

## Minute

### Development and Infrastructure Committee

Tuesday, 5 September 2023, 09:30.

Council Chamber, Council Offices, School Place, Kirkwall.



### Present

Councillors David Dawson, Gillian Skuse, Graham A Bevan, P Lindsay Hall, Kristopher D Leask, Raymond S Peace, James W Stockan, Owen Tierney, Duncan A Tullock and Heather N Woodbridge.

### Present via remote link (Microsoft Teams)

Councillor Mellissa-Louise Thomson.

Councillor Stephen G Clackson, who had been invited for Item 6.

### Clerk

- Hazel Flett, Service Manager (Governance).

### In Attendance

- Hayley Green, Corporate Director for Neighbourhood Services and Infrastructure.
- Gareth Waterson, Corporate Director for Enterprise and Sustainable Regeneration.
- James Buck, Head of Marine Services, Transportation and Harbour Master (for Items 1 to 14).
- Sweyn Johnston, Head of Enterprise and Economic Growth (for Items 9 to 15).
- Lorna Richardson, Head of Neighbourhood Services (for Items 1 to 8).
- Stuart Allison, Service Manager (Enterprise) (for Items 10 to 15).
- Susan Shearer, Service Manager (Development and Marine Planning) (for Items 6 to 10).
- Derek Manson, Team Leader (Development Planning) (for Items 6 to 10).
- Karen Bevilacqua, Solicitor.
- Nina Caudrey, Environmental Planner (for Items 6 to 10).

### Observing

- Roddy Mackay, Head of Planning and Community Protection (for Items 1 to 10).
- Alan Dundas, Service Manager (Environmental) (for Items 1 to 6).
- Kirsty Groundwater, Communications Team Leader.

### Apology

- Councillor W Leslie Manson.

## **Declarations of Interest**

- No declarations of interest were intimated.

## **Chair**

- Councillor David Dawson.

## **1. Disclosure of Exempt Information**

The Committee noted the proposal that the public be excluded from the meeting for consideration of Items 15 and 16, together with Annex B of Item 13, as the business to be discussed involved the potential disclosure of exempt information of the classes described in the relevant paragraphs of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 as amended.

## **2. Revenue Expenditure Outturn**

After consideration of a report by the Head of Finance, copies of which had been circulated, and after hearing a report from the Corporate Director for Enterprise and Sustainable Regeneration, the Committee:

Noted:

**2.1.** The revenue expenditure outturn statement in respect of service areas for which the Development and Infrastructure Committee was responsible, for financial year 2022/23, attached as Annex 1 to the report by the Head of Finance, indicating an overspend of £1,146,200.

**2.2.** The revenue financial detail by service area statement, in respect of service areas for which the Development and Infrastructure Committee was responsible, for financial year 2022/23, attached as Annex 2 to the report by the Head of Finance.

The Committee scrutinised:

**2.3.** The explanations given, and actions proposed in respect of significant budget variances, as outlined in the Budget Action Plan, attached as Annex 3 to the report by the Head of Finance, and obtained assurance that appropriate action was taken with regard to significant budget variances.

## **3. Revenue Expenditure Monitoring**

After consideration of a report by the Head of Finance, copies of which had been circulated, and after hearing a report from the Corporate Director for Enterprise and Sustainable Regeneration, the Committee:

Noted:

**3.1.** The revenue financial summary statement in respect of service areas for which the Development and Infrastructure Committee was responsible, for the period 1 April to 30 June 2023, attached as Annex 1 to the report by the Head of Finance, indicating a budget overspend position of £746,900.

**3.2.** The revenue financial detail by service area statement in respect of service areas for which the Development and Infrastructure Committee was responsible, for the period 1 April to 30 June 2023, attached as Annex 2 to the report by the Head of Finance.

The Committee scrutinised:

**3.3.** The explanations given, and actions proposed in respect of significant budget variances, as outlined in the Budget Action Plan, attached as Annex 3 to the report by the Head of Finance, and obtained assurance that appropriate action was being taken with regard to significant budget variances.

## **4. Road Asset Replacement Programme and Roads Revenue Maintenance Programme**

### **Expenditure Outturn**

After consideration of a report by the Head of Finance, copies of which had been circulated, and after hearing a report from the Corporate Director for Enterprise and Sustainable Regeneration, the Committee:

Noted:

**4.1.** The summary outturn position of expenditure incurred for financial year 2022/23 in respect of the Road Asset Replacement Programme and the Roads Revenue Maintenance Programme, as detailed in section 4.1 of the report by the Head of Finance.

The Committee scrutinised:

**4.2.** The detailed analysis of expenditure figures and programme updates, attached as Appendices 1 and 2 to the report by the Head of Finance, and obtained assurance with regard to significant budget variances and progress made with delivery of the approved Road Asset Replacement Programme and the Roads Revenue Maintenance Programme.

## **5. Road Asset Replacement Programme – Expenditure Monitoring**

After consideration of a report by the Head of Finance, copies of which had been circulated, and after hearing a report from the Corporate Director for Enterprise and Sustainable Regeneration, the Committee:

Noted:

**5.1.** The summary position of expenditure incurred, as at 30 June 2023, against the approved Road Asset Replacement Programme, as detailed in section 4.1 of the report by the Head of Finance.

The Committee scrutinised:

**5.2.** The detailed analysis of expenditure figures and programme updates, attached as Appendix 1 to the report by the Head of Finance, and obtained assurance with regard to significant budget variances and progress being made with delivery of the approved Road Asset Replacement Programme.

Councillor James W Stockan joined the meeting at this point.

## 6. 20mph Speed Limits at Isles Schools

After consideration of a report by the Corporate Director for Neighbourhood Services and Infrastructure, copies of which had been circulated, and after hearing a report from the Head of Neighbourhood Services, the Committee:

Noted:

**6.1.** That, on 21 June 2023, when considering an objection received following statutory and public consultation, the Development and Infrastructure Committee resolved, in terms of delegated powers, that the Council should not make a Traffic Regulation Order introducing variable 20 mph speed limits at island schools.

**6.2.** That the Development and Infrastructure Committee thereafter recommended that the Corporate Director for Neighbourhood Services and Infrastructure should submit a report, to the Development and Infrastructure Committee, outlining options for the budget currently allocated towards the provision of variable 20 mph speed limits at island schools.

**6.3.** That, on 4 July 2023, when considering the recommendation at paragraph 6.2 above, the Council resolved that the matter be referred back to the Development and Infrastructure Committee for further consideration.

**6.4.** That the Council further noted the assurance provided by the Corporate Director for Neighbourhood Services and Infrastructure that a further report would be submitted, to the next meeting of the Development and Infrastructure Committee, scheduled for 5 September 2023, regarding introducing traffic regulation order(s) in respect of 20 mph speed limits at isles schools.

**6.5.** The outcome of further consultation with relevant Community Councils, as detailed in section 4.6 of the report by the Corporate Director for Neighbourhood Services and Infrastructure .

The Committee **suspended Standing Orders** and thereafter, on the motion of Councillor David Dawson, seconded by Councillor Kristopher D Leask, resolved, in terms of delegated powers:

**6.6.** That mandatory, variable 20 mph speed limits be introduced at the undernoted island schools:

- North Walls Primary School.
- Sanday Junior High School.
- Stronsay Junior High School.
- Westray Junior High School.
- Shapinsay Primary School.
- Rousay Primary School.
- Eday Primary School.
- Papa Westray Primary School.
- Flotta Primary School.
- North Ronaldsay Primary School.

**6.7.** That the Corporate Director for Neighbourhood Services and Infrastructure should make the appropriate Traffic Regulation Order, incorporating the proposal referred to at paragraph 6.6 above.

## **7. K4 (Kirkwall) Development Brief – Consultation Draft**

After consideration of a report by the Corporate Director for Neighbourhood Services and Infrastructure, copies of which had been circulated, and after hearing a report from the Service Manager (Development and Marine Planning), the Committee:

Noted:

**7.1.** That Supplementary Guidance: Settlement Statements, which formed part of the Orkney Local Development Plan 2017, required the preparation and approval of a development brief in respect of site K4, located to the west side of Kirkwall, and currently allocated for long term housing.

**7.2.** The K4 (Kirkwall) Development Brief – Consultation Draft, attached as Appendix 1 to the report by the Corporate Director for Neighbourhood Services and Infrastructure, which proposed that, as the site was no longer considered appropriate for further housing development, it should be utilised to extend and connect the existing green infrastructure in this location.

The Committee resolved to **recommend to the Council:**

**7.3.** That K4 (Kirkwall) Development Brief – Consultation Draft, referred to at paragraph 7.2 above, be endorsed for the purpose of public consultation.

**7.4.** That the Corporate Director for Neighbourhood Services and Infrastructure should submit a report, to the meeting of the Development and Infrastructure Committee in February 2024, detailing the outcome of the public consultation, together with a revised Development Brief for approval.

## **8. Development Management Guidance**

### **Wind Energy Noise Assessment Definitions**

After consideration of a report by the Corporate Director for Neighbourhood Services and Infrastructure, copies of which had been circulated, and after hearing a report from the Service Manager (Development and Marine Planning), the Committee:

Noted:

**8.1.** That Development Management Guidance provided advice on technical issues and the interpretation of given policies where a need arose, thus ensuring a consistency of approach in the determination of planning applications.

**8.2.** That Development Management Guidance in respect of Wind Energy Noise Assessment Definitions had been prepared to provide additional clarification when assessing noise issues associated with new development and existing wind energy developments.

The Committee resolved to **recommend to the Council**:

**8.3.** That the Development Management Guidance – Wind Energy Noise Assessment Definitions, attached as Appendix 1 to this Minute, be approved.

## **9. Development Management Guidance**

### **Business Development Outwith Town Centre**

After consideration of a report by the Corporate Director for Neighbourhood Services and Infrastructure, copies of which had been circulated, and after hearing a report from the Service Manager (Development and Marine Planning), the Committee:

Noted:

**9.1.** That Development Management Guidance provided advice on technical issues and the interpretation of given policies where a need arose, thus ensuring a consistency of approach in the determination of planning applications.

**9.2.** That Development Management Guidance in respect of Business Development outwith Town Centres had been prepared to provide additional clarification when assessing planning applications for business development that was not located within the designated towns centres of Kirkwall and Stromness.

The Committee resolved to **recommend to the Council**:

**9.3.** That the Development Management Guidance – Business Development outwith Town Centres, attached as Appendix 2 to this Minute, be approved.

## **10. Development Management Guidance**

### **Considering and Including Biodiversity in Development**

After consideration of a report by the Corporate Director for Neighbourhood Services and Infrastructure, copies of which had been circulated, and after hearing a report from the Service Manager (Development and Marine Planning), the Committee:

Noted:

**10.1.** That Development Management Guidance provided advice on technical issues and the interpretation of given policies where a need arose, thus ensuring a consistency of approach in the determination of planning applications.

**10.2.** That National Planning Framework 4 introduced a new policy requirement to contribute to the enhancement of biodiversity.

**10.3.** That Development Management Guidance had been prepared to provide additional clarification when assessing planning applications and how the applicant had considered and included biodiversity within the development proposal.

The Committee resolved to **recommend to the Council**:

**10.4.** That the Development Management Guidance – Considering and Including Biodiversity in Development, attached as Appendix 3 to this Minute, be approved.

## **11. Harbour Authority Sub-committee**

After consideration of the draft Minute of the Meeting of the Harbour Authority Sub-committee held on 22 August 2023, copies of which had been circulated, the Committee:

Resolved:

**11.1.** On the motion of Councillor David Dawson, seconded by Councillor Gillian Skuse, to approve the Minute of the Meeting of the Harbour Authority Sub-committee held on 22 August 2023 as a true record.

The Committee resolved to **recommend to the Council:**

**11.2.** That the recommendations at paragraphs 7.8 to 7.10 of the Minute of the Meeting of the Harbour Authority Sub-committee held on 22 August 2023, attached as Appendix 4 to this Minute, be approved.

## **12. Public Bus Service – Contract Monitoring**

After consideration of a report by the Corporate Director for Enterprise and Sustainable Regeneration, copies of which had been circulated, and after hearing a report from the Head of Marine Services, Transportation and Harbour Master, the Committee:

Noted:

**12.1.** Passenger carryings for the period January to July 2023, together with fare income for subsidised public bus services, excluding the X1 service which is commercial, for financial year 2022/23, as outlined in Appendix 1 to the report by the Corporate Director for Enterprise and Sustainable Regeneration.

**12.2.** That no formal complaints were received during 2022/23 in respect of public bus services in operation across Orkney.

## **13. Economic Development Grants**

### **Budget Monitoring Statement and Delegated Approvals**

After consideration of a report by the Corporate Director for Enterprise and Sustainable Regeneration, copies of which had been circulated, and after hearing a report from the Service Manager (Enterprise), the Committee:

Noted:

**13.1.** That, for financial year 2023/24, the approved budget in respect of Economic Development Grants amounted to £306,300.

**13.2.** Spending to 31 July 2023, in relation to Economic Development Grants, totalling £74,043 of which £68,501 related to grant commitments made in previous financial years and £5,542 to current year commitments.

**13.3.** That, as at 31 July 2023, the budget available for approval from the Economic Development Grants budget, amounted to £202,312, as detailed in Annex A to the report by the Corporate Director for Enterprise and Sustainable Regeneration.

**13.4.** Grant approvals made in the period 1 April to 31 July 2023, totalling £103,988 including grants approved under delegated schemes for the same period, totalling £63,988 as detailed in Annex B to the report by the Corporate Director for Enterprise and Sustainable Regeneration.

#### **14. Exclusion of Public**

On the motion of Councillor David Dawson, seconded by Councillor Gillian Skuse, the Committee resolved that the public be excluded for the remainder of the meeting, as the business to be considered involved the disclosure of exempt information of the classes described in the relevant paragraphs of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 as amended.

#### **15. Orkney Renewable Energy Sector – Supply Chain Trade Body**

Under section 50A(4) of the Local Government (Scotland) Act 1973, the public had been excluded from the meeting for this item on the grounds that it involved the disclosure of exempt information as defined in paragraphs 4 and 6 of Part 1 of Schedule 7A of the Act.

After consideration of a report by the Corporate Director for Enterprise and Sustainable Regeneration, copies of which had been circulated, and after hearing a report from the Head of Enterprise and Economic Growth, the Committee:

Resolved, in terms of delegated powers, what action should be taken with regard to a supply chain trade body for the Orkney Renewable Energy Sector.

**The above constitutes the summary of the Minute in terms of the Local Government (Scotland) Act 1973 section 50C(2) as amended by the Local Government (Access to Information) Act 1985.**



## **16. Orkney Ferries Ltd – Financial Performance**

Under section 50A(4) of the Local Government (Scotland) Act 1973, the public had been excluded from the meeting for this item on the grounds that it involved the disclosure of exempt information as defined in paragraph 6 of Part 1 of Schedule 7A of the Act.

After consideration of a report by the Corporate Director for Enterprise and Sustainable Regeneration, copies of which had been circulated, the Committee:

Scrutinised the revenue budget and management information for 2022/23 in respect of Orkney Ferries Limited, as detailed in sections 4 and 5 of the report by the Corporate Director for Enterprise and Sustainable Regeneration, together with the Report and Accounts for the year ended 31 March 2023, attached as Annex 1, and obtained assurance.

## **17. Conclusion of Meeting**

At 12:20 the Chair declared the meeting concluded.

Signed: David Dawson.

## **Wind Energy – Definitions Associated with Noise Assessments**

### **Development Management Guidance (DMG)**

This DMG has been put together to provide definitions for 2 phases that are used when assessing the possible effects that wind energy development will have on other users in a location. The methodology used is detailed in the Department of Trade and Industry's publication of "The Assessment and Rating of Noise for Wind Farms."

To assist in the local use of this document in the determination of planning applications and the discharge of planning conditions; this DMG has been written to provide definitions for two phases used. They are:

Noise Sensitive Receptors; and

Financial Involvement

National Planning Framework 4 (NPF4) was published in February 2023 and now forms part of the Local Development Plan for Orkney. The policy stance in NPF4 for wind energy has changed but it is considered that this DMG is required.

### **The Definitions**

The definitions given below are without prejudice to the council's powers and duties under the Environmental Protection Act 1990 (as amended) in relation to statutory nuisances and supports the function of the Council as the planning authority to protect the amenity of existing users.

#### **Noise Sensitive Receptors**

Noise Sensitive Receptors are considered to be the land and buildings that fall into Classes 7 – Hotels and hostels, Class 8 - Residential institutions, Class 9 – Houses and Class 10 – Non-residential institutions; of the Town and Country Planning (Use Classes) (Scotland) Order 1997 and sui generis uses where persons will sleep over night and use as accommodation for a period of time such as a short term holiday let.

It is considered that users of these classes to be able to enjoy the amenity of these locations without the disturbance of excessive noise from a neighbouring user.

#### **Financial Involvement**

Financial involvement means that the developer has direct control of the existing wind turbine and benefits financially from it. The developer therefore has the ability to turn off the wind turbine and change how it operates. This is so they can protect the amenity at the noise sensitive receptor. This is evidenced by legal documentation.

Drafted by Development and Marine Planning  
Orkney Islands Council  
September 2023

## **Business Development out with Town Centres**

### **Development Management Guidance**

#### **1 - Introduction**

This Development Management Guidance (DMG) has been put together to give advice on business development that is outwith our two town centres (Kirkwall and Stromness); either located within a settlement boundary as defined through the Orkney Local Development Plan 2027 (OLDP2017) or within the countryside and applies to the countryside of the Mainland and Linked Isles. There is a separate 'Isles Approach' detailed in the OLDP which has a presumption in favour of business development.

The business development noted and considered is retail, the provision of professional services such as hairdressing, beauty therapy or podiatry, other business and industry and tourism accommodation. The aim of this note is to provide local guidance on the application of policies within National Planning Framework 4 (NPF4) which whilst continuing to support a town centre first approach, now includes support for small scale business development in other locations. This aims to help support the establishment of new small scale businesses and support the appropriate diversification of existing rural businesses.

This DMG is based on NPF4 and elements of the Orkney Local Development Plan 2017 (OLDP2017); The Scottish Government's Chief Planner's Letter on Transitional Arrangements notes that Local Development Plans (LDPs) already adopted will continue to be part of the development plan. However, the letter also highlights that in the event of any incompatibility between a provision of NPF4 and a provision of an LDP, whichever of them is the later in date is to prevail. Currently NPF4 is to prevail as it was adopted later. For avoidance of doubt, existing LDP land allocations will be maintained.

#### **2 - National Planning Framework 4**

NPF4 can be found in full at [National Planning Framework 4 \(www.gov.scot\)](http://www.gov.scot)

The most relevant policies are

Policy 26 – Business and Industry

Policy 27 - City, town, local and commercial centres

Policy 28 – Retail

Policy 29 – Rural Development

Policy 30 – Tourism

#### **3 - The Review of the OLDP2017 – Further Information Required**

The first formal stage for the review of the OLDP2017 will be the compiling and drafting of an Evidence Report that will provide evidence on a wide range of topics and issues. The aim of the Evidence Report is to clearly inform what to plan for before the Proposed Plan looks at where development should take place. A range of evidence will be gathered to help prepare the new LDP and its associated Evidence Report. This evidence will take many forms including research, early engagement with stakeholders and technical reports on particular topics. Work streams that we would like to pursue are:

- A Retail Study for Orkney, looking at the two main town centre retail locations, the roles of other settlements and islands. The study will aim to develop a better understanding of their activities, role and threats (post COVID, internet); and the potential onward role of a new LDP. We will work with business stakeholders, Kirkwall BID, Community Councils, Development Trusts and the wider community to develop the study.
- An examination of the business needs of our existing businesses and for new business development; and their locational requirements. The review of the OLDP will need to respond in terms of developing appropriate policies and spatial strategies.
- NPF4 has brought in a new requirement for Local Living and 20-minute neighbourhoods; where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options. We need to consider in conjunction with the Retail Study, how the next LDP will deliver a Place Based Approach within the Orkney context, looking at the location of facilities, services and employment and the sustainability of travel used for both the mainland and linked south isles and our non-connected islands.
- A Tourism Accommodation Study for Orkney, looking at the existing tourism accommodation types and numbers geographically in Orkney, the aspirations and accommodation requirements for Orkney and the interaction of tourism accommodation provision and permanent housing requirements for Orkney. Accommodation provision is considered to be self-contained holiday accommodation, holiday pods, campervan, caravan and camping pitches, Bed and Breakfasts / Guest Houses and Hotels. The review of the LDP will be able to provide a spatial approach to further accommodation provision.

#### **4 – Development Management Guidance**

For all the development types noted below, a successful planning outcome is subject to other material considerations such as road safety, landscape, design and the potential effects on the amenity of surrounding users that are detailed in NPF4 and OLDP2017. If a development proposal does have road safety, amenity or design concerns, it is unlikely to be supported. In some circumstances it may be appropriate that a temporary grant of planning permission (up to 5 years) is given to allow for the outcome of the review of the OLDP to confirm that a development is acceptable on a permanent basis.

#### **All Businesses in the Countryside**

NPF4 is supportive of business development in the countryside where it is (1) small scale and (2) supports one of the following: homeworking; the diversification of an existing business; the reuse of a redundant or unused building or its curtilage; or the reuse of garden ground or brownfield land. This ensures support for start-up and other small scale businesses, while ensuring larger businesses with multiple employees and/or high footfall remain in town centres or within settlement boundaries. The development should be appropriate to the location in terms of amenity enjoyed, siting and design. It will not be appropriate to use greenfield sites in the open countryside where there is no relationship to the existing built form or curtilage of the existing buildings.

It is considered appropriate to allow for an individual resident in the countryside to start a business and have an appropriately scaled building associated with their existing dwelling house or existing buildings provided that (a) it is compatible with the surrounding area; (b) the predominant use of the original dwelling house and its curtilage is retained; and (c) the business is considered small scale.

A brownfield site is defined as land which has previously been developed. The term may cover vacant or derelict land, or land occupied by redundant or unused buildings.

A redundant or unused building is considered to be a building or structure that is no longer suitable for its previous use by virtue of its size and location; and the building or structure is empty, unoccupied and not in an active use.

The diversification of an existing business use is considered to be a use that will support and complement an existing and established business such as an existing farm business allowing it to diversify into the retail sector and selling the products they produce directly to customers.

The transport needs of the development require to be considered and should be appropriate to a rural area and the sustainable travel hierarchy that priorities walking, wheeling, cycling and public transport for everyday journeys. A development proposal will have to consider the journeys for employees and customers; how they make their journeys, frequencies, and distances and if sustainable travel modes are available or form part of the application.

A successful application may also have planning conditions that limit the application to being a personal application only, that the employees are limited (e.g. 2 full time equivalents) or to the residents of the dwelling house. This is to ensure that the proposed development is small scale and does not harm the character of the surrounding area.

### **Retail in the Countryside**

NPF4 is supportive of the provision of retail development in the countryside that serves local needs and does not have a negative impact on nearby commercial centres and local shops. Proposals will require to be ancillary to an existing use e.g. a shop related to a current farm or craft business, and be suitably scaled, sited and designed.

### **Professional Services in the Countryside**

NPF4 is supportive of the provision of small-scale developments that support new ways of remote working and homeworking. It is considered that this applies to professional services that includes hairdressers, beauticians and podiatrists.

### **Tourism Accommodation in the Countryside**

Without spatial provision in the LDP for tourism accommodation and the availability of further information on need/demand, which will be obtained from the Tourism Accommodation Survey, support for the principle of tourism accommodation proposals will be given that (a) reuse a redundant building, (b) are located on brownfield land or are (c) closely associated with existing built development and avoid areas of open countryside. Proposals will require to be suitably scaled, sited and designed to fit with the existing built development.

**Business uses within a Settlement**

For Kirkwall and Stromness, the Proposal Maps of the OLDP2017 has designated town centres and for other settlements there is no designated town centre designations. NFP4 has a Town Centre First principle for uses that generate a high footfall including commercial, leisure, offices, community, sport and cultural facilities, public buildings such as libraries, education and healthcare facilities and public spaces.

Locations within other settlements are considered to be sustainable locations for development where employees and users can have greater opportunities to access the proposed business by using the sustainable travel hierarchy that prioritises walking, wheeling, cycling and public transport.

Without work completed as noted above and the review of the OLDP completed, proposed development within settlements that are defined by the Proposal Maps of the OLDP2017 will generally be supported.

Proposals for large scale general industrial, storage and distribution uses should be located within areas of settlements that are currently designated for these uses under the OLDP2017.

Please note this guidance does not prejudice any permitted development rights which are considered under the Town and Country Planning (General Permitted Development) (Scotland) Order 1992.

Drafted by Development and Marine Planning  
Orkney Islands Council  
September 2023

## **Development Management Guidance: Considering and Including Biodiversity in Development**



**August 2023**

Photographs © Nina Caudrey unless otherwise credited. Above: biodiversity measure example of a boundary wall incorporating flowering plants to benefit biodiversity.

## Section 1: Introduction

National Planning Framework 4 (NPF4) was published in February 2023 and there is now a new policy requirement to include and positively consider biodiversity with the majority of planning applications. In March 2023, NatureScot published Developing with Nature that provides guidance to this national policy for local scale development.

To assist at an Orkney level and to consider the local biodiversity as well as climate and weather conditions, this Development Management Guidance (DMG) has been drafted. It includes a biodiversity form to be completed with all relevant planning applications and examples to assist planning agents and applicants dealing with local scale development.

NPF4 can be found at <https://www.gov.scot/publications/national-planning-framework-4/>

Developing with Nature can be found at <https://www.nature.scot/doc/developing-nature-guidance>

Policy 3 of NPF4 requires all planning applications, other than those for individual householder development such as extensions, to submit information about how the biodiversity interest of the proposed development site will be conserved, restored and enhanced.

Development Management will advise on the planning applications that will not require biodiversity information with a proposed development. It is unlikely to be required if the proposed development does not involve a change in floor area, does not change the way an existing building and any associated outside space is utilised, and does not change the number of people who use an existing building, and does not involve groundworks.

Scottish Government is due to publish guidance for national and major scale development, including those requiring an Environmental Impact Assessment.

## Section 2: How to consider biodiversity and development

For applications that require biodiversity information, using the biodiversity form will help you demonstrate how the biodiversity interest of the proposed development site will be conserved, restored and enhanced. The form is found in **Section 8: Blank biodiversity form for planning applications**, with an example of the typical level of information expected provided in **Section 4: Worked example of biodiversity form for a fictitious site**. Once filled out, the form should be submitted with your planning application. Information about a range of biodiversity measures you could consider is found in **Section 5: Biodiversity measures suitable for Orkney**.





**Photo 1:** example biodiversity measure that incorporates spring flowering plants to benefit early flying pollinators and enhance visual amenity

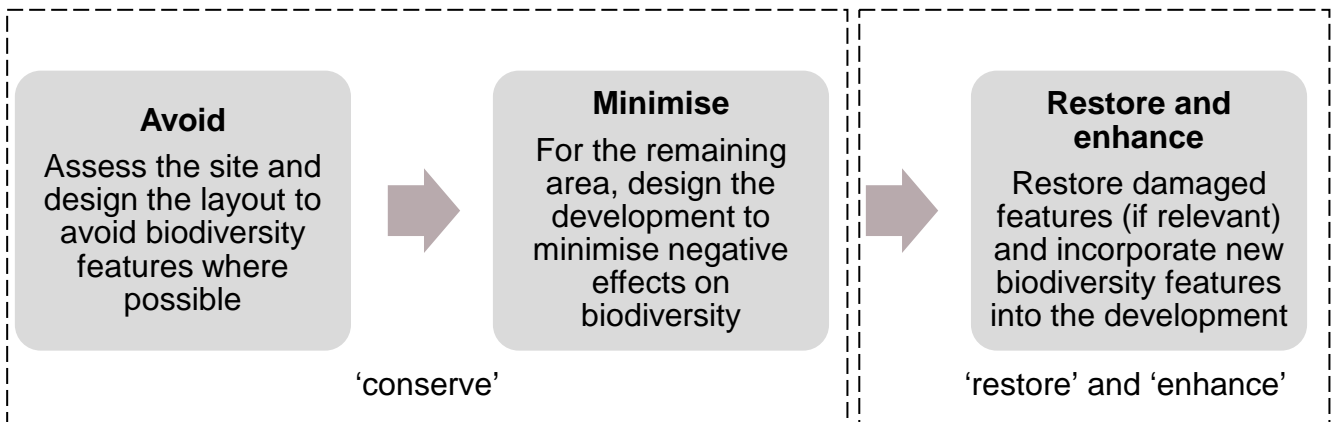
The earlier you consider the requirements of the biodiversity form, the easier it should be to incorporate biodiversity into the design and layout of the proposed development. The information gathered should be used to inform the siting, layout and design of the proposed development from the outset, to minimise adverse effects on biodiversity and identify where opportunities for conserving, restoring and enhancing can be most easily incorporated. Whereas leaving it to the last minute is likely to make it challenging to identify and incorporate biodiversity, simple and cost-effective opportunities are likely to be missed and more expensive/time consuming options may be necessary to meet the policy requirements. This means that biodiversity information will be required at the permission in principle stage as well as at full planning application stage.

If you are proposing a phased development or one that will cover a large area, such as multi-unit housing development, you may find it helpful to break the proposed development site into sections corresponding to the phasing/site layout and complete a form for each section. If the proposed development is large, complex or requires Environmental Impact Assessment, you might also choose to have an environmental consultant do this work.

It is expected that biodiversity measures will be delivered on-site, within the red line boundary. However, there may be rare occasions when this is not possible. In such situations, the policy requirements still apply but off-site biodiversity delivery will be required. As off-site delivery raises land ownership and delivery mechanism issues, it is better to seek to deliver biodiversity measures on-site in the first instance.

There is no one size fits all approach – generic measures should not be added to proposed developments as a tick box exercise to meet policy requirements. The existing biodiversity within and surrounding the proposed development site, as well as the location, exposure, scale, type and nature of the proposed development itself will need to be taken into account when considering what measures might be appropriate for each development.

When considering a new site, the mitigation hierarchy should be applied. The layout of the site should be designed by first avoiding and minimising effects on existing biodiversity features, before features are added to enhance biodiversity:



The scale, type and number of measures that are appropriate for each site will vary depending on the level of effects caused by the proposed development, as well as the size and opportunities that the proposed development site offers. The number and type of measures selected should not be limited in number or chosen by size. Several different smaller measures that complement each other might be better for biodiversity (and people) than one or two large scale measures.



**Photo 2:** biodiversity measure example of a small courtyard with some flagstones lifted to allow planting for biodiversity and improve visual amenity

Opportunities to connect with existing habitat next to or close to the proposed development site should be taken where practical. For example, building a drystone boundary wall that connects to existing drystone wall field boundaries, providing a window box or container garden as a stepping stone between other vegetated areas, etc.

It is highly likely that biodiversity measures will provide other benefits such as shelter for outside spaces, sustainable drainage, visual enhancement and screening. **Section 7:**

**Biodiversity measures and development functionality quick reference table** provides a useful quick reference guide on how functional elements of development can benefit both people and nature.

When incorporating new plants, a range of plants that flower, fruit and/or provide shelter at different times of the year should be selected to sustain wildlife year-round. The use of native species is preferred as a starting point. However non-native species that are quicker to establish, are known to be able to cope with Orkney conditions and that provide biodiversity benefits might be suitable. Care must be taken that invasive non-native species are not included. Within the [Developing with Nature guidance | NatureScot](#) guidance there is a list of invasive non-native plant species that should be referred to when considering and including biodiversity.

### Section 3: Completing the biodiversity form

Before starting it is important to understand the context of your development and relevant planning policies:

- undertake a site visit and draw a rough map, identifying where existing biodiversity features are, such as walls, trees and shrubs, wetter/drier areas, ditches and water courses, different types of vegetation (e.g. heather, grass, flowering plants, etc), invasive species;
- read **Section 5: Biodiversity measures suitable for Orkney** and consider if there are any measures to conserve, restore or enhance biodiversity that might work on your site;



**Photo 3:** biodiversity measure example of a functional boundary wall retained to contribute to conserving the biodiversity growing on and sheltering within it, with an added planted border protected by a low wall for maintenance and visual amenity

- check if there are any areas identified or protected for their biodiversity importance within or in close proximity to the proposed development site that might either be affected by the proposed development, could help indicate what habitats and species are likely to be in the vicinity, or could offer an opportunity to enhance connectivity;

- use the information gathered to inform the siting, layout and design of your development so that it retains and/or restores existing biodiversity features where practical and incorporates measures to enhance biodiversity;
- use the information gathered to complete the form found in **Section 8: Blank biodiversity form for planning applications**. **Section 4: Worked example of biodiversity form for a fictitious site** demonstrates the typical level of information likely to be required.

Links to documents and sources of information referred to below are provided in the table overleaf:

Relevant information	Source
<b>Planning policy</b>	
National Planning Framework 4, policy 3.c on biodiversity	<a href="https://www.gov.scot/publications/national-planning-framework-4/">https://www.gov.scot/publications/national-planning-framework-4/</a>
Orkney Islands Council Local Development Plan 2017, policy 9.C	<a href="https://www.orkney.gov.uk/Service-Directory/O/Orkney-Local-Development-Plan.htm">https://www.orkney.gov.uk/Service-Directory/O/Orkney-Local-Development-Plan.htm</a> via “related downloads”
<b>Areas important for biodiversity</b>	
Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Sites of Special Scientific Interest (SSSIs), Ramsar sites and Local Nature Reserves (LNRs)	<a href="https://sitelink.nature.scot/map">https://sitelink.nature.scot/map</a> Zoom in to show Orkney, then click on the “+” to the right of “Layers” and select the types of protected areas listed. Zoom to the location of the proposed development. Click on any protected areas that appear within the site or nearby - a small box should appear, click on “site details”. A new page should open that provides information about the protected area. (Note that some protected areas have more than one designation – indicated for example by a “1 of 2” in the small box.)
Local Nature Conservation Sites (LNCS)	<a href="https://oic.maps.arcgis.com/apps/MapJournal/index.html?appid=273d8d6359ae451cbe16f3a867297276">https://oic.maps.arcgis.com/apps/MapJournal/index.html?appid=273d8d6359ae451cbe16f3a867297276</a> Scroll through the pages to view the map of LNCS in Orkney. Zoom in to the location of the proposed development. Use the number shown on the relevant green area to find the site in the list on the left hand side of the

	page. Click on the relevant site in the list. A new page should open with the site statement, providing information about the LNCS.
RSPB and SWT reserves	<a href="https://www.rspb.org.uk/orkney">https://www.rspb.org.uk/orkney</a> and <a href="https://scottishwildlifetrust.org.uk/things-to-do/visit-our-reserves-and-visitor-centres/">https://scottishwildlifetrust.org.uk/things-to-do/visit-our-reserves-and-visitor-centres/</a>

## Section 4: Worked example of biodiversity form for a fictitious site

The following example is provided to show the typical level of information required to demonstrate how biodiversity has been taken into account during the siting, design and layout of the proposed development and how biodiversity measures have been incorporated. More information may be required for sensitive, large or complex sites.

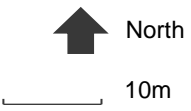
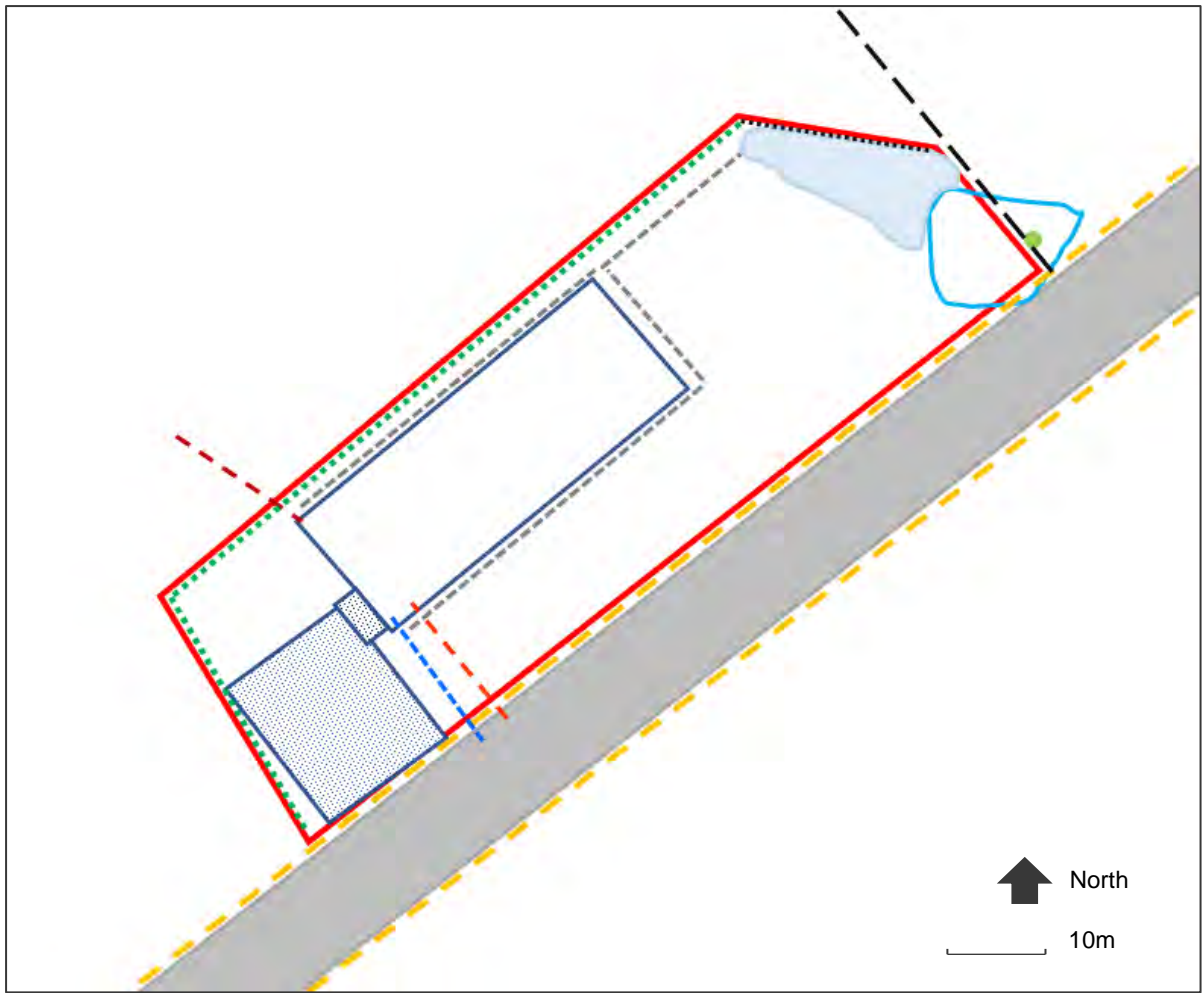
<b>ORKNEY ISLANDS COUNCIL</b> <b>BIODIVERSITY FORM FOR PLANNING APPLICATIONS</b> <b>TO BE COMPLETED AND SUBMITTED WITH PLANNING APPLICATIONS</b>	
<b>Planning reference or address of development:</b>	Example for new house somewhere in Orkney
<b>Date of form completion:</b>	12 April 2023
<b>Person/company completing form:</b>	A N Other
<b>Baseline - what's there</b>	
<ul style="list-style-type: none"> <li>– Please provide photographs to give an overview of the habitats and features present on site, and, referring to the photographs, describe below the dominant habitat type and most recent land use. If the land use has recently changed please also describe the previous known land use. List any species of note using the site. (Example level of information: grass, grazed field, brown hare and curlew; coastal heath, rough grazing for sheep, Arctic skua; heather moorland, unmanaged, short eared owl; livestock fodder crops, agricultural field, geese; unmanaged meadow, previously livestock grazing field until farm changed hands last year, unknown; urban brownfield site previously with flats on it (demolished 5 years ago) within existing settlement, none as it's a concrete slab; etc).</li> <li>– Please provide a site layout plan that shows the location of existing broad habitat types and biodiversity features such as wetter/drier areas, ditches, watercourses, trees and shrubs, stone walls, ditches, invasive plant species, etc, both within and adjoining the proposed development site. The biodiversity features should be marked on a site layout plan that shows all elements of the proposed development, including infrastructure such as roads, paths, services, drainage, electricity lines, etc. (This is to enable assessment of how the existing biodiversity features might be affected by the construction and use of the proposed development. It can also be helpful to include photographs of the biodiversity features and their context within the site.)</li> </ul>	
Grass, grazed livestock field.	

Curlew, oystercatcher, lapwing, starling, skylark, wren, house sparrow, blackbird, goldfinch, hen harrier, various seagulls, migratory thrush and wading bird species forage in the fields and along the field boundaries.

Brown hare and rabbit are also present.

*[ Note: the below are illustrative photos as this worked example is a fictitious site so providing actual photographs is not possible. For a real life application, more photographs would be required, e.g. taken from each corner looking over the site and showing the features identified on the site layout plan. ]*





- Existing:
- Site boundary
  - Wetter area
  - Tarred private road
  - Willow tree
  - Stock fencing
  - Dry stone wall
- (All other areas grazing grass)
- 
- Proposed:
- House
  - Parking and path
  - Drainage (to SUDS)
  - Rainwater bog garden
  - Electricity supply
  - Mains water connection
  - Foul water connection
  - Low drystone walling
  - Tea leaved willow hedging with stock fencing on field side



### Minimising effects on existing biodiversity (conserving and restoring)

- Referring to the plan provided above, please describe below how you have minimised adverse effects on existing biodiversity through siting, design and layout that retains existing habitats and features of biodiversity value, and where this has not been possible, please explain why.
- Where relevant, please also describe how degraded existing biodiversity features are going to be restored. (Restoration will not be applicable to all sites.)

Built development and services have been located away from the wetter area so that it remains undisturbed. The existing willow tree and drystone walling at the eastern boundary are unaffected.

Restoration is not applicable to the existing biodiversity features on this site.

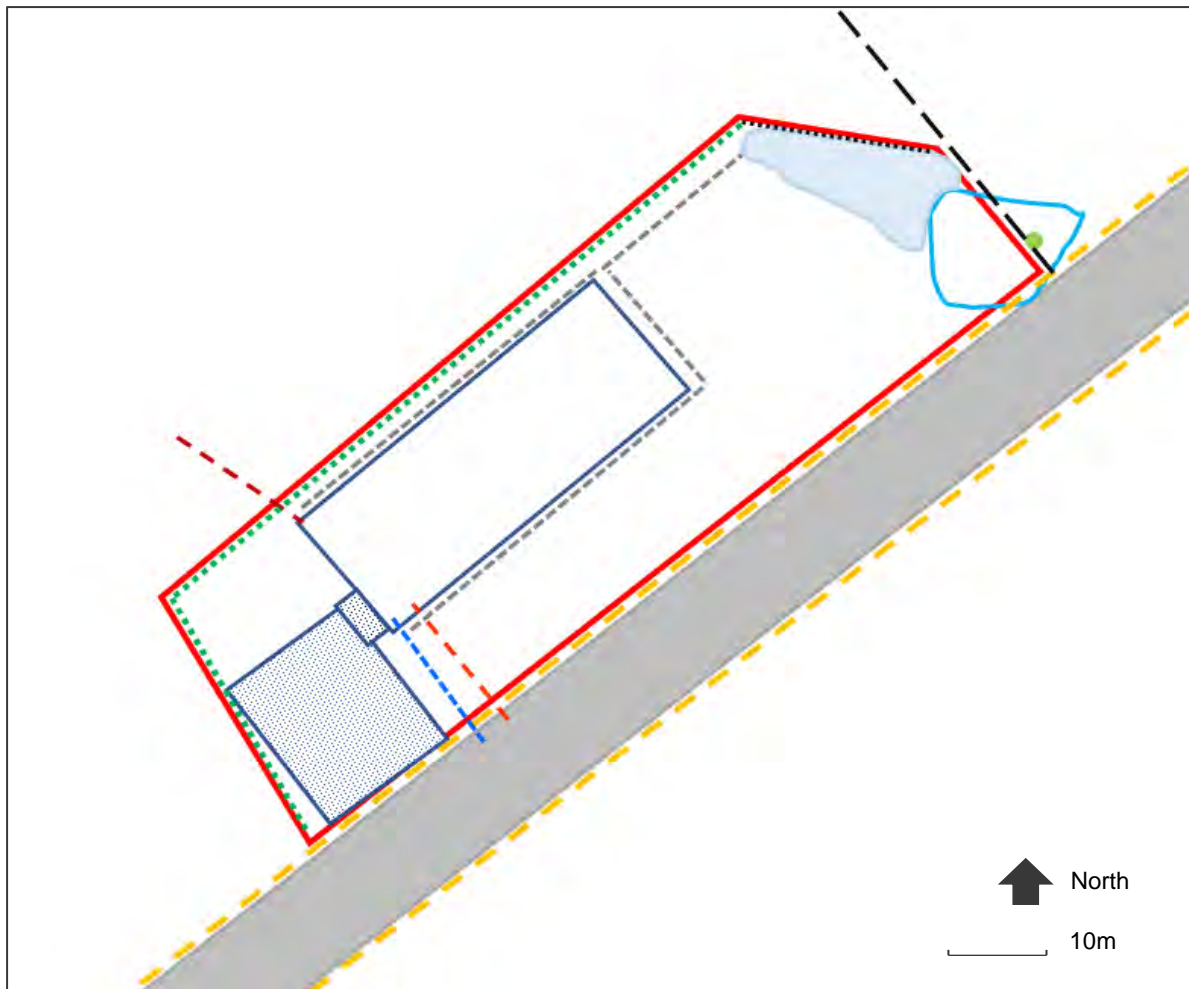
### Enhancement of biodiversity

- Please list below what enhancement measures you intend to include and explain what they are seeking to achieve. Please include common and latin names of plant species and where the plants or seeds will be sourced from. (This is to check that species appropriate to the site and Orkney conditions are used.)
- Please provide a site layout plan that shows the location of enhancement measures. The enhancement measures should be marked on a site layout plan that shows all elements of the proposed development, including infrastructure such as roads, paths, services, drainage, electricity lines, etc. (This is to enable assessment of how the construction and use of the proposed development might interact with the proposed enhancement measures.)

Rainwater bog garden - planted with native (yellow flag iris *Iris pseudacorus*, marsh marigold *Caltha palustris*, bog cotton *Eriophorum angustifolium*, water forget me knot *Myosotis scorpioides*) and domestic/garden wetland plant species (to be decided), to increase the variety of plants (particularly flowering plants for insects) and so provide habitat for wildlife. Also located in proximity to the existing wet area but without causing disturbance to it, to provide connectivity for wildlife.

Low drystone walling – to provide shelter for the rainwater bog garden plants, and also a place for wildlife to hide and hunt within. Also connects with the existing high drystone walling, providing a route for wildlife using that to access the rainwater bog garden area.

Tea leaved willow (*Salix phylicifolia*) hedging – mainly planted to provide shelter and privacy for users of the house, but will also benefit insects and other wildlife by creating food and shelter.



- Existing:
- Site boundary
  - Wetter area
  - Tarred private road
  - Willow tree
  - - - Stock fencing
  - - - Dry stone wall
- (All other areas grazing grass.)
- 
- Proposed:
- House
  - Parking and path
  - - - Drainage (to SUDS)
  - Rainwater bog garden
  - - - Electricity supply
  - - - Mains water connection
  - - - Foul water connection
  - - - - - Low drystone walling
  - - - - - Tea leaved willow hedging with stock fencing on field side

### Monitoring and maintenance of biodiversity retained and enhanced

– Please describe below how will the retained and enhanced biodiversity features and measures be monitored and maintained in the longer term to ensure they continue to benefit biodiversity, and who will be responsible for monitoring and maintenance. (Where detailed information on monitoring and maintenance will be provided in a landscaping or other site management plan to be submitted with the planning application, please provide the document title, author and date, and summarise the information below.)

No formal monitoring and maintenance is proposed as the development is for a single dwelling house. It is however expected that the rainwater bog garden will be part of a building warrant submission and will be marked on title deeds. It will be in the owner/occupiers' interests to make sure the bog garden continues to function and deal with rainwater for as long as the house is in use. As part of the intention of the willow hedging is to provide shelter and privacy, it is expected that the hedging will be monitored and maintained by the owner/occupiers of the house to ensure that it continues to perform that function over time.

### Advice

– If you have sought or received advice about what is present on or makes use of the proposed development site and / or how to safeguard, restore and enhance biodiversity, please list below who has given you advice. (For example, an ecological consultant, others with relevant local knowledge, etc.)

– Where advice has been received, please summarise it below and provide a copy if advice was given in writing.

The farmer who owns the land was asked about what species use the site and surrounding area. They have farmed the land for over 20 years and live nearby, so have a good knowledge of the site and its surroundings. Their knowledge indicated that while a range of birds forage in the fields, the site has low biodiversity value, being mainly improved grassland, so any new habitat or features would be of benefit by increasing the variety of habitat and features available to wildlife.

The OIC Environmental Planner was telephoned and suggested incorporating drystone walling and hedge planting along the boundaries where possible.

– Please describe how have you incorporated any advice you received into the proposed development, and if not, please explain why not.

Consideration was given to extending the drystone walling around more of the boundary, however this is not cost effective – the incorporation of willow planting as an

alternative also introduces greater biodiversity gain through provision of a different habitat and food source.

Consideration was also given to extending the hedging all the way around the boundary, however this was discounted as it would create shading on the garden space.

## Section 5: Biodiversity measures suitable for Orkney

Orkney experiences powerful wind and rain conditions, with salt spray burning vegetation. Plants (and people) need to be suited to the maritime climate. The list below contains ideas for biodiversity measures that are likely to cope with Orkney conditions and that have low maintenance requirements. This should increase the effectiveness of the measures over the longer term for nature, while also making the measures more likely to be adopted and retained by future residents/users of the development. The list should not be seen as exhaustive – other measures that respond to the proposed development, its location, scale and exposure are welcome.

Some biodiversity measures commonly used in mainland Scotland are unlikely to be effective in Orkney due to the climatic conditions and other reasons. Information about such measures is provided in **Section 6: Biodiversity measures of limited effectiveness in Orkney.**

Please note that ideas for marine biodiversity measures will be covered in separate guidance associated with the Regional Marine Plan. In the meantime, applicants with proposals affecting the marine environment should contact Marine Scotland <https://marine.gov.scot/content/contact-marine-scotland> and/or NatureScot <https://www.nature.scot/professional-advice/land-and-sea-management/managing-coasts-and-seas/marine-enhancement>.

Measure	Benefits to nature	Benefits to people	More information
<p><b>Remove existing non-native invasive species</b> (a restoration measure)</p> <p>Complete removal of the below and above ground parts of non-native invasive species (such as salmonberry, pampas grass and Japanese knotweed - see Annex III) in compliance with relevant legal requirements on their disposal.</p>	<p>Allows native plants to re-establish, increasing diversity that supports a wider range of wildlife. Removes the seed source of the non-native plant, preventing the spread of the non-native plant either by wind dispersal of the seeds or by birds or animals eating and spreading the seeds.</p>	<p>Reduces problems for residents caused by invasive species that might otherwise take over garden or amenity ground. In the case of giant hogweed sap causes skin blistering and ongoing sun sensitivity. Japanese knotweed is pervasive and must be carefully removed along with contaminated soil, as fragments of roots can regrow and pierce materials such as tarmac, causing</p>	<p><a href="https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species/invasive-non-native-species/invasive-non-native-plants">https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species/invasive-non-native-species/invasive-non-native-plants</a></p> <p><a href="https://www.orkneycommunities.co.uk/woodland/index.asp?pageid=595122">https://www.orkneycommunities.co.uk/woodland/index.asp?pageid=595122</a></p> <p><a href="https://s3-eu-west-1.amazonaws.com/s3.spanglefish.com/s/34161/documents/leaflet/s/salmonberry.pdf">https://s3-eu-west-1.amazonaws.com/s3.spanglefish.com/s/34161/documents/leaflet/s/salmonberry.pdf</a></p> <p><a href="https://www.rhs.org.uk/prevention-">https://www.rhs.org.uk/prevention-</a></p>

		insurance and/or future sale issues.	<a href="#">protection/invasive-non-native-plants</a>
<p><b>Biodiversity lawns</b></p> <p>Instead of a monoculture of grass, include low growing native flowering plants appropriate to Orkney conditions (such as cowslip) in the grass mix that can be used as a traditional lawn/amenity ground and withstand mowing on a higher cut. Spring bulbs can also be incorporated.</p>	<p>Provides food and shelter for a range of insects, which in turn feed other insects, birds and animals.</p>	<p>Creates a visually interesting place to live. Is still suitable for recreational use by people. Where it is undesirable to have complete lawns as biodiversity lawns, smaller biodiverse patches, borders or corners could be created instead.</p>	<p><a href="https://www.nhm.ac.uk/discover/how-to-grow-a-better-lawn-for-wildlife.html">https://www.nhm.ac.uk/discover/how-to-grow-a-better-lawn-for-wildlife.html</a></p> <p><a href="https://www.rspb.org.uk/birds-and-wildlife/advice/gardening-for-wildlife/lawns-for-wildlife/">https://www.rspb.org.uk/birds-and-wildlife/advice/gardening-for-wildlife/lawns-for-wildlife/</a></p>
<p><b>Window box or container gardens</b> (likely to only be appropriate for development with very limited outside space)</p> <p>A few large plant pots, containers or troughs filled with flowering plants.</p>	<p>Pocket meadows provide food and shelter for insects. They can act as a stepping stone, helping to sustain insects travelling between larger areas of habitat.</p>	<p>Creates a visually more interesting place for people, improving visual amenity.</p>	<p><a href="https://www.nhm.ac.uk/discover/biodiversity/act/choose-a-mission/wildflower-pots-for-pollinators">https://www.nhm.ac.uk/discover/biodiversity/act/choose-a-mission/wildflower-pots-for-pollinators</a></p>
<p><b>Downpipe rainwater container gardens</b></p> <p>Container(s) connected to the downpipe and used to grow plants. The water flows through the container(s) and out into the usual rainwater drainage system. Suitable for buildings with limited space around them.</p>	<p>Introduces plants and habitat that provide food and shelter for insects. Can provide a stepping stone habitat between larger areas</p>	<p>Creates an interesting feature. By varying the level of the soil and water within the container, downpipe rainwater gardens can be used to grow herbs and vegetables.</p>	<p><a href="https://www.wwt.org.uk/discover-wetlands/gardening-for-wetlands/how-to-build-a-mini-drainpipe-wetland/">https://www.wwt.org.uk/discover-wetlands/gardening-for-wetlands/how-to-build-a-mini-drainpipe-wetland/</a></p> <p><a href="https://www.10kraingardens.scot/build-your-own/">https://www.10kraingardens.scot/build-your-own/</a></p>

<p><b>Rainwater gardens</b></p> <p>Structures that collect rainwater run off, either sunk into the ground similar to a pond or a wetland, or built above ground structures. Planted with a range of wetland and/or aquatic plants.</p>	<p>Makes use of rainwater/run off that would otherwise be piped underground, creating different habitat that benefits a variety of wildlife.</p>	<p>Creates an interesting landscape feature. Provides flood water storage that can help manage flooding.</p>	<p><a href="https://www.susdrain.org/case-studies/pdfs/moulsec_oombprimary_suds_lightcasestudy_221012.pdf">https://www.susdrain.org/case-studies/pdfs/moulsec_oombprimary_suds_lightcasestudy_221012.pdf</a></p> <p><a href="https://www.wwt.org.uk/discover-wetlands/gardening-for-wetlands/how-to-make-a-rain-garden/">https://www.wwt.org.uk/discover-wetlands/gardening-for-wetlands/how-to-make-a-rain-garden/</a></p> <p><a href="https://www.rhs.org.uk/garden-features/rain-gardens">https://www.rhs.org.uk/garden-features/rain-gardens</a></p>
<p><b>Wildlife permeable boundaries</b> (likely to need to be implemented in combination with other measures to achieve biodiversity benefits)</p> <p>Include small gaps along the bottom of fencing and walls to allow wildlife such as hedgehogs to pass through to/from surrounding areas.</p>	<p>By allowing wildlife to pass through boundaries, the loss of foraging habitat for wildlife is minimised. Permeable boundaries allow wildlife to seek shelter and to escape from predators more easily. It also reduces the risk of wildlife becoming trapped and dying in enclosed spaces they cannot exit.</p>	<p>Privacy and amenity for residents retained while allowing them to connect with nature when wildlife visits their space.</p>	<p><a href="https://www.hedgehogstreet.org/help-hedgehogs/link-your-garden/">https://www.hedgehogstreet.org/help-hedgehogs/link-your-garden/</a></p>
<p><b>Drystone walls and features</b> (can be a measure to conserve biodiversity by retaining existing walls; restore biodiversity through repairing and reinstating damaged walls; or enhance biodiversity by creating a new wall)</p> <p>Use traditional drystone walls made</p>	<p>The gaps and spaces in traditional drystone walls provide places for insects, birds and other wildlife to live, nest and shelter. Lower plants such as lichens and mosses colonise the outer surfaces of the stone. Dry stone walls that join with existing walls increase available habitat and</p>	<p>Provide shelter and are an attractive feature. Make the development feel/appear established more quickly by relating the new development to historic landscape features. When robustly built, stone walls have a long life and should not crack or discolour unlike blockwork or rendered modern</p>	<p><a href="https://farmwildlife.info/how-to-do-it-5/field-boundaries/dry-stone-walls/">https://farmwildlife.info/how-to-do-it-5/field-boundaries/dry-stone-walls/</a></p>

<p>of local stone to create full or partial boundaries, or to create smaller walls or features (such as a low wall between front gardens, to define zones in garden or amenity ground, to contain raised flower/shrub beds, create a wrap-around shelter for a seating area, etc).</p>	<p>connectivity between different areas.</p>	<p>walls that require regular repointing and/or repainting over time.</p>	
<p><b>Scrub, hedging, trees and woodland</b></p> <p>Where the location is not too exposed, incorporate trees and shrubs into garden and amenity ground and use to define boundaries instead of or supplementary to fencing. Native species are preferred, although non-native flowering scrub, shrubs and tree species can be used where these will establish more quickly, are known to survive Orkney conditions and are not on the invasive plants list.</p>	<p>Provides shelter, safety and a place to live for a range of insects, birds and animals. Can provide connections with the surrounding area by providing a safe corridor to move through.</p>	<p>Creates a visually interesting place to live. Can provide shelter, break up expanses of otherwise uninteresting ground, and help define boundaries. Over time, hedges can disguise fencing initially used to define boundaries and help create a greater feeling of privacy and security.</p>	<p><a href="https://www.rspb.org.uk/birds-and-wildlife/advice/gardening-for-wildlife/plants-for-wildlife/shrubs-for-gardens/">https://www.rspb.org.uk/birds-and-wildlife/advice/gardening-for-wildlife/plants-for-wildlife/shrubs-for-gardens/</a></p> <p><a href="https://www.orkneycommunities.co.uk/woodland/index.asp?pageid=595118">https://www.orkneycommunities.co.uk/woodland/index.asp?pageid=595118</a></p> <p>(Although written for those wishing to create a woodland, the Orkney woodland design guide contains information about a range of tree and shrub species known to survive Orkney conditions. The design guide can be found via <a href="https://s3-eu-west-1.amazonaws.com/s3.spanglefish.com/s/34161/documents/leaflets/2023-owp-woodland-guide-updated.pdf">https://s3-eu-west-1.amazonaws.com/s3.spanglefish.com/s/34161/documents/leaflets/2023-owp-woodland-guide-updated.pdf</a>.)</p>
<p><b>Flowering plants</b></p> <p>Incorporate flowering plants and shrubs into garden</p>	<p>Provides food and shelter for a range of insects, which in turn feed other</p>	<p>Creates a visually interesting place to live. Can provide shelter, break up expanses of</p>	<p><a href="https://www.nhm.ac.uk/discover/biodiversity/act/choose-a-">https://www.nhm.ac.uk/discover/biodiversity/act/choose-a-</a></p>



<p>and amenity ground. Native species are preferred, although non-native flowering plants can be used where these will establish more quickly, are known to survive Orkney conditions and are not on the invasive plants list.</p>	<p>insects, birds and animals.</p>	<p>otherwise uninteresting ground, and help define different zones within a development.</p>	<p><a href="https://www.nhm.ac.uk/discover/how-to-grow-a-better-lawn-for-wildlife.html">mission/wildflower-pots-for-pollinators</a>  <a href="https://www.nhm.ac.uk/discover/how-to-grow-a-better-lawn-for-wildlife.html">https://www.nhm.ac.uk/discover/how-to-grow-a-better-lawn-for-wildlife.html</a>  <a href="https://www.rspb.org.uk/birds-and-wildlife/advice/gardening-for-wildlife/plants-for-wildlife/shrubs-for-gardens/">https://www.rspb.org.uk/birds-and-wildlife/advice/gardening-for-wildlife/plants-for-wildlife/shrubs-for-gardens/</a></p>
<p><b>Varying ground levels</b> (likely to need to be implemented in combination with other measures to achieve biodiversity benefits)</p> <p>Incorporate different ground levels, such as slopes, mounds and depressions.</p>	<p>Different ground levels will create drier and wetter ground conditions that suit a wider variety of plants and insects.</p>	<p>Creates a more interesting place for people. Can help amenity ground feel larger than it is, by creating a landscape that reveals itself as it is moved through (Arcadia Park in Kirkwall is an example of this, where a relatively small space feels much larger due to the use of landscaping.)          Undulating ground offers opportunities for active play for children. Can be used in combination with other measures to tackle issues such as flooding (Papdale park in Kirkwall is an example of this.)</p>	<p>Arcadia park  <a href="https://www.sustrans.org.uk/our-blog/news/2023/january/community-designed-park-opens-on-orkney">https://www.sustrans.org.uk/our-blog/news/2023/january/community-designed-park-opens-on-orkney</a>          Papdale park  <a href="https://storymaps.arcgis.com/stories/61340259069843d7b0f55b7fa6c1f8ba">https://storymaps.arcgis.com/stories/61340259069843d7b0f55b7fa6c1f8ba</a></p>
<p><b>Areas left to grow</b> (unsuitable for domestic gardens as residents are likely to mow such areas, so the biodiversity benefits would be lost)</p>	<p>Allows existing plant life to develop and grow to full height, benefiting insects and other wildlife by providing different conditions, food and shelter. Where the wild area is sufficiently large or</p>	<p>Creates a visually more interesting place to live that changes through the seasons as different bulbs and flowers appear. Reduces maintenance frequency. Is still suitable for</p>	<p><a href="https://www.nature.scot/wilding-our-parks-case-studies">https://www.nature.scot/wilding-our-parks-case-studies</a>  <a href="https://www.nhm.ac.uk/discover/how-to-grow-a-better-lawn-for-wildlife.html">https://www.nhm.ac.uk/discover/how-to-grow-a-better-lawn-for-wildlife.html</a>  <a href="https://www.rspb.org.uk/birds-and-wildlife/advice/gardening-for-wildlife/plants-for-wildlife/shrubs-for-gardens/">https://www.rspb.org.uk/birds-and-wildlife/advice/gardening-for-wildlife/plants-for-wildlife/shrubs-for-gardens/</a></p>

<p>Instead of amenity ground being a monoculture of closely mown grass, leave corners, edges or larger areas to nature, with no or minimal seasonal mowing. Where possible, retain the original vegetation in these areas. If this is not possible or the ground is improved grassland, include bulbs and native wildflowers appropriate to Orkney conditions into the new ground cover to increase plant variety. Mow paths through larger areas to allow people to move through. Leave long vegetation pockets that are cut once a year in late autumn.</p>	<p>distant from human activity (particularly off-lead dog walking), it can also provide opportunities for ground nesting birds.</p>	<p>recreational use by people. Where it is undesirable to have the entire amenity ground as biodiverse, smaller patches or corners could be created.</p>	<p><a href="http://wildlife/advice/gardening-for-wildlife/lawns-for-wildlife/">wildlife/advice/gardening-for-wildlife/lawns-for-wildlife/</a> <a href="https://www.nesbiodiversity.org.uk/news/amenity-grassland-and-road-verges-doing-more-with-less/">https://www.nesbiodiversity.org.uk/news/amenity-grassland-and-road-verges-doing-more-with-less/</a></p>
<p><b>Living roofs</b> Roofs that are vegetated instead of using traditional roof tiles or slates.</p>	<p>For development with a sloping roof, provides a greater area of habitat than is lost under the footprint of the building. Provides food and shelter for insects and birds.</p>	<p>Can reduce the visual appearance of buildings in the landscape. Can help keep buildings cool in summer and warm in winter. Can be used on any size of building, from bus shelters up.</p>	<p><a href="http://www.sgif.org.uk/index.php/green-infrastructure/green-roofs">http://www.sgif.org.uk/index.php/green-infrastructure/green-roofs</a></p>
<p><b>Plant pocket walls</b> Incorporate gaps or air bricks that can be stuffed with small amounts of soil and planted with drought tolerant plants that require little soil.</p>	<p>Increases the variety of plants, providing different food and shelter to insects.</p>	<p>Makes a more attractive feature of the wall. Softens a hard landscape feature.</p>	<p><a href="https://www.rhs.org.uk/plants/types/alpines/dry-stone-walls">https://www.rhs.org.uk/plants/types/alpines/dry-stone-walls</a></p>

<p><b>Solitary bee hotels</b> (likely to need to be implemented in combination with other measures to achieve biodiversity benefits)</p> <p>Home made or commercially bought solitary bee hotels - which are different to bug hotels - can be attached to buildings, fences or incorporated into walls.</p>	<p>Provide shelter, a place to rear young and over winter. Other insects will also use solitary bee hotels. Birds may visit the bee hotel to eat insects on the surface.</p>	<p>Unobtrusive bee hotels are unlikely to be noticed by most people, however they can spark in interest and allow people to connect with nature when they see insects using the bee hotel.</p>	<p><a href="https://www.rspb.org.uk/get-involved/activities/nature-on-your-doorstep/garden-activities/build-a-bee-hotel/">https://www.rspb.org.uk/get-involved/activities/nature-on-your-doorstep/garden-activities/build-a-bee-hotel/</a></p> <p><a href="https://schoolgardenin.g.rhs.org.uk/resources/project/make-a-bug-hotel">https://schoolgardenin.g.rhs.org.uk/resources/project/make-a-bug-hotel</a></p>
<p><b>Ephemeral ponds and wader scrapes</b></p> <p>Best suited to larger site that include fields and larger areas of amenity ground, ephemeral ponds and wader scrapes are shallow depressions that remain damp for much of the year and collect water during periods of wetter weather.</p>	<p>Create conditions suitable for a range of insects that wading (and other) birds like to feed on.</p>	<p>Creates variety in the landscape. Allows people to connect with nature by seeing wildlife. Can help with surface water management, reducing the effects of flooding.</p>	<p><a href="https://www.rspb.org.uk/globalassets/downloads/documents/farming-advice/scrapecreationforwildlife_tcm9-255102.pdf">https://www.rspb.org.uk/globalassets/downloads/documents/farming-advice/scrapecreationforwildlife_tcm9-255102.pdf</a></p> <p><a href="https://farmwildlife.info/how-to-do-it-5/wet-features/temporary-ponds-and-scrapes/">https://farmwildlife.info/how-to-do-it-5/wet-features/temporary-ponds-and-scrapes/</a></p>
<p><b>Wildlife friendly kerbs</b> (likely to need to be implemented in combination with other measures to achieve biodiversity benefits)</p> <p>Kerb stones moulded with a recess that are fitted next to drain covers/grates.</p>	<p>Reduces small mammal and amphibian mortality by allowing them to follow the kerb around the edge of the drain cover/gulley grate, instead of being forced over the drain cover where they are at risk of falling in.</p>	<p>Unlikely to be noticed by people, however wildlife kerbs should lower the number of blockages by reducing the number of corpses in drains, helping better manage run off and flood water.</p>	<p><a href="https://www.conservationjobs.co.uk/articles/wildlife-kerbs/">https://www.conservationjobs.co.uk/articles/wildlife-kerbs/</a></p>

<p><b>Wastewater treatment reed beds</b></p> <p>Where ground conditions allow, use reed beds or other planted soakaway systems to provide secondary treatment to wastewater from private treatment plants.</p>	<p>Introduces a different habitat type that will provide food and shelter for a variety of wildlife. Uses natural processes to improve the quality of the water discharged.</p>	<p>Makes use of a resource that would otherwise be sent underground to soak away.</p>	<p><a href="https://www.wwt.org.uk/news-and-stories/blog/slimbridge-wetland-system-is-treat-for-water-and-wildlife">https://www.wwt.org.uk/news-and-stories/blog/slimbridge-wetland-system-is-treat-for-water-and-wildlife</a></p> <p><a href="https://www.gov.scot/publications/building-standards-2017-domestic/3-environment/39-private-wastewater-treatment-systems--infiltration-systems/">https://www.gov.scot/publications/building-standards-2017-domestic/3-environment/39-private-wastewater-treatment-systems--infiltration-systems/</a></p>
<p><b>Planted SUDS ponds</b></p> <p>SUDS ponds planted with a range of native wetland species around the edges.</p>	<p>Contributes to the variety of habitats that will appeal to a wider range of insects and other wildlife.</p>	<p>Makes an interesting feature that allows people to connect with nature. Softens an otherwise obvious hard manmade structure.</p>	<p><a href="https://www.rspb.org.uk/globalassets/downloads/documents/positions/planning/sustainable-drainage-systems.pdf">https://www.rspb.org.uk/globalassets/downloads/documents/positions/planning/sustainable-drainage-systems.pdf</a></p> <p><a href="https://www.susdrain.org/delivering-suds/using-suds/suds-performance-and-monitoring/biodiversity-benefits">https://www.susdrain.org/delivering-suds/using-suds/suds-performance-and-monitoring/biodiversity-benefits</a></p> <p><a href="https://www.susdrain.org/case-studies/pdfs/004_31_05_20_bertha_park_perth_2020_awards.pdf">https://www.susdrain.org/case-studies/pdfs/004_31_05_20_bertha_park_perth_2020_awards.pdf</a></p>
<p><b>Swales (likely to need to be implemented in combination with other measures to achieve biodiversity benefits)</b></p> <p>Unlike traditional straight edged and steep sided ditches or underground pipes, swales are vegetated above ground depressions</p>	<p>Creates drier and wetter ground conditions that suit a wider variety of plants and insects.</p>	<p>Creates an interesting landscape feature. Helps naturally manage flood water by collecting and directing it, as well as allowing water to soak into the ground along the swale, reducing the volume of flood water. Can be connected to larger flood attenuation areas. Being above</p>	<p><a href="https://www.rspb.org.uk/get-involved/activities/nature-on-your-doorstep/garden-activities/dig-a-damp-ditch-for-diversity/">https://www.rspb.org.uk/get-involved/activities/nature-on-your-doorstep/garden-activities/dig-a-damp-ditch-for-diversity/</a></p> <p><a href="https://www.susdrain.org/delivering-suds/using-suds/suds-components/swales-">https://www.susdrain.org/delivering-suds/using-suds/suds-components/swales-</a></p>

<p>that collect and channel rainwater, that allow water to soak into the ground.</p>		<p>ground, swales are easier to maintain and less prone to blockages. Does not require regular intrusive maintenance by excavation that harms biodiversity (unlike traditional ditches).</p>	<p><a href="https://www.nature.scot/wilding-our-parks-case-studies">and-conveyance-channels/swales.html</a></p>
<p><b>Ponds and bog gardens</b> Usually dug into the ground, areas that collect rainwater either from the sky or through connection to downpipes. May hold water or be designed to allow slow drainage, creating wet habitat. Planted with wet tolerant native species. Can be any size, from sink sized upwards.</p>	<p>Increases the diversity of habitats available to wildlife. Ponds can also provide places for wildlife to drink and bathe.</p>	<p>Creates an interesting feature that helps people connect with nature. Can help with flood water storage.</p>	<p><a href="https://www.nature.scot/wilding-our-parks-case-studies">https://www.nature.scot/wilding-our-parks-case-studies</a> <a href="https://www.rhs.org.uk/ponds/wildlife-ponds">https://www.rhs.org.uk/ponds/wildlife-ponds</a> <a href="https://www.rhs.org.uk/garden-design/bog-gardens">https://www.rhs.org.uk/garden-design/bog-gardens</a> <a href="https://www.rspb.org.uk/get-involved/activities/nature-on-your-doorstep/garden-activities/create-a-mini-pond/">https://www.rspb.org.uk/get-involved/activities/nature-on-your-doorstep/garden-activities/create-a-mini-pond/</a> <a href="https://www.rspb.org.uk/birds-and-wildlife/advice/gardening-for-wildlife/water-for-wildlife/making-a-pond/">https://www.rspb.org.uk/birds-and-wildlife/advice/gardening-for-wildlife/water-for-wildlife/making-a-pond/</a></p>
<p><b>Orkney vole corridors</b> 3 metre strips running alongside ditches and boundaries, fenced off from livestock/that undergo no mowing or cutting, to allow vegetation to grow to full height.</p>	<p>When connected to areas where Orkney voles are known to be present, increases habitat available for voles and allows population expansion. Supports other wildlife by providing food and shelter.</p>	<p>Vegetation slows the flow of water in ditches, helping with flood management.</p>	<p><a href="https://www.webarchive.org.uk/wayback/archive/20221013133137/https://www.nature.scot/doc/naturescot-archive-report-029-orkney-vole-habitat-guidance">https://www.webarchive.org.uk/wayback/archive/20221013133137/https://www.nature.scot/doc/naturescot-archive-report-029-orkney-vole-habitat-guidance</a> <a href="http://www.fernvalleywildlifecentre.co.uk/conservation.html">http://www.fernvalleywildlifecentre.co.uk/conservation.html</a></p>

<p><b>Reprofiling watercourses (including ditches)</b></p> <p>Artificially straightened water courses are reprofiled to follow a meandering form and regraded to remove manmade sides and obstructions and create stepped sides and margins. Margins are planted with native species.</p>	<p>Creates new habitat, providing a place for wildlife to live, feed and shelter. Can connect with other habitat features, providing a wildlife corridor.</p>	<p>Creates a more attractive feature that connects people with nature. Helps with flood water management by slowing down the flow of water and increasing the volume of water that can be accommodated. Can more easily be adapted over time to changes in rainfall.</p>	<p><a href="https://www.greenspacescotland.org.uk/news/naturalising-the-lade-to-whitfield-pond-lennoxtown">https://www.greenspacescotland.org.uk/news/naturalising-the-lade-to-whitfield-pond-lennoxtown</a></p> <p><a href="https://www.nature.scot/wilding-our-parks-case-studies">https://www.nature.scot/wilding-our-parks-case-studies</a></p>
<p><b>Peatland restoration</b> (can be a measure to conserve and restore biodiversity)</p> <p>Interventions to restore peatland hydrology and habitats.</p>	<p>Improves ground conditions so that the peatland recovers and can support a wider range of plants and wildlife.</p>	<p>Can contribute to natural flood management, reducing effects of flooding on people and infrastructure. Reduces carbon emissions from degrading peatland that otherwise would contribute to climate change. Reduces erosion of exposed peat that adversely affects water quality.</p>	<p><a href="https://www.nature.scot/climate-change/nature-based-solutions/peatland-action-project">https://www.nature.scot/climate-change/nature-based-solutions/peatland-action-project</a></p>



**Photo 4:** biodiversity measure example of a drystone wall feature providing a place for nature as well as shelter around a picnic area for people

## Section 6: Biodiversity measures of limited effectiveness in Orkney

The table below provides information about biodiversity enhancement measures that are likely to have limited effectiveness in Orkney, with suggested alternatives from the list provided in **Section 5: Biodiversity measures suitable for Orkney**.

Measures with limited effectiveness in Orkney		Alternative measure(s)
<b>Bird boxes</b>	<p>Bird boxes can be problematic in the Orkney climate. They are most likely to be effective in more sheltered urban areas with established garden shrubs and trees.</p> <p>Bird boxes need to be firmly fixed at an appropriate height to reduce the risk of predation, and in an orientation that will not be blown off in the Orkney winds, allow rain to enter or overheat in the sun. They also need to be of the right size and shape for the bird species found at the location and have sufficient suitable habitat in the surrounding area to provide food and shelter for the adult and young birds.</p> <p>As well as needing to be positioned in the right place for birds, bird boxes need to be located so that the cheeping of young birds does not disturb human residents. Most bird boxes also require to be cleaned out each year before the breeding season, which new residents may not be willing to do, limiting the effectiveness of bird boxes.</p>	<p>All of the below measures benefit birds by providing food and/or shelter, with some of the measures also providing potential for nesting (e.g. scrub, hedging, trees and woodland, drystone walls and features):</p> <ul style="list-style-type: none"> <li>– flowering plants</li> <li>– biodiversity lawns</li> <li>– areas left to grow</li> <li>– scrub, hedging, trees and woodland</li> <li>– living rooves</li> <li>– plant pocket walls</li> <li>– drystone walls and features</li> <li>– wastewater treatment reed beds</li> <li>– swales</li> <li>– rainwater gardens</li> <li>– ponds and bog gardens</li> </ul>
<b>Bat boxes</b>	<p>Bat boxes are unlikely to be effective in most locations in Orkney, mainly because there are very few locations where bats are present. This is due to limited suitable foraging habitat for bats and the climatic conditions reducing the</p>	<p>Where the below features can connect with existing known bat foraging habitat, they can provide additional foraging habitat for bats:</p> <ul style="list-style-type: none"> <li>– flowering plants</li> <li>– biodiversity lawns</li> </ul>

	<p>number of days with suitable flying conditions.</p> <p>In locations where bats are known to be present bat boxes may be appropriate enhancement. They should be of the right size and shape for the bat species found at the location and have sufficient suitable habitat in the surrounding area to provide food. The box(es) need to be firmly fixed at an appropriate height to reduce the risk of predation, and in an orientation that the box will not be blown off in the Orkney winds, allow rain to enter or overheat in the sun.</p>	<ul style="list-style-type: none"> <li>– areas left to grow</li> <li>– scrub, hedging, trees and woodland</li> <li>– swales</li> <li>– rainwater gardens</li> <li>– ponds and bog gardens</li> <li>– Orkney vole corridors</li> <li>– reprofiling watercourses (including ditches)</li> <li>– peatland restoration</li> </ul>
<p><b>Bug hotels, log, leaf and stone piles</b></p>	<p>Bug hotels, log, leaf and stone piles can provide a place for insects to live. Small piles looked after by residents can be beneficial to biodiversity. However the Orkney wind and rain can damage them and/or create unsuitable conditions for insects. Larger piles/bug hotels may also harbour or be perceived to harbour pests such as rats. The piles/bug hotels are therefore most likely to be effective on a small scale that reduces the risk of pests and where they will be looked after long term by the resident of the proposed development.</p>	<p>The main alternative for bug hotels are Solitary bee hotels. The other measures listed below also benefit insects:</p> <ul style="list-style-type: none"> <li>– flowering plants</li> <li>– varying ground levels</li> <li>– container gardens</li> <li>– biodiversity lawns</li> <li>– areas left to grow</li> <li>– scrub, hedging, trees and woodland</li> <li>– living rooves</li> <li>– plant pocket walls</li> <li>– drystone walls and features</li> <li>– ephemeral ponds and wader scrapes</li> <li>– wastewater treatment reed beds</li> <li>– planted SUDS ponds</li> <li>– swales</li> <li>– rainwater gardens</li> </ul>



		<ul style="list-style-type: none"> <li>– ponds and bog gardens</li> <li>– downpipe rainwater container gardens</li> <li>– Orkney vole corridors</li> <li>– reprofiling watercourses (including ditches)</li> <li>– peatland restoration</li> </ul>
<b>Drain escapes</b>	<p>Drain escapes are miniature ladders placed in road drains that amphibians and small mammals can use to climb out of road drains when they have fallen through the cover. However the ladders can interfere with gulley cleaning, getting damaged or displaced, which can also happen when drains are overwhelmed during heavy rainfall and flood events.</p>	<p>The main alternative for drain escapes are wildlife kerbs. Installing wildlife kerbs that reduce the risk of amphibians and small mammals falling into the road drain are an alternative that should not interfere with gulley cleaning or require ongoing maintenance/replacement.</p>

## Section 7: Biodiversity measures and development functionality quick reference table

Most of the biodiversity measures can contribute to the functionality of proposed developments, for example by providing shelter, while also benefiting wildlife and people. A summary of the potential functions for each measure is given in the table below.

Biodiversity measure	Function(s) of measure			Main function	✓	Added benefit	✓
	Lawns / amenity areas	Water management	Landscaping	Defines boundaries		Helps wildlife move about	
Biodiversity lawns	✓	✓	✓			✓	
Container gardens	✓					✓	
Areas left to grow	✓	✓	✓	✓		✓	
Flowering plants	✓		✓			✓	
Ponds and bog gardens		✓	✓	✓		✓	
Rainwater gardens		✓	✓	✓		✓	
Downpipe rainwater container gardens		✓				✓	
Wastewater treatment reed beds		✓				✓	
Swales		✓	✓	✓		✓	
Reprofiling watercourses (including ditches)		✓	✓	✓		✓	
Planted SUDS ponds		✓	✓	✓		✓	

<b>Biodiversity measure / function:</b>	<b>Lawns / amenity areas</b>	<b>Water management</b>	<b>Landscaping</b>	<b>Defines boundaries</b>	<b>Helps wildlife move about</b>
<b>Ephemeral ponds and wader scrapes</b>		✓	✓		✓
<b>Peatland restoration</b>		✓	✓		✓
<b>Varying ground levels</b>	✓	✓	✓	✓	✓
<b>Scrub, hedging, trees and woodland</b>		✓	✓	✓	✓
<b>Wildlife permeable boundaries</b>		✓	✓	✓	✓
<b>Drystone walls and features</b>	✓	✓	✓	✓	✓
<b>Scrub, hedging, trees and woodland</b>	✓	✓	✓	✓	✓
<b>Plant pocket walls</b>			✓	✓	✓
<b>Remove non-native species</b>	✓		✓		✓
<b>Solitary bee hotels</b>					✓
<b>Wildlife friendly kerbs</b>		✓			✓
<b>Living roofs</b>		✓	✓		✓
<b>Orkney vole corridors</b>		✓	✓	✓	✓

## Section 8: Blank biodiversity form for planning applications

A Word version of this form that enables users to type directly into the form is available on request.

<b>ORKNEY ISLANDS COUNCIL</b> <b>BIODIVERSITY FORM FOR PLANNING APPLICATIONS</b> <b>TO BE COMPLETED AND SUBMITTED WITH PLANNING APPLICATIONS</b>	
<b>Planning reference or address of development:</b>	
<b>Date of form completion:</b>	
<b>Person/company completing form:</b>	
<b>Baseline - what's there</b>	
<p>– Please provide photographs to give an overview of the habitats and features present on site, and, referring to the photographs, describe below the dominant habitat type and most recent land use. If the land use has recently changed please also describe the previous known land use. List any species of note using the site. (Example level of information: grass, grazed field, brown hare and curlew; coastal heath, rough grazing for sheep, Arctic skua; heather moorland, unmanaged, short eared owl; livestock fodder crops, agricultural field, geese; unmanaged meadow, previously livestock grazing field until farm changed hands last year, unknown; urban brownfield site previously with flats on it (demolished 5 years ago) within existing settlement, none as it's a concrete slab; etc).</p> <p>– Please provide a site layout plan that shows the location of existing broad habitat types and biodiversity features such as wetter/drier areas, ditches, watercourses, trees and shrubs, stone walls, ditches, invasive plant species, etc, both within and adjoining the proposed development site. The biodiversity features should be marked on a site layout plan that shows all elements of the proposed development, including infrastructure such as roads, paths, services, drainage, electricity lines, etc. (This is to enable assessment of how the existing biodiversity features might be affected by the construction and use of the proposed development. It can also be helpful to include photographs of the biodiversity features and their context within the site.)</p>	

### **Minimising effects on existing biodiversity (including restoration)**

- Referring to the plan provided above, please describe below how you have minimised adverse effects on existing biodiversity through siting, design and layout that retains existing habitats and features of biodiversity value, and where this has not been possible, please explain why.
- Where relevant, please also describe how degraded existing biodiversity features are going to be restored. (Restoration will not be applicable to all sites.)

### **Enhancement of biodiversity**

- Please list below what enhancement measures you intend to include and explain what they are seeking to achieve. Please include common and latin names of plant species and where the plants or seeds will be sourced from. (This is to check that species appropriate to the site and Orkney conditions are used.)
- Please provide a site layout plan that shows the location of enhancement measures. The enhancement measures should be marked on a site layout plan that shows all elements of the proposed development, including infrastructure such as roads, paths, services, drainage, electricity lines, etc. (This is to enable assessment of how the construction and use of the proposed development might interact with the proposed enhancement measures.)

### **Monitoring and maintenance of biodiversity retained and enhanced**

- Please describe below how will the retained and enhanced biodiversity features and measures be monitored and maintained in the longer term to ensure they continue to benefit biodiversity, and who will be responsible for monitoring and maintenance. (Where detailed information on monitoring and maintenance will be provided in a landscaping or other site management plan to be submitted with the planning application, please provide the document title, author and date, and summarise the information below.)

<b>Advice</b>
<ul style="list-style-type: none"><li>– If you have sought or received advice about what is present on or makes use of the proposed development site and / or how to safeguard, restore and enhance biodiversity, please list below who has given you advice. (For example, an ecological consultant, others with relevant local knowledge, etc.)</li><li>– Where advice has been received, please summarise it below and provide a copy if advice was given in writing.</li></ul>
<ul style="list-style-type: none"><li>– Please describe how have you incorporated any advice you received into the proposed development, and if not, please explain why not.</li></ul>

## Minute

### Harbour Authority Sub-committee

Tuesday, 22 August 2023, 09:30.

Council Chamber, Council Offices, School Place, Kirkwall.



### Present

Councillors David Dawson, Gillian Skuse, Graham A Bevan, P Lindsay Hall, Ivan A Taylor and Heather N Woodbridge.

### Present via Remote Link (Microsoft Teams)

Councillor Mellissa-Louise Thomson.

### Clerk

- Hazel Flett, Service Manager (Governance).

### In Attendance

- Gareth Waterson, Corporate Director for Enterprise and Sustainable Regeneration
- James Buck, Head of Marine Services, Transportation and Harbour Master.
- Paul Olvhoj, Business Development Manager
- Shonagh Merriman, Service Manager (Corporate Finance).
- Karen Bevilacqua, Solicitor.

### Declarations of Interest

- No declarations of interest were intimated.

### Chair

- Councillor David Dawson.

## 1. Revenue Expenditure Outturn

After consideration of a report by the Head of Finance, copies of which had been circulated, and after hearing a report from the Service Manager (Corporate Finance), the Sub-committee:

Noted:

**1.1.** The revenue expenditure outturn statement in respect of the Scapa Flow Oil Port and Miscellaneous Piers and Harbours for financial year 2022/23, attached as Annex 1 to the report by the Head of Finance, indicating the following:

- An income deficit of £923,100 against an income budget of £539,100 in respect of Scapa Flow Oil Port.
- An income surplus of £185,100 against an expenditure budget of £1,936,100 in respect of Miscellaneous Piers and Harbours.

The Sub-committee scrutinised:

**1.2.** The explanations given and actions proposed in respect of significant budget variances, as outlined in the Budget Action Plan, attached as Annex 3 to the report by the Head of Finance, and obtained assurance that appropriate action was taken with regard to significant budget variances.

## **2. Revenue Expenditure Monitoring**

After consideration of a report by the Head of Finance, copies of which had been circulated, and after hearing a report from the Service Manager (Corporate Finance), the Sub-committee:

Noted:

**2.1.** The revenue financial summary statement in respect of the Scapa Flow Oil Port and Miscellaneous Piers and Harbours for the period 1 April to 30 June 2023, attached as Annex 1 to the report by the Head of Finance, indicating a budget deficit position of £3,402,500.

**2.2.** The revenue financial detail by Service Area statement in respect of the Scapa Flow Oil Port and Miscellaneous Piers and Harbours for the period 1 April to 30 June 2023, attached as Annex 2 to the report by the Head of Finance.

The Sub-committee scrutinised:

**2.3.** The explanations given and actions proposed in respect of significant budget variances, as outlined in the Budget Action Plan, attached as Annex 3 to the report by the Head of Finance, and obtained assurance that appropriate action was being taken with regard to significant budget variances.

## **3. Miscellaneous Piers and Harbours and Scapa Flow Oil Port**

### **Minor Capital Improvement Programmes – Expenditure Outturn**

After consideration of a report by the Head of Finance, copies of which had been circulated, and after hearing a report from the Service Manager (Corporate Finance), the Sub-committee:

Noted:

**3.1.** The summary outturn position of expenditure incurred for financial year 2022/23 in respect of the Miscellaneous Piers and Harbours and Scapa Flow Oil Port minor capital improvement programmes, as detailed in section 4 of the report by the Head of Finance.



The Sub-committee scrutinised:

**3.2.** The detailed analysis of expenditure figures against the approved programmes, attached as Appendix 1 to the report by the Head of Finance, and obtained assurance with regard to significant budget variances and progress made with delivery of the approved Miscellaneous Piers and Harbours and Scapa Flow Oil Port minor capital improvement programmes for 2022/23.

## **4. Miscellaneous Piers and Harbours and Scapa Flow Oil Port**

### **Minor Capital Improvement Programmes – Expenditure Monitoring**

After consideration of a report by the Head of Finance, copies of which had been circulated, and after hearing a report from the Service Manager (Corporate Finance), the Sub-committee:

Noted:

**4.1.** The summary position of expenditure incurred, as at 30 June 2023, against the approved Miscellaneous Piers and Harbours and Scapa Flow Oil Port minor capital improvement programmes for 2023/24, as detailed in section 4 of the report by the Head of Finance.

The Sub-committee scrutinised:

**4.2.** The detailed analysis of expenditure figures against the approved programmes, attached as Appendix 1 to the report by the Head of Finance, and obtained assurance with regard to significant budget variances and progress being made with delivery of the approved Miscellaneous Piers and Harbours and Scapa Flow Oil Port minor capital improvement programmes for 2023/24.

## **5. Miscellaneous Piers and Harbours**

### **Revenue Maintenance Programme – Expenditure Outturn**

After consideration of a report by the Head of Finance, copies of which had been circulated, and after hearing a report from the Service Manager (Corporate Finance), the Sub-committee:

Noted:

**5.1.** The summary outturn position of expenditure incurred for financial year 2022/23, in respect of the approved Miscellaneous Piers and Harbours revenue maintenance programme, as detailed in section 5.1 of the report by the Head of Finance.

The Sub-committee scrutinised:

**5.2.** The detailed analysis of expenditure figures and programme updates, attached as Appendix 1 to the report by the Head of Finance, and obtained assurance with regard to significant budget variances and progress made with delivery of the approved Miscellaneous Piers and Harbours revenue maintenance programme for 2022/23.

## **6. Miscellaneous Piers and Harbours**

### **Revenue Maintenance Programme – Expenditure Monitoring**

After consideration of a report by the Head of Finance, copies of which had been circulated, and after hearing a report from the Service Manager (Corporate Finance), the Sub-committee:

Noted:

**6.1.** The summary outturn position of expenditure incurred, as at 30 June 2023, against the approved Miscellaneous Piers and Harbours revenue maintenance programme for 2023/24, as detailed in section 5.1 of the report by the Head of Finance.

The Sub-committee scrutinised:

**6.2.** The detailed analysis of expenditure figures and programme updates, attached as Appendix 1 to the report by the Head of Finance, and obtained assurance with regard to significant budget variances and progress being made with delivery of the approved Miscellaneous Piers and Harbours revenue maintenance programme for 2023/24.

## **7. Harbour Authority – Cruise Booking and Confirmation Policy**

After consideration of a report by the Corporate Director for Enterprise and Sustainable Regeneration, copies of which had been circulated, and after hearing a report from the Business Development Manager, the Sub-committee:

Noted:

**7.1.** That Orkney had been welcoming cruise ships for over 40 years and was now attracting in excess of 200 vessels a year, being the most popular destination for cruise ships in the United Kingdom.

**7.2.** That the cruise sector had recovered from the COVID-19 pandemic with record numbers of passengers visiting Scotland via cruise ships and that Orkney was the premier location for lines to include in their itineraries.

**7.3.** That the growth was expected to continue through the 2024 season with another increase in the number of callers forecast to visit Orkney, which would put further pressure onto local resources and infrastructure and result in overcrowding and dilution of the overall tourism experience.

**7.4.** That there was a concern that the increased numbers of passengers on some days was not controlled and allowed for a negative view of cruise which offset both the economic impact and the substantial effort dedicated to cruise calls.

**7.5.** That currently initial bookings, changes, cancellations and information requests for vessels was managed by the Business Development Manager and the Cruise Operation Co-ordinator, Marine Services, and, with the advance bookings, they were handling over 400 vessel calls.

**7.6.** That there was a requirement to have a set of protocols and rules within a policy that set out the criteria and clauses which were clear and fair with regard to vessels wishing to book Hatston Pier and Kirkwall Anchorage.

**7.7.** That bookings for other locations under the control of Orkney Harbour Authority would continue with the current system applied.

The Sub-committee resolved to **recommend to the Council:**

**7.8.** That the Cruise Booking and Confirmation Policy, attached as Appendix 1 to this Minute, be approved for use by the Harbour Authority as the guiding policy for handling bookings for cruise vessels wishing to call into Orkney.

**7.9.** That the Corporate Director for Enterprise and Sustainable Regeneration should submit a report, to the Development and Infrastructure Committee, covering the wider challenges in managing cruise, provision of services and infrastructure to support the cruise industry and funding through a potential passenger levy.

**7.10.** That all members of the Council should be invited to attend the meeting of the Development and Infrastructure Committee, at which the report, referred to at paragraph 7.9 above, was considered.

## **8. Conclusion of Meeting**

At 11:10 the Chair declared the meeting concluded.

Signed: David Dawson.



**Orkney Harbours**



**CRUISE SHIP BOOKING AND CONFIRMATION POLICY**

## 1.0 Berthing Objective

The objective of the Cruise Ship Booking and Confirmation Policy is to provide well-defined, transparent, and non-discriminatory guidelines for the allocation of berths at Orkney Harbours, based on vessel prenotification, arrival and administrative compliances.

The Cruise Ship Booking and Confirmation Policy will be classed as applicable from the date of the final draft shown above and Orkney Harbours reserves the right to modify as required with further versions.

Accordingly, the policy below sets out the objective criteria upon which the cruise booking system will be administered.

## 2.0 Cruise Season

For sake of ease and good order it will be defined that a Cruise Season will run from 1<sup>st</sup> January until 31<sup>st</sup> December in any given calendar year.

## 3.0 Berth and Anchorage Booking Procedure

New reservation requests will be entered directly on our booking system by Port Agents or by Orkney Harbours designated staff.

Orkney Harbours will accept bookings on a First Come, First Served (FCFS) basis and will accept or reject a booking and assign a berth at the time of acceptance.

To ensure fairness, transparency and good business practices, Orkney Harbours will not tolerate or accept the practice of an individual cruise line making call requests for the same ship within a four-day period, on the same itinerary, unless with prior agreement and acceptance from Orkney Harbours. This only applies to Hatston Pier and Kirkwall Bay anchorage.

## 4.0 Berth and Anchorages Allocation Procedure

Berth allocations are made by Orkney Harbours based on nautical, operational, and commercial aspects. Cruise Lines do not have a right to claim a specific berth.

Orkney Harbours will be able to confirm berths to the following locations:

Hatston Pier	The main cruise berth with a total length of 385m
Hatston RoRo	The ferry berth available to acceptable vessels out with ferry operations
Kirkwall North Pier	Ideal for smaller vessels, close to town centre
Kirkwall Bay Anchorage	Vessels tender into Kirkwall Basin

Other locations under Orkney Harbours jurisdiction will be allocated on an individual basis.

Note: The size of each berth determines if a ship can be allocated to the berth.

## 5.0 Berthing Criteria

For the purposes of this policy the sizes of cruise liners calling at Orkney berths and anchorages have been categorised into 5 categories based on maximum passenger capacity as per below:

Category 1	Up to 500 passengers maximum capacity
Category 2	501 to 1,500 passengers maximum capacity
Category 3	1,501 to 2,500 passengers maximum capacity
Category 4	2,501 to 5,000 passengers maximum capacity
Category 5	Above 5,000 passengers maximum capacity

The below table covers the cruise bookings at Hatston Pier and RoRo, Kirkwall North Pier and Kirkwall Bay Anchorage. Hatston Pier is the primary berth allocation, and the category of vessel accepted there is the driver for what can be accepted at the other berths below.

The maximum TOTAL for Hatston Pier and Kirkwall Bay Anchorage should not exceed a category sum of 5.

Berth	Maximum Length of vessel	Category of Vessel	Category of Vessel	Category of Vessel	Category of Vessel	Category of Vessel
Hatston Pier	345m	5	4	3	2	1
Kirkwall Anchorage	N/A	0	1	2	3	3
Berths below excluded from Category Sum						
Kirkwall North Pier	124m	1	1	1	1	1
Hatston Pier RoRo	131m	0	1	1	1	1

## 6.0 Further Policies

6.1 On days on which special events are held within the islands (i.e., County Show) special rules may apply for the allocation of a specific berth and vessels may be denied a berth on these dates.

6.2 The Harbour Master may, for safety and security reasons, impose upon arrival, a berth other than the one assigned to a vessel, no claim from the cruise lines or ship agents regarding the final adjudication for berth assignment will be considered by the Harbour Master or Port.

6.3 The normal shoreside operation times for the cruise reception facilities will work between 0830hrs and 1800hrs on each cruise day. Bookings for vessels prior and after these times must be aware that some services will not be available.

6.4 Vessels already booked can only be substituted by another vessel of the same line with identical characteristics (LOA, Draft, Max PAX). If these differ by more than 5% then the booking will be regarded as a new request.

6.5 All laws and regulations in force at Orkney Harbours shall remain applicable for what is not specified in this policy.

## 7.0 Cancellation charges

Orkney Harbours reserves the right to apply cancellation charges in addition to those that are incurred for services supplied for cruise liners that have confirmed bookings at Hatston Pier and Kirkwall Anchorage. The maximum charges to be applied will be as below:

If a cancellation notice from a cruise liner is received within 24 hours of expected arrival date, then the cancellation charges will be 50% of the occupation charges for the vessel for the booked call.

If a cancellation notice from a cruise liner is received between 24 hours and 7 days of the expected arrival date, then the cancellation charge will be 20% of the occupation charges for the vessel for the booked call.

If a cancellation notice from a cruise liner is received between 7 and 30 days of the expected arrival date, then the cancellation charge will be 10% of the occupation charges for the vessel for the booked call.

Occupation charges will equal a share of the charges for berth occupancy and contracted services arranged by Orkney Harbours.

Cancellations or changes resulting from severe weather, acts of God, or force majeure will be considered on a case-by-case basis.