have Conservation Areas and many listed buildings/structures. These protections limit the scope for adaptations and alterations to designated buildings/structures. NPF4 policy should clarify that essential building alterations for climate adaption and associated safety purposes will be a priority.

Policy 3: Nature crisis

Q 25: DO YOU AGREE THAT THIS POLICY WILL ENSURE THAT THE PLANNING SYSTEM TAKES ACCOUNT OF THE NEED TO ADDRESS?

Policy 3 b)

The principle of this policy is supported whereby development proposals should contribute to the enhancement of biodiversity. This policy will require to be supported by guidance.

Policy 3 d):

The principle of this policy is supported whereby larger scale development proposals will be required to demonstrate that they will conserve and enhance biodiversity. This policy will need to be supported by an assessment framework, tools and guidance to prevent creating an obligation on developers without an appropriate means of delivery.

It may not be appropriate to require biodiversity enhancement measures for all developments that require an Appropriate Assessment. Development requiring an Appropriate Assessment can be very small scale so it may not be appropriate in all cases for developments of this type to be subject to the biodiversity enhancement requirements of this policy.

The requirement for a development site to be '*in demonstrably better state than without intervention*' needs to be supported by tools that will enable developers to demonstrate this uplift in biodiversity. The Natural England Biodiversity Metric and guidance would be an appropriate model to follow to enable developers/planners to calculate biodiversity net gain for a development. Requiring a percentage increase in biodiversity against set criteria and measures would enable consistent application of this policy and avoid tokenism.

Marine ecosystems are complex and dynamic socio-ecological systems; therefore, any environmental interventions need to be planned carefully, working with natural ecosystems processes. Environmental and/or biodiversity enhancement/net-gain is therefore more challenging to deliver in the marine environment. That said, it is as important to protect and enhance the marine environment as it is on land, to

safeguard natural capital and ecosystems services. Therefore, appropriate NPF4 policy requirements to conserve and enhance biodiversity should apply to fish farming development, as they do to other marine developments that fall under the planning system, such as ports and harbours, for example. Our experience in Orkney is that the fish farming industry is very keen to delivery environmental and/or biodiversity net-gain given the right guidance.

Policy 3 e) is welcomed, as is the supporting NatureScot Developing with Nature guidance. See above comments in relation to fish farming and policy requirements to conserve and enhance biodiversity.

Policy 4: Human rights and equality

Q 26: DO YOU AGREE THAT THIS POLICY EFFECTIVELY ADDRESSES THE NEED FOR PLANNING TO RESPECT, PROTECT AND FULFIL HUMAN RIGHTS, SEEK TO ELIMINATE DISCRIMINATION AND PROMOTE EQUALITY?

Policy 4 a) is very broad in scope. It is unclear which human rights are being referred to specifically, therefore the policy will be challenging to deliver in practice. The policy should clearly state and/or signpost to information regarding which human rights the planning system can meaningfully respect, protect and fulfil.

Policy 5: Community wealth building

Q 27: DO YOU AGREE THAT PLANNING POLICY SHOULD SUPPORT COMMUNITY WEALTH BUILDING, AND DOES THIS POLICY DELIVER THIS?

To implement Policy 5 a clearer definition of '*community wealth building*' and the associated objectives are required.

There should also be clear guidance on which elements of community wealth building should be considered material considerations in planning decisions. For example, requirements for developers to demonstrate/maximise the use of local supply chains? Is there a role for planning to require developers to upskill and provide training to the local workforce? Planning would not normally be interested in influencing plural ownership in the economy, is this material? Fair employment and labour market issues? How should planning address developments where the majority of the wealth generated from the development is enjoyed outwith Scotland or outwith the host community? These issues need to be clarified if this policy is to have the necessary mechanisms to be implemented through planning decisions.

Policy 6: Design, quality and place

Q 28: DO YOU AGREE THAT THIS POLICY WILL ENABLE THE PLANNING SYSTEM TO PROMOTE DESIGN, QUALITY AND PLACE?

The Council is supportive of this policy and approach. We would welcome the drafting of national guidance on design that considers the rural context, which Designing Streets and Creating Places currently do not.

Policy 7: Local living

Q 29: DO YOU AGREE THAT THIS POLICY SUFFICIENTLY ADDRESSES THE NEED TO SUPPORT LOCAL LIVING?

The concept of the 20 minute neighbourhood is supported for planning development in Orkney's towns, Kirkwall and Stromness, and potentially our villages.

Draft NPF4 lacks detail on how the 20 minute neighbour should be applied in the rural and island context. A bespoke and flexible approach to the concept of 20 minute neighbourhoods needs to be applied in the rural areas of Orkney.

At present, OIC is working with Sustrans and HiTrans to consider this matter and has selected Dounby as a case study location. We are supportive of a policy approach that reduces the need to travel unsustainably but for Orkney, active travel options can be limited in rural areas with a dispersed population and development pattern. Public transport is not a reliable option for some parts of our community. The role of Electric and Hydrogen Vehicles needs to be considered when developing a spatial strategy for development in rural areas of Orkney.

The following statements in draft NPF4 are strongly supported:

'This concept (of 20 minute neighbourhoods) will apply differently in urban and rural areas and should be guided by the Place Principle and place-based working that informs the local development plan. Communities will be well-placed to inform the approach to their own areas.'

'The application of the 20 Minute Neighbourhood will vary across the country and will need to be adjusted to suit local circumstances particularly in rural areas where the delivery of services and extent of local infrastructure may not necessarily be supported by the surrounding density of population.'

It is important to enable planning authorities in rural and island locations to take forward sustainable spatial strategies that respond to the local context within local development plans. The 20-minute neighbourhood terminology will not be appropriate to describe the spatial strategy in many rural locations.

Policy 8: Infrastructure First

Q 30: DO YOU AGREE THAT THIS POLICY ENSURES THAT WE MAKE BEST USE OF EXISTING INFRASTRUCTURE AND TAKE AN INFRASTRUCTURE-FIRST APPROACH TO PLANNING?

The principle of the infrastructure first approach to planning is supported. Sustainable development can only be achieved through the efficient use of existing infrastructure and the provision of new infrastructure that is coordinated and designed to deliver multiple benefits including climate mitigation/adaption, biodiversity enhancement, social spaces and active travel networks, for example.

An infrastructure first approach is key to maximising the integration of surface water treatment and flood prevention functions with blue and green infrastructure, and

delivering the associated health, environmental and climate change mitigation/adaption benefits. Infrastructure planned and designed with flood risk management, climate change mitigation/adaption and blue green infrastructure to the fore, and constructed ahead of the development sites, should serve to provide the best connections, ensure that required standards of treatment and protection are provided for the long term, and avoid an uncoordinated, piecemeal approach to surface water management.

Policy 8 refers to the Infrastructure Investment Plan and thereby the Investment Hierarchy which brings in working towards net zero, resilience and sustainability under Themes 1 and 3. However, the need for nature-based solutions and links to blue/green infrastructure and flood protection should be stated more prominently. At the local and strategic scale, there is huge potential to maximise the provision and quality of all the potential benefits. To fail to ensure that water treatment, flood prevention and green infrastructure are planned and designed and constructed together to meet national and local standards would be a huge opportunity missed.

Planning taking a leading role in identifying the infrastructure requirements to support future development should not come with an expectation that local authorities will address and fund all infrastructure needs. There are also issues with the management of third party assets and these issues presently cannot be addressed within the confines of the current planning system.

There are significant financial constraints on the provision of new infrastructure and a need to address the funding requirements for the infrastructure-first approach. Obviously private investment will be key to delivery; this will need to be supported by additional Scottish Government funding to deliver on the stated ambitions in Draft NPF4.

The infrastructure-first approach is yet another role that has been placed on the planning system which is already significantly resource constrained. Planning authorities will need to be supported with additional resources and training to take on this new role.

It would be useful for NPF4 to further clarify the scope and type of infrastructure that should be coordinated through the planning system.

Policy 9: Quality homes

Q 31: DO YOU AGREE THAT THIS POLICY MEETS THE AIMS OF SUPPORTING THE DELIVERY OF HIGH QUALITY, SUSTAINABLE HOMES THAT MEET THE NEEDS OF PEOPLE THROUGHOUT THEIR LIVES?

OIC is generally supportive of this policy. We would ask that wind fall sites are recognised as a formal mechanism for the delivery of housing. Through the Housing Land Audit process, OIC has for a number of years audited the amount of housing that is delivered through our housing in the countryside policies and through the development of housing that is not located within formal housing allocations. We have robust data to show the significance of this sector of house building in Orkney.

More information is needed on what will be included within the proposed Statement of Community Benefit and what is considered an appropriate and acceptable level of information.

Policy 9 f), clarification is required on what is meant by '*an equalities led approach*' to addressing identified gaps in provision. A clear definition of '*self-provided homes*' is also needed.

Policy 9 g), from evidence provided through the Housing Needs and Demand Assessment, Orkney's Local Development Plans have not made provision previously for Gypsy / Traveller and Travelling Show people because evidence shows that this group is not present in Orkney. Clarification that this is still the case is required.

Policy 9 h), the flexibility allowing local authorities to require a lower than 25% contribution to affordable housing in private housing developments is welcomed. OIC consider that this is appropriate for Orkney as the scale of our private housing developments is small when compared to other Scottish Authorities. Many of the larger scale developments in Orkney are delivered by social housing providers.

We recognise that there needs to be an appropriate mix of housing types and tenures within housing developments that meet local housing needs and demand. OIC would like to use the local development plan, place plans and development briefs as a mechanism to deliver and target appropriate levels of affordable housing. We have adopted a 25% affordable housing policy in previous local development plans; it was not effective in delivering affordable housing and did not allow for flexibility in delivery. Within the current Orkney Local Development Plan, it was considered appropriate to require an appropriate mix of house type and tenure, that meet local needs, and enable delivery through development briefs and masterplans.

Policy 10: Sustainable transport

Q 32: DO YOU AGREE THAT THIS POLICY WILL REDUCE THE NEED TO TRAVEL UNSUSTAINABLY, DECARBONISE OUR TRANSPORT SYSTEM AND PROMOTE ACTIVE TRAVEL CHOICES?

Reducing the need to travel is supported as a policy priority and rural development strategies should aim to reduce the number and frequency of private car journeys. That said, there needs to be acknowledgment that in remote rural locations, there will still be a need for car journeys rather than complete reliance on public transport or active travel. The focus should be on rapidly reducing petrol/diesel vehicle use and a shift to sustainable travel modes including electric and zero carbon fuel vehicles. Orkney is already moving in this direction. The policy therefore needs to be more rural focused rather than focusing on what can be achieved in an urban context.

In a remote island location, there will still be a need to travel to access work, services and facilities. There needs to be acknowledgement that this will include independent travel by private car because we cannot up scale the public bus service to fully meet the needs of the community in areas with a dispersed rural population. That is not to

say that independent travel cannot be carried out sustainably e.g. by electric vehicle. Rural development strategies should look to support key service provision in towns and rural settlements, and provide infrastructure to link these centres to rural areas via active travel, public transport and electric vehicles.

For rural and remote locations of Scotland that have a scattered population, the sustainable travel hierarchy needs to include reference to electric and hydrogen vehicles. If this amendment is not taken forward, through the Evidence Report, OIC will potentially look at a local approach.

Public transport can be challenging to provide in rural areas on a commercial basis and without subsidy. If public transport provision is going to be increased this will need new sources of funding.

Further innovation will be required to help modernise connections and decarbonise transport systems. New funding is required to deliver this change.

Page 22 of draft NPF4 refers to '*extending the availability of transport services*', again this will need new funding in rural areas.

Page 23 refers to providing '*demand responsive transport*'. This is much more costly than regular timetabled services (more drivers, more smaller vehicles waiting to be available on request). Following discussions with Orkney communities, demand responsive services have been trialled and feedback received is that timetabled services are preferred. Given demand responsive transport is a more costly option, it may not be appropriate to prioritise this option above timetabled services.

Policy 10 a), the definition of sustainable modes of travel should include electric and zero carbon fuel vehicles.

Policy 11: Heat and cooling

Q 33: DO YOU AGREE THAT THIS POLICY WILL HELP US ACHIEVE ZERO EMISSIONS FROM HEATING AND COOLING OUR BUILDINGS AND ADAPT TO CHANGING TEMPERATURES?

The Council has considered an energy and heat from waste facility and network potential for our largest settlement. For a small island authority, there are economy of scale issues and issues associated with the infrastructure required within the historic nature of our settlements. The options should be considered within the context of climate change and carbon emissions; for example biomass requires to be shipped into Orkney therefore the acceptability of this fuel could be challenged from a climate perspective. We would again state that considering these approaches requires financial resource, and input and resource from private developers. Delivering heat networks is not just a matter for the local authority.

There is potential to link heat network provision in with the infrastructure first policy.

The statement that '*applications should be supported where they seek to repurpose former fossil fuel infrastructure for the production and handling of low carbon energy*'

is supported by OIC, particularly regarding the potential to repurpose the Flotta Oil Terminal.

Policy 12: Blue and green infrastructure, play and sport

Q 34: DO YOU AGREE THAT THIS POLICY WILL HELP TO MAKE OUR PLACES GREENER, HEALTHIER, AND MORE RESILIENT TO CLIMATE CHANGE BY SUPPORTING AND ENHANCING BLUE AND GREEN INFRASTRUCTURE AND PROVIDING GOOD QUALITY LOCAL OPPORTUNITIES FOR PLAY AND SPORT?

The role of local development plans to identify, protect and help deliver blue and green infrastructure is strongly supported.

Climate resilience and flood risk management are provided as examples of benefits in the introductory paragraphs to Policy 12 but these benefits are not carried forward within the Policy 12a, b, c etc. The climate and flood risk benefits therefore need to be strengthened within the policy.

The following amendments underlined and in italics are suggested:

Policy 12 a) 'Plans should also identify opportunities to enhance and expand provision and access to blue and green infrastructure (*BGI*) (at strategic and local scales) and to use *BGI* to maximum benefit in terms of surface water management, flood prevention and climate resilience. Development allocations should be chosen taking account of the areas that can best contribute to enhancing and delivering key green networks and priorities'.

Policy 12 c) 'Development proposals that result in fragmentation or net loss of existing blue and green infrastructure should not be supported unless it can be demonstrated that the overall integrity of the blue and green infrastructure including flood protection functions and resilience to climate change will be maintained.

Policy 13: Sustainable flood risk and water management

Q 35: DO YOU AGREE THAT THIS POLICY WILL HELP TO ENSURE PLACES ARE RESILIENT TO FUTURE FLOOD RISK AND MAKE EFFICIENT AND SUSTAINABLE USE OF WATER RESOURCES?

Policy 13 is broadly supported though there is a need for further clarifications in the policy.

In Policy 13 b) the statement that '*any first occupied/utilised floor of a development is above the future flood level plus and allowance for freeboard*' is suitable for new developments, however, to state that a floor in an existing/redeveloped building should not be used at all due to flood risk could weaken the case for re-use of existing versus new build. The use of floors identified as vulnerable due to their level should be based upon their vulnerability class and, if appropriate, resistance and resilience measures be proposed. Similarly, '*Safe operation and egress can be achieved during the design flood event*', this would be problematic for many existing development locations. The acceptability of many proposed developments will

depend upon an interpretation of 'safe operation and egress'. Clarity is needed on this.

Policy 13 f) states that 'To avoid increased surface water flooding development proposals should only be supported if they, minimise the area of impermeable surface'. This is a reasonable aim, but it could steer developers towards permeable hard surfaces without a great deal of consideration of green, surface based, solutions. Rather than stating permeability, it might be more useful to take a performance-based approach like that taken in the Edinburgh Water Vision document which requires "all new development (and retrofit) to manage the first 5mm of rainfall at a plot level where appropriate and adhere to the SUDS Management train so run-off is managed in stages as it drains through and from a site."

Policy 13 h) should appear as one of the first considerations within this policy not the last.

Policies 14 and 15: Health, wellbeing and safety

Q 36: DO YOU AGREE THAT THIS POLICY WILL ENSURE PLACES SUPPORT HEALTH, WELLBEING AND SAFETY, AND STRENGTHEN THE RESILIENCE OF COMMUNITIES.

Further guidance is required on the scope of health impact assessments.

Policy 14 d) should refer to 'noise and/or vibration'.

This policy may benefit from referring to amenity, as a well-established and defined term in planning decisions.

Policy 16: Land and premises for business and employment

Q 37: DO YOU AGREE THAT THIS POLICY ENSURES PLACES SUPPORT NEW AND EXPANDED BUSINESSES AND INVESTMENT, STIMULATE ENTREPRENEURSHIP AND PROMOTE ALTERNATIVE WAYS OF WORKING IN ORDER TO ACHIEVE A GREEN RECOVERY AND BUILD A WELLBEING ECONOMY?

OIC are supportive of this policy but note that further clarification and definitions are needed in a planning context for some of the terminology used such as a "fairer and more inclusive wellbeing economy".

For Policy 16 c), the statement should be changed to consider climate change and reducing the need for unsustainable travel. We would recommend "...should be supported where it can be demonstrated that the scale and nature of the proposed business will be compatible with **reducing the need for unsustainable travel methods and** there will be no unacceptable impacts on neighbouring uses."

Policy 17: Sustainable tourism

Q 38: DO YOU AGREE THAT THIS POLICY WILL HELP TO INSPIRE PEOPLE TO VISIT SCOTLAND, AND SUPPORT SUSTAINABLE TOURISM WHICH BENEFITS LOCAL PEOPLE AND IS CONSISTENT WITH OUR NET-ZERO AND NATURE COMMITMENTS?

Policy 17 is broadly supported by OIC to help deliver sustainable tourism development. Again, some terminology requires to have definitions for use within a planning context.

Policy 17 b) should also refer to landscape and other environmental considerations.

Policy 18: Culture and creativity

Q 39: DO YOU AGREE THAT THIS POLICY SUPPORTS OUR PLACES TO REFLECT AND FACILITATE ENJOYMENT OF, AND INVESTMENT IN, OUR COLLECTIVE CULTURE AND CREATIVITY?

OIC is supportive of Orkney's vibrant culture and creativity sectors but as the planning authority we are concerned about what our role would be here within a sector that is open to interpretation and without clear definitions of what are arts and cultural venues. The Council considers the way to support Scotland's culture and creativity is to provide fair and inclusive funding to appropriately constituted groups and organisations.

Policy 19: Green energy

Q 40: DO YOU AGREE THAT THIS POLICY WILL ENSURE OUR PLACES SUPPORT CONTINUED EXPANSION OF LOW CARBON AND NET-ZERO ENERGY TECHNOLOGIES AS A KEY CONTRIBUTOR TO NET-ZERO EMISSIONS BY 2045?

The positive nature of Policy 19 in support of renewable energy development is welcomed by OIC.

Policy 19 d) should refer to Habitats Regulations Appraisal.

Policy 19 f) should refer to all carbon sources not just low carbon sources.

The use of the term 'community' in Policy 19 k) creates ambiguity between community benefit payments, which are well established for onshore wind particularly, and socio-economic impacts, which need to be dealt with very differently within planning decisions.

Policy 20: Zero waste

Q 41: DO YOU AGREE THAT THIS POLICY WILL HELP OUR PLACES TO BE MORE RESOURCE EFFICIENT, AND TO BE SUPPORTED BY SERVICES AND FACILITIES THAT HELP TO ACHIEVE A CIRCULAR ECONOMY?

The Council is generally supportive of this policy but reference within this policy should be made to the challenges of waste management that is faced by island communities being remote from markets and repurposing facilities; and having the logistical costs of dealing with non-linked island communities.

Policy 21: Aquaculture

Q 42: DO YOU AGREE THAT THIS POLICY WILL SUPPORT INVESTMENT IN AQUACULTURE AND MINIMISE ITS POTENTIAL IMPACTS ON THE ENVIRONMENT?

No. As currently drafted, Policy 21 is not fit for purpose. It does not provide an adequate statutory development plan policy that will enable the determination of fish farming planning applications or provide suitable requirements for local development plans.

Aquaculture is an important industry in Orkney. Salmon farming has been established for many years and the industry provides significant employment and wider economic benefit to our island communities. It is important that aquaculture development is managed sustainably to safeguard the quality of the coastal and marine environment, whilst maximising local benefits. OIC aims to support the industry whilst protecting and enhancing the environment upon which our communities depend.

The following introductory statement needs to be redrafted:

‘The planning and licensing system should support the prosperity of the finfish, shellfish and seaweed sectors, including by guiding new development to locations that reflect industry needs and take into account wider marine planning’.

‘Prosperity’ is not an appropriate term to use in this context i.e., in a statutory development plan. The definition of prosperity is ‘*the state of being successful and having a lot of money*’. The planning system is not primarily concerned with the prosperity of a business applying for planning permission (i.e., its profits). Planning seeks to balance social, economic and environmental considerations in the public interest, to support sustainability including socio-economic benefits to local communities. ‘Prosperity’ should be replaced with ‘sustainable growth’ or a similar term. This would better align with the principles of the wellbeing economy and the community wealth building.

‘Guiding new development to locations that reflect industry needs’ does not accurately describe the role of the planning and licensing systems. The role of planning, or more specifically statutory plans, is to guide aquaculture development to more sustainable locations having considered the relevant social, economic and environmental factors. In practice, this can be achieved by local development plans, and where relevant regional marine plans, identifying areas of greater and lesser sensitivity/constraint for aquaculture development. This spatial planning approach then enables the aquaculture sector to make informed decisions on site selection and the material planning matters that will be considered within a consent. As the

operational needs of aquaculture businesses are varied and ever changing, they should not be fixed within a statutory plan's spatial strategy e.g., suitable water depths, wave exposure, distance to port etc.

The wording of Policy 21 (a) should be changed to:

'Local development plans should guide new aquaculture development to locations that minimise adverse environmental impacts and maximise socio-economic benefits, taking account of environmental, social, economic and infrastructure considerations, and wider marine planning'.

Policy 21 d) does not provide a well-structured set of criteria to enable planning applications to be determined. Policy 19 k) provides a more adequate set of criteria for assessing proposals for renewable energy development, for the purposes of comparison.

Policy 21 d) should pay due regard to:

- Landscape/seascape and visual impacts, including siting and design considerations;
- Natural heritage designations, protected species and the wider biodiversity (including Priority Marine Features);
- Predator control and interactions with other species;
- Wild salmonid fish population impacts, such as introgression and sea lice;
- Water quality and benthic impacts;
- Historic environment impacts;
- Social and economic impacts;
- Impacts on other coastal and marine users e.g., commercial fishing, shipping and navigation, ports and harbours, existing aquaculture sites, tourism, recreational and leisure activities;
- Construction, operational and amenity impacts including road traffic, noise, vibration, odour and litter;
- Decommissioning and reinstatement requirements, including the use of conditions; and
- Cumulative impacts - taking into account the cumulative impact of existing and consented aquaculture development, and wider relevant development types.

OIC is currently preparing the Orkney Islands Regional Marine Plan (OIRMP) which will include an Aquaculture policy. It will be important to ensure that this policy aligns with the requirements of NPF4. Public authorities must take any authorisation or enforcement decision in accordance with the appropriate regional marine plan, unless relevant considerations indicate otherwise. These decisions include planning, marine licence and CAR Licence consents, for example. Therefore, the scope of the regional marine plan aquaculture policy will be broader than the aquaculture policy in NPF4, as it applies to multiple consenting regimes.

Policy 22: Minerals**Q 43: DO YOU AGREE THAT THIS POLICY WILL SUPPORT THE SUSTAINABLE MANAGEMENT OF RESOURCES AND MINIMISE THE IMPACTS OF EXTRACTION OF MINERALS ON COMMUNITIES AND THE ENVIRONMENT?**

The Council is supportive of this policy approach.

Policy 23: Digital infrastructure**Q 44: DO YOU AGREE THAT THIS POLICY ENSURES ALL OF OUR PLACES WILL BE DIGITALLY CONNECTED?**

This supportive planning policy that recognises the importance of improving digital infrastructure, particularly in areas with no or low connectivity, is very welcome. Orkney as a rural and remote location fully understands the requirement of a fair and more inclusive service provision that allows all of Scotland to have access to the same service.

To implement Policy 23 b), planners will need guidance and advice to determine whether digital infrastructure provisions within development proposals are appropriate and future proofed. Additionally, the Scottish Government is required to assist to ensure that service providers fully co-operate with developers and the planning authority.

Policies 24 to 27: Distinctive places**Q 45: DO YOU AGREE THAT THESE POLICIES WILL ENSURE SCOTLAND'S PLACES WILL SUPPORT LOW CARBON URBAN LIVING?**

Policy 24 a), we have noted our concern about the concept of the 20 minute neighbourhood. Within our main towns of Kirkwall and Stromness it is likely to be deliverable, but more flexibility is needed for our rural and remote island communities. Many of the principles can be applied but genuine 20 minute neighbourhoods in many rural areas are unrealistic.

Policy 25 a), we would request that flexibility is added to this policy to consider the rural and remote context of Scotland. We currently have 2 town centres designated through the local development plan process and then have settlements boundaries. We also must consider the fragile nature of our island communities, where we consider all appropriate development that supports the population, the potential for economic and social activity and does not conflict with other policies of the Local Development Plan, as appropriate.

Policy 25 e) provides a sensible approach to shops that are ancillary to other uses in rural areas, whilst still supporting the principle of retail in town and village centres. We are supportive of this policy provision.

Policy 26 a) we support this assessment but note not all planning authorities will have edge of town designations where the scale of their urban areas are small, such as Orkney.

Policy 26 b), the consideration of using local supply chains and whether local suppliers and workers will be a viable option is a laudable intention, though the extent to which such matters can be managed through planning consent is limited e.g., a consent could not be conditioned to require the use of local workers or supply chains.

Policy 28: Historic assets and places

Q 46: DO YOU AGREE THAT THIS POLICY WILL PROTECT AND ENHANCE OUR HISTORIC ENVIRONMENT, AND SUPPORT THE RE-USE OF REDUNDANT OR NEGLECTED HISTORIC BUILDINGS?

This policy is broadly supported to protect historic environment assets and their setting, and the economic and cultural value these assets provide to Orkney communities. We are pleased to note that there is additional guidance to this element of NPF4, at b) that development proposals should be informed by Managing Change Guidance Notes published by Historic Environment Scotland.

Policy 28 k), the wording for this policy needs to be more specific. Replace 'offshore' with '*development proposals in intertidal and/or marine areas*'.

Policy 28 n) states:

'Enabling development for historic assets or places that would otherwise be unacceptable, should only be supported where it can be demonstrated that development will secure the future of a historic place or asset at risk of serious deterioration or loss and what is being proposed is the minimum necessary to secure its restoration, adaptation and long term future'.

This policy should clarify whether these provisions extend to building alterations to adapt to climate related impacts of sea level rise, coastal erosion and all types of flooding. The interpretation of '*securing the future of a historic place or asset at risk of serious deterioration or loss*' needs further clarification. Many coastal settlements in Orkney are Conservation Areas with clusters of listed buildings. Without adaptation to these buildings (e.g., flood gates in doorways, tanking basements, flood walls etc) there is a significant risk to their viability as lived in or used properties. Policy 28 n) should clarify whether such building alterations, that would otherwise be unacceptable, could be justified on the basis of '*securing the future of a historic place or asset*'. Does '*securing the future of a historic place*' extend to the climate adaptations that will be necessary to keep listed and/or conservation area properties occupied and/or active? If so, it would be helpful if this was specified in the policy.

Policy 29: Urban edges and the green belt

Q 47: DO YOU AGREE THAT THIS POLICY WILL INCREASE THE DENSITY OF OUR SETTLEMENTS, RESTORE NATURE AND PROMOTE LOCAL LIVING BY LIMITING URBAN EXPANSION AND USING THE LAND AROUND OUR TOWNS AND CITIES WISELY?

OIC notes the flexibility within this policy and is supportive of the wording at Policy 29 a).

Policy 30: Vacant and derelict land

Q 48: DO YOU AGREE THAT THIS POLICY WILL HELP TO PROACTIVELY ENABLE THE REUSE OF VACANT AND DERELICT LAND AND BUILDINGS?

The principles of this policy are supported. For Orkney, the nature and extent of our vacant and derelict land is different than in urban areas. No definitions have been provided in draft NPF4, therefore OIC will be defining what is classed as vacant and derelict land through the review of the Orkney Local Development Plan.

Policy 31: Rural places

Q 49: DO YOU AGREE THAT THIS POLICY WILL ENSURE THAT RURAL PLACES CAN BE VIBRANT AND SUSTAINABLE?

OIC considers that the planning system should encourage development that helps to support, sustain and grow rural areas whilst safeguarding productive agricultural land, and the natural and cultural assets that underpin businesses and jobs. Rural economic activity, innovation, and diversification should be supported, whilst ensuring that the distinctive character of rural areas, the service function of settlements, and natural and cultural assets are safeguarded and enhanced.

OIC agrees that the planning system has a key role to play in enabling more people to live and remain in island communities, but there is concern that the policy to grow population in rural and island areas needs to be more targeted. The demographic characteristics of Orkney are very different from that of the west coast regions of Scotland. Overall population in Orkney has been growing since the late 1990s with positive net inward migration. It would be more appropriate to acknowledge in NPF4 that Orkney has experienced population decline for a certain element of its demographic, particularly the 18 to 30 age group, and that investment and growth should target these particular demographic challenges.

Reintroducing people and development into areas that are currently uninhabited, but where previously inhabited, cannot be achieved in line with our climate commitments and wider aspirations to create sustainable places. Our uninhabited islands have no transport infrastructure, no schools, no healthcare facilities, no waste collection services, limited digital connectivity and can be places with internationally recognised natural heritage. OIC would support a statement in NPF4 that the Scottish Government, through the National Islands Plan, will assist and financially support sustainable island populations by addressing demographic challenges in a targeted manner. For example, by investing in economic development, infrastructure, affordable housing and digital connectivity in island communities.

The Orkney Local Development Plan's (OLDP) rural development policies and spatial strategy needs to be able to identify islands and rural areas where development/population growth will and will not be supported in accordance with sustainable development principles and assessment of sustainable service provision

e.g. schools, ferries, waste collection, health services etc. The OLDP will also need to develop a bespoke local policy approach to housing and business development in the rural areas.

Policy 31 a), should state that *'local development plans should set out policies and proposals.....'* More clarification is required here as to what is meant by the terminology used (accessible, intermediate, remote, pressure and decline). How this element of the policy is drafted indicates a lack of understanding of rural and remote island communities and development pressures.

Policy 31 b) is not supported as currently drafted as it is not workable or usable. This is because the development of, or the reintroduction of population, in our previously inhabited areas or islands in Orkney would be inconsistent with climate change mitigation targets. As already noted, these locations have no service provision and would create a reliance on petrol/diesel transportation. Additionally, these locations are often designated for international natural heritage value and/or areas of peatland.

Policy 31 b), in terms of detailed policy interpretation, how are previously inhabited areas to be defined? Going how far back in time? Is this referring to the renovation of existing houses or structures? Will this policy allow green field site development in these areas? Previously inhabited areas is a broad definition that will undermine the ability of planning authorities to manage development in rural areas, and implement a sustainable development driven spatial strategy. Planning authorities should be empowered to determine where development in rural areas is and is not acceptable within local development plans.

Policy 31 b), in addition to being *'consistent with climate change mitigation targets'*, the key issue is service provision. Our uninhabited islands have no service provision and having policies that support development will place a financial burden on OIC and community planning partners and the services that are already provided. Where population growth in terms of our demographic challenges is promoted, it will be a matter for the review of the Orkney Local Development Plan that will be underpinned by public consultation and joint working with our community planning partners.

Policy 31 c) bullet point 1 should be reworded. Development in rural areas should not *'reflect development pressures'*. Development pressures in rural areas can often be unsustainable in nature, and therefore should not be supported e.g., development pressures to build houses in rural areas that are within easy commuting distance from towns by private car leads to urban sprawl.

Policy 31 c) bullet point 2, planning authorities should identify the sustainable development *'needs'* of rural areas through local development plans and supporting processes.

Policy 31 c) an additional bullet point should state *'contribute towards the objectives of spatial strategies for rural development in local development plans'*.

Policy 31 d) should provide policy support for agricultural development in addition to support for the diversification of farms, crofts and other land use businesses.

Policy 31 d) should note that development proposals will be supported where they positively consider the requirements for sustainable transport and do not increase the reliance on the petrol/diesel car.

Policy 31 e), we welcome these provisions that are similar to the provisions within our existing Local Development Plan. But with the review of the Plan with public consultation; other provisions for new homes may be considered and taken forward in the Evidence Report.

Policy 31 g) should include an additional bullet point stating '*would not create an unacceptable burden on existing infrastructure and/or service provision that cannot be resolved*'.

Policy 31 should specifically identify provisions to enable development proposals that contribute towards the sustainability of tourism e.g., targeted strategic investments in tourism infrastructure and the development of more small-scale facilities.

Policy 32: Natural places

Q 50: DO YOU AGREE THAT THIS POLICY WILL PROTECT AND RESTORE NATURAL PLACES?

More detail is needed in Policy 32. As the aim of NPF4 is to reverse the decline in biodiversity, the policies and their requirements need to be capable of being understood by all stakeholders to be effectively applied in practice. If not provided in NPF4, OIC will use the Local Development Plan and local guidance to provide this detail.

Policy 32 a), the role of local development plans to identify and protect locally, regionally, nationally and internationally valued natural assets, landscapes, species and habitats is supported. Local nature conservation site networks can be a useful tool to identify and protect nature networks. Nature networks should be maintained and enhanced through appropriately targeted and funded agricultural subsidies such as the present agri-environment schemes.

Policy 32 b), needs to be specific about which '*biodiversity objectives*' are being referenced. If no specific objectives are identified, again we will define these in the Orkney Local Development or local guidance in alignment with the Orkney Biodiversity Action Plan priorities.

Policy 32 c) There is very little detail to provide clarity on how development affecting European sites will be considered within the planning system. There is no mention of qualifying features or the overall integrity of sites, for example. It simply refers to the legislation and does not clarify what the relevant legislation is. This is not very transparent.

Policy 32 e) This policy seems to focus on European Protected Species without actually directly mentioning them, i.e., by referring to the relevant statutory tests. Some accompanying text would be useful to explain the level of protection provided

by the relevant legislation. OIC's Supplementary Guidance Natural Environment includes advice on:

- a. European Protected Species and Development
- b. Birds and development
- c. Seals and development.

This covers all the protected species that are present in Orkney; however other planning authorities across Scotland will have to consider other protected species, e.g., badgers.

Policy 32 f) again, it would be useful to direct the reader to the relevant legislation.

Policy 32 g), should include Local Nature Reserves. It would also be helpful to require mitigative measures here, as the policy is actively supportive of development and the precautionary principle in Policy 32 (h) only applies to development affecting international and national sites. Whilst development on an international site is likely to require HRA, and potentially EIA, and development on a national site may require an EIA, developments at the local level may not. Appropriate mitigation measures may include the siting and timing of the development, for example. The principles of the mitigation hierarchy, to avoid, minimise and then mitigate adverse effects, should underpin this policy.

Stating in Policy 32 g) that significant adverse effects need to be clearly outweighed by social, environmental or economic benefits of local importance provides minimal protection in practice. Any provision of benefit can be deemed locally important. The policy needs to enable decision makers to balance the significance of any benefits with the significance of any adverse effects. The policy should state that significant adverse effects need to be clearly outweighed by social, environmental and/or economic benefits.

Policy 33: Peat and carbon rich soils

Q 51: DO YOU AGREE THAT THIS POLICY PROTECTS CARBON RICH SOILS AND SUPPORTS THE PRESERVATION AND RESTORATION OF PEATLANDS?

OIC considers that that Policy 33 will help to protect carbon-rich soils and support the preservation and restoration of peatlands.

However, under Part d), the requirement to retain a residual depth of no less than one metre across the site would cause certain existing extraction sites, used by the whisky industry, which is of national importance to Scotland, to be undevelopable in future. Peat extraction for this industry does take place in areas with peat depth of less than one metre prior to extraction. Therefore, when seeking to renew planning permission to extract peat, developers may seek to extract peat from alternative areas of peatland, including those which are less degraded by human activity, to comply with Policy 33 as currently drafted. This could lead to undisturbed areas with

greater peat depth, that are in better condition and have greater capacity to store and continue to assimilate carbon, being opened up for extraction.

Policy 34: Trees, woodland and forestry

Q 52: DO YOU AGREE THAT THIS POLICY WILL EXPAND WOODLAND COVER AND PROTECT EXISTING WOODLAND?

Policy 34 should require developers to provide appropriate woodland management measures, for existing and/or newly created woodland, detailing how these management measures will be implemented and funded over the lifetime of the development.

Policy 35: Coasts

Q 53: DO YOU AGREE THAT THIS POLICY WILL HELP OUR COASTAL AREAS ADAPT TO CLIMATE CHANGE AND SUPPORT THE SUSTAINABLE DEVELOPMENT OF COASTAL COMMUNITIES?

As many of Orkney's settlements, and infrastructure, are located in low lying soft coast areas, we need to plan ahead, for predicted sea level rise, and the increased risk of coastal erosion and flooding.

Planning authorities need to improve understanding of coastal change and future risks. A key part of this will be appropriate bodies gathering data, monitoring coastal change on the ground, and modelling future change in vulnerable areas.

The planning system should enable home and property owners to take steps to adapt buildings to be more resilient to coastal change and flooding. For example, installing removeable flood gates or tanking buildings to prevent water penetration.

Policy 35 a) should state that local development plan spatial strategies and policies should be informed by Coastal Change Adaption Plans (CCAPs). Scottish Government funding for CCAPs should be prioritised in local authority areas that are at greatest risk including Orkney, as identified by Dynamic Coast.

CCAPs should inform local development plan spatial strategies, land use allocations and coastal development policies. CCAPs should also inform regional spatial strategies to identify coastal management issues that need to be addressed across local authority boundaries.

Planning authorities should pay due regard to the relevant CCAPs when:

- identifying areas at risk from coastal erosion and/or flooding;
- predicting longer-term coastal change and the implications for land use and development in coastal areas that are at present and future risk;
- identifying risk-free coastal areas where future development and infrastructure (including housing, business and industrial land allocations) should be located, and higher risk areas where such development should not be located;
- identifying suitable locations for coastal protection infrastructure including nature based solutions;

- considering the requirements for infrastructure and assets that need to be relocated due to coastal erosion and/or flooding risk/impacts, should coastal protection be unfeasible;
- identifying natural features that provide a coastal defence function and how they might be safeguarded;
- formulating suitable development plan policies for coastal development, coastal erosion and flood risk.
- making planning decisions on whether, any coastal defence works or improvements would be acceptable, including consideration of any impacts on the wider coastal system.
- making planning decisions on proposed development that could be affected by coastal erosion and/or flooding.

To help coastal communities adapt to climate change and support sustainable coastal development, local development plans will need to:

- recognise that rising sea levels and more extreme weather events resulting from climate change will potentially have a significant impact on coastal and islands areas, and that a precautionary approach to coastal erosion and flood risk should be taken.
- strengthen community resilience to the current and future impacts of climate change identifying opportunities to implement natural coastal protection and adaption measures, flood risk management, blue green infrastructure, and where appropriate, artificial coastal defences to protect critical assets.
- recognise the importance of utilising nature-based solutions to coastal adaption, by identifying areas where managed re-alignment of the coast would be an effective solution. Working with nature, not against it. This approach can create new habitat, with win-win outcomes for people and for biodiversity.
- where coastal protection is not feasible, the local development plan will need to identify where infrastructure and assets can be relocated out of harm's way.
- identify vulnerable areas where future development should be avoided,
- safeguard natural features that protect our coast, for example sand dunes.

CCAPs can identify areas where no active intervention is required, so that limited available resources can be used to best effect.

Given the uncertainty with the amount of sea level rise we should expect, due to the uncertainty regarding the speed at which global emissions will be reduced, actions for coastal protection and adaption will need to be managed in a flexible way, and in response to how the coastline is changing on the ground. The use of identified triggers (e.g. rates of erosion in vulnerable locations or flood water levels) to implement agreed policies and actions is deemed appropriate in coastal areas.

The introductory text to Policy 35 should highlight the economic importance of ports and harbours, fishing, aquaculture and marine energy, in addition to tourism, outdoor recreation and food and drink.

Policy 35 a) should acknowledge the climate related increase in the extent and rate of coastal erosion on Scotland's coast, in addition to flooding/coastal inundation.

For clarity and a clear separation of policy purpose, Policy 35 b) should state that development proposals that require a coastal location should be supported in areas of developed shoreline. A separate policy strand should be prepared to address development resulting in increased coastal erosion and/or flood risk.

NPF4 policy should require local development plans to align with relevant regional marine plans.

For reference, this is an extract from the emerging draft text for the Orkney Regional Marine Plan *Coastal Processes* policy:

Development and/or activities will not generally be supported in locations that are vulnerable to adverse effects of coastal erosion, flooding and/or wider coastal change, as identified in the Dynamic Coast maps, Orkney Local Flood Risk Management Plan and/or any relevant coastal change adaptation plan. Where new development is adaptive to anticipated coastal change, and therefore avoids the need for intervention over its lifetime, the development and/or activities may be permitted.

When there is clear justification for a departure from the general policy to avoid new development and/or activities in areas that are vulnerable to adverse effects of coastal erosion, flooding and/or wider coastal change, proposals will be required to demonstrate that appropriate resilience and adaptation strategies have been incorporated over the lifetime of the development and/or activities, including adaptation to the effects of climate change.

Proposals for development and/or activities that would significantly affect coastal processes should demonstrate that:

- significant adverse effects on coastal and marine habitats, species and geomorphological features, including due to, but not limited to, erosion, sediment transport, accretion, scouring, deposition and/or coastal flooding, have been avoided, reduced and/or appropriately mitigated.*
- significant adverse effects on coastal and marine infrastructure and other assets, due to coastal erosion, flooding and/or wider coastal change, have been avoided, reduced and/or appropriately mitigated.*

Policy 35 c) states that '*Development proposals in undeveloped coastal areas should only be supported if the proposal is necessary to support the blue economy, net zero emissions or if it would contribute to the economic regeneration or wellbeing of communities whose livelihood depend on marine or coastal activities*'. These broad caveats would pretty much permit any type of development in areas of undeveloped coast, undermining the policy intention to preference/support development in areas

of previously developed coast. It could be more appropriate to state that *'Development that requires a location on, or directly adjacent to, the coast will be supported in areas of developed coast. When it can be demonstrated that such a coastal development cannot be accommodated within an area of developed coast, for locational and/or operational reasons, and the proposal is necessary to support the blue economy, the proposals should be supported. Development that does not have a locational and/or operational requirement for a waterfront location will not be supported if the development site has strategic value for marine related industries, activities or community use'*.

Part 4 - Delivery

Delivering our spatial strategy

Q 54: DO YOU AGREE WITH OUR PROPOSED PRIORITIES FOR THE DELIVERY OF THE SPATIAL STRATEGY?

OIC would welcome further engagement to support the Scottish Government's NPF4 Delivery Programme and Scotland's Infrastructure Investment Plan.

OIC supports the infrastructure first approach but acknowledges that this approach has to be taken forward in all policies, actions and strategies of the Scottish Government in a manner that is fair for all of Scotland including the remote and rural islands. This infrastructure priorities for OIC include the provision of infrastructure that allows our communities to adapt to climate change, funding for our internal ferry system, ports and harbours, ultrafast digital connectivity, active travel networks, electric vehicle charging facilities, infrastructure for the management of coastal change and surface water management.

Guidance will be required to support implementation of the infrastructure first principle through the planning system.

OIC will use the Orkney Local Development Plan Delivery Programme to assist in delivery of an infrastructure first approach for Orkney. This programme will prioritise our infrastructure requirements and the developments that are identified within NPF4, our Regional Spatial Strategy and Local Development Plan. The Delivery Programme will align with the priorities of the Council and our Community Planning Partners.

Page 12 of draft NPF4 states that *'Scotland's National Islands Plan aims to grow the population and economy, improve transport and housing, and ensure island communities are served by the facilities, jobs, education and services they need to flourish'*. The delivery of NPF4 should align with the NIP and all Regional Spatial Strategies. The Aligning Resources section of NPF4, page 112, should acknowledge the role of the NIP, and the Islands Connectivity Plan, to inform national investment programmes and projects.

OIC is supportive of the Scottish Government's acknowledgement of the key role that the planning service has in terms of economic recovery and the benefit of a better resourced planning system.

Q 55: DO YOU HAVE ANY OTHER COMMENTS ON THE DELIVERY OF THE SPATIAL STRATEGY?

No further comment.

Part 5 - Annexes

Annex A

Q 56: DO YOU AGREE THAT THE DEVELOPMENT MEASURES IDENTIFIED WILL CONTRIBUTE TO EACH OF THE OUTCOMES IDENTIFIED IN SECTION 3A(3)(c) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997?

No further comment.

Annex B

Q 57: DO YOU AGREE WITH THE MINIMUM ALL-TENURE HOUSING LAND REQUIREMENT (MATHLR) NUMBERS?

The figure noted for Orkney has been agreed with OIC. This figure represents the housing requirements for our island communities for the next 10 years. We request that this figure may change after completion of a robust and credible Housing Needs and Demand Assessment that will inform the Evidence Report and therefore the Orkney Local Development Plan.

Annex C

Q 58: DO YOU AGREE WITH THE DEFINITIONS SET OUT IN THE GLOSSARY? ARE THERE ANY OTHER TERMS IT WOULD BE USEFUL TO INCLUDE IN THE GLOSSARY?

Other definitions to include in the glossary:

- *'wellbeing economy'*,
- *'green investment'*
- *'community wealth' and 'community wealth building'*
- *'liveability'*
- *'self-provided homes'*

INTEGRATED IMPACT ASSESSMENTS

Environmental Report

Q 59: WHAT ARE YOUR VIEWS ON THE ACCURACY AND SCOPE OF THE ENVIRONMENTAL BASELINE SET OUT IN THE ENVIRONMENTAL REPORT?

No comments.

Q 60: WHAT ARE YOUR VIEWS ON THE PREDICTED ENVIRONMENTAL EFFECTS OF THE DRAFT NPF4 AS SET OUT IN THE ENVIRONMENTAL REPORT? PLEASE GIVE DETAILS OF ANY ADDITIONAL RELEVANT SOURCES.

No comments.

Q 61: WHAT ARE YOUR VIEWS ON THE POTENTIAL HEALTH EFFECTS OF THE PROPOSED NATIONAL DEVELOPMENTS AS SET OUT IN THE ENVIRONMENTAL REPORT?

No comments.

Q 62: WHAT ARE YOUR VIEWS ON THE ASSESSMENT OF ALTERNATIVES AS SET OUT IN THE ENVIRONMENTAL REPORT?

No comments.

Q 63: WHAT ARE YOUR VIEWS ON THE PROPOSALS FOR MITIGATION, ENHANCEMENT AND MONITORING OF THE ENVIRONMENTAL EFFECTS SET OUT IN THE ENVIRONMENTAL REPORT?

No comments.

Society and Equalities Impact Assessment

Q 64: WHAT ARE YOUR VIEWS ON THE EVIDENCE AND INFORMATION TO INFORM THE SOCIETY AND EQUALITIES IMPACT ASSESSMENT?

No comments.

Q 65: DO YOU HAVE ANY COMMENTS ON THE FINDINGS OF THE EQUALITIES IMPACT ASSESSMENT?

No comments.

Q 66: DO YOU HAVE ANY COMMENTS ON THE FINDINGS OF THE CHILDREN'S RIGHTS AND WELLBEING IMPACT ASSESSMENT?

No comments.

Q 67: DO YOU HAVE ANY COMMENTS ON THE FAIRER SCOTLAND DUTY AND THE DRAFT NPF4?

No comments.

Q 68: DO YOU HAVE ANY COMMENTS ON THE CONSIDERATION OF HUMAN RIGHTS AND THE DRAFT NPF4?

No comments.

Q 69: DO YOU HAVE ANY COMMENTS ON THE ISLANDS IMPACT ASSESSMENT?

The evidence base for the Island Communities Impact Assessment (ICIA) should include:

Orkney Economic Review 2017, https://www.orkney.gov.uk/Files/Business-and-Trade/Economic_Review/Economic_Review_2017.pdf

Orkney Economic Review 2018, https://www.orkney.gov.uk/Files/Business-and-Trade/Economic_Review/Economic_Review_2018.pdf

Highlands and Islands Area profile 2020, Orkney, <https://www.hie.co.uk/media/10595/orkney-area-profile-2020.pdf>

Orkney Islands Economic Review 2020, https://fraserofallanderinstitute.wpcomstaging.com/wp-content/uploads/2020/09/Orkney-Islands-Economic-Review_.pdf

Orkney Islands Council Area Profile, <https://www.nrscotland.gov.uk/files/statistics/council-area-data-sheets/orkney-islands-council-profile.html>

D.2. Implications of Policy Changes for Island Communities

Rural Planning Policy to 2050: Research report identified demographic trends as one of the key challenges for rural areas, as reflected in the ICIA. The demographic characteristics of Orkney are very different from that of other island communities, and Scotland. Population in Orkney has been growing since the late 1990s due to positive net inward migration. Between 1998 and 2020, the population of Orkney has increased by 14.3%. This is the 6th highest percentage change out of the 32 council areas in Scotland. Over the same period, Scotland's population rose by 7.7%. From mid-2018 to mid-2019, the Orkney population grew by 140 people, +0.6%, due to net migration from the rest of the UK, which is the second largest percentage increase of any Council area in Scotland. Between 2018 and 2028, the Orkney population is projected to grow by a modest 0.5%. Between 2018 and 2043, the population is projected to decline by 2%. The 0 to 15 age group is projected to see the largest percentage decrease (-11.5%) and the 75 and over age group is projected to see the largest percentage increase (+37.4%). The dependency ratio in Orkney, i.e., the number of people aged 0-15 and 65+ per 100 people of working age, is 66.4. The dependency ratio in Scotland is 56.2. (Data source: National Records of Scotland (NRS) Mid-year population estimates 2019 Population projections – NRS 2018 based sub-national population projections).

It would therefore be appropriate to acknowledge in the ICIA and NPF4 that island communities like Orkney, have experienced population growth in recent decades but with declines and increases in certain element of its demographic. To support sustainable island communities in the long term, it is particularly important to grow the population of young and working age people. Planning policy, investment and public services and facilities need to target these particular demographic challenges.

Retaining and attracting young people and families to Orkney can be achieved by:

- Creating jobs through economic development and infrastructure investment.
- Investment in further and higher education and training provision and facilities in Orkney.
- Investment in affordable housing.
- Investment in more facilities and amenities for young people.
- Affordable transport.

ICIA identifies that the Highlands and Islands have the fewest people per square kilometre in Scotland:

- Na h-Eileanan Siar (9 people per square kilometre)
- Highland (9 people per square kilometre)
- Argyll and Bute (12 people per square kilometre)
- Shetland Islands (16 people per square kilometre)

ICIA should be acknowledged that Orkney has a higher population density (23 people per square kilometre) and very different settlement pattern than these areas and therefore will require a bespoke appropriate approach to the local development plan spatial strategy for Orkney.

As identified in the ICIA settlements data sources, the National Records of Scotland define a settlement as a group of high-density postcodes whose combined population rounds to 500 people or more. In Orkney, only Kirkwall, Stromness and Finstown are defined as settlements under this methodology/definition. The Orkney Local Development Plan identifies 26 settlements within its sustainable settlement hierarchy. **NPF4, Policy 7, should specifically acknowledge the difference in scale when planning sustainable settlements on islands when compared to more populated urban and rural areas.**

Agriculture and fishing form a major part of the economy in Orkney which should be acknowledged in the ICIA and NPF4. The ICIA states '*the rural economy is often equated with agriculture, forestry and fishing but, while this sector remains important for many areas, it no longer represents the major component of the economy*'. As of 2019, 44% of businesses in Orkney were in the agriculture, forestry and fishing sector, and in terms of business units, 38% of Orkney's units belong to businesses in these sectors (Data source, <https://fraserofallander.org/orkney-islands-economic-review/>). The agriculture and fishing sectors provide significant numbers of jobs and community value in Orkney and form a major part of the economy. Both sectors are particularly vulnerable to the consequences of EU Exit, with Orkney ranked 6 of the 32 Scottish local authorities in terms of vulnerability to Brexit, and will need significant support. **Draft NPF4 Policy Rural Places 31 d) should provide policy support for agricultural development in addition to support for the diversification of farms, crofts and other land use businesses.**

The Transport section of the ICIA should acknowledge the factors resulting in additional transport costs and logistical issues for businesses as well as households including getting goods to market and importing supplies and services.

The provision of affordable, fit-for-purpose housing in Orkney presents a significant challenge for island communities as identified in the ICIA. The availability of good quality affordable housing is a major barrier to economic development and inward migration into Orkney. In addition to the planning system making adequate land available for the supply of housing and affordable housing provision, there needs to be significant increased government funding to support Council, Housing Association and private sector house building in Orkney. It is positive to see acknowledgement of the higher cost of house building in island communities within NPF4 and the ICIA.

The ICIA acknowledges that Orkney has the poorest residential superfast broadband coverage in Scotland (Fig 3). The supportive planning policies and national development status for digital infrastructure in draft NPF4 are therefore a positive outcome for Orkney. That said, the disadvantage faced by Orkney communities, due to poor broadband and mobile phone coverage, needs to be directly addressed by prioritising wider government support and private sector investment in Orkney. This investment is particularly important in rural and remote island locations to enable economic development and to address population and community sustainability issues.

D.4. Potential issues and mitigation

Draft NPF4 focuses on the net zero potential of islands within the National Spatial Strategy without adequate consideration to other island issues identified in the ICIA.

The National Spatial Strategy identifies Orkney in the '*North and west coastal innovation*' action area. Orkney is geographically, economically, culturally, and from a transport connectivity and services perspective, more closely linked with Shetland, the east coast/Aberdeen, the north coast, A9 Corridor and Inverness city region. It is proposed that an action area grouping Orkney with these areas, transport links, services and assets, would be more appropriate to align with the indicative Orkney Regional Spatial Strategy. It appears that Orkney has been grouped with Argyll and Bute, the west coast, Western Isles and Shetland to reflect the Islands Growth Deal region. From a land use and infrastructure planning perspective, it would be more appropriate for Orkney and Shetland to be grouped with the north and north east of Scotland.

The statement on page 12 of draft NPF4 and the ICIA, that there are '*relatively high levels of community land ownership*' does not reflect the situation in Orkney. Land ownership in Orkney is characterised by more fragmented and small-scale private landownership, which helps to support sustainable economic development with direct benefit to local communities. The landownership patterns in Highland and Western Isles, for example, with large estates and land units, is not characteristic in Orkney. This is another reason why the proposed '*North and west coastal innovation*' action area grouping is not appropriate to include Orkney.

Page 112 of the ICIA identifies potential issues for island communities. These should include adequate infrastructure to realise the transformative potential of renewable energy and zero carbon fuels including harbour facilities and grid connections.

Page 112 of the ICIA states that *'NPF4 will seek to tackle these issues through the spatial strategy and thematic policies while providing flexibility at the local development plan stage for local and specific island circumstances to be recognised'*. **This statement is strongly supported but the required island specific flexibility needs to be more clearly articulated with the NPF4 planning policies. NPF4 Policies 7, 9, 10, 11, 21, 25, 31 and 35 should specifically include policy provision for island planning authorities to take forward bespoke islands approaches to:**

- **Local development plan spatial strategies that address the needs of islands, including the appropriate application of the 20 min neighbourhood concept.**
- **Planning for affordable housing, rural housing and rural business development.**
- **Aquaculture**
- **Coastal development**

Page 113 of ICIA, highlights the importance of sea ports as a focus for investment in the blue economy. **Given the scale and positive impact of the Orkney Harbours development projects, and their ability to deliver on national priorities, it would be appropriate to include the Orkney Harbours as a stand-alone National Development in NPF4. Refer to OIC response to Question 21.**

See OIC response to draft NPF4 consultation question 9 on *Action 2: Blue and Wellbeing Economies*, and questions 19 and 21 on *national developments for further information regarding Orkney Harbours*.

On page 115, the ICIA recognises that people living and working on islands are best placed to help decide how their communities can grow in a way that meets their needs and so it is essential they are involved in planning their future development. This statement needs to be reinforced through NPF4 planning policies to enable island planning authorities to address island specific issues in local development plans, as well as through local place plans.

On page 115, the ICIA identifies the need for adequate infrastructure for the number of tourists attracted to the islands. **Draft NPF4 Policy 31: *Rural Places* should specifically identify provisions to enable development proposals that contribute towards the sustainability of tourism e.g. targeted strategic investments in tourism infrastructure and the development of more small scale facilities.**

D.5. Conclusion

National policy must recognise that the Orkney economy is very different to the Scottish economy, and to that of the other Island groups in Scotland. Care is needed when thinking about how national policy priorities may impact upon Orkney (as the implications might be quite different)(Fraser of Allander Institute, Orkney Islands Economic Review 2020).

It is therefore important that NPF4 takes full cognisance of the OIC response to draft NPF4 and the ICIA.

Business and Regulatory Impact Assessment

Q 70: DO YOU HAVE ANY COMMENTS ON THE PARTIAL BUSINESS AND REGULATORY IMPACT ASSESSMENT?

No comments.

CONSULTATION QUESTIONS ENDS