

## **Item: 7**

**Development and Infrastructure Committee: 6 February 2024.**

**K4 (Kirkwall) Development Brief.**

**Report by Corporate Director for Neighbourhood Services and Infrastructure.**

### **1. Purpose of Report**

To consider the K4 (Kirkwall) Development Brief for approval following public consultation.

### **2. Recommendations**

The Committee is invited to note:

#### **2.1.**

That, on 5 September 2023, the Development and Infrastructure Committee recommended:

- That K4 (Kirkwall) Development Brief – Consultation Draft be endorsed for the purpose of public consultation.
- 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.

#### **2.2.**

That public consultation has been undertaken in respect of the K4 (Kirkwall) Development Brief – Consultation Draft, with the outcome summarised in section 4 of this report.

#### **2.3.**

That the revised K4 (Kirkwall) Development Brief, attached as Appendix 2 to this report, has been amended to respond to material planning matters raised through the consultation process.

#### **2.4.**

That, once approved, the K4 (Kirkwall) Development Brief will have status as a material consideration in the determination of planning applications at the location covered by the Development Brief.

**It is recommended:**

## **2.5.**

That K4 (Kirkwall) Development Brief, attached as Appendix 2 to this report, be approved.

## **3. Background**

### **3.1.**

Supplementary Guidance: Settlement Statements (SG:SS) forms part of the Orkney Local Development Plan 2017 (OLDP2017) and there is a requirement to prepare and gain approval for a development brief to assist in the determination process of planning applications on this area of land.

### **3.2.**

K4 is allocated for long term housing and is located to the west side of Kirkwall with the Kirkwall Golf Course to the west and the grounds of the Pickaquoy Centre to the east. To the south is an area of open / green space that is referred to locally as Muddisdale. Further to the south and to the north are areas of new housing build.

### **3.3.**

K4 is currently used by the Agronomy Institute of Orkney College. Part of the land has significant tree planting and the rest of the land is used to grow bere barley; and is therefore in agricultural use.

### **3.4.**

On 5 September 2023, the Development and Infrastructure Committee recommended that the consultative draft be approved for public consultation. The consultative draft noted that this allocation was not considered suitable for housing development given the existing tree planting, the potential further biodiversity improvements and potential for sustainable flood management. It further noted that this location should be considered as green open space associated with the Pickaquoy Centre and Kirkwall Golf Course.

## **4. Public Consultation**

### **4.1.**

The consultation commenced on 4 October and ran to 15 November 2023. It was available online through the Council website and paper copies were available at Customer Services, School Place and Kirkwall Library. Neighbouring landowners, key agencies and stakeholders were notified and invited to comment. In addition, there was an advertisement in the Orcadian newspaper detailing the consultation.

## **4.2.**

The Consultation Report is attached as Appendix 1 to this report. In total four comments were received from three key agencies and one Council stakeholder.

## **4.3.**

Their comments have led to only minor changes to the revised development brief, attached as Appendix 2 to this report, which is now recommended for approval and will have the status as a material consideration in the determination of planning applications at the location.

## **5. Equalities Impact**

An Equality Impact Assessment (EqIA) has been undertaken for the Local Development Plan, therefore a standalone EqIA for this development brief is not required.

## **6. Island Communities Impact**

As the policy being developed in terms of this report has been assessed as being unlikely to have an effect on an island community which is significantly different from its effect on other communities (including other islands communities) in Orkney, a full Islands Impact Assessment has not been undertaken.

## **7. Environmental Implications**

A Strategic Environmental Assessment (SEA) has been undertaken in respect of the OLDP2017. It is not considered that a SEA is required as it meets the requirements for exemption under Schedule 2 of the Environmental Assessment (Scotland) Act 2005.

## **8. Corporate Governance**

This report relates to the Council setting out through this Development Brief further clarification of the existing OLDP 2017 and therefore does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan.

## **9. Financial Implications**

All resources associated with the preparation of this Development Brief is mainly in the form of staff time, has been contained within existing Planning Service revenue budgets.

## **10. Legal Aspects**

### **10.1.**

The Town and Country Planning (Scotland) Act 1997 and the Town and Country Planning (Development Planning) (Scotland) Regulations 2023 provide for the drafting of a new Local Development Plan but presently do not clarify how to consult on planning guidance.

### **10.2.**

The consultation procedure as noted in section 5 above followed accords with the Town and Country Planning (Development Planning) (Scotland) Regulations 2008 and Planning Circular 6/2013: Development Planning.

## **11. Contact Officers**

Hayley Green, Corporate Director for Neighbourhood Services and Infrastructure, extension 2301, Email [hayley.green@orkney.gov.uk](mailto:hayley.green@orkney.gov.uk).

Roddy Mackay, Head of Planning and Community Protection, extension 2530, Email [roddy.mackay@orkney.gov.uk](mailto:roddy.mackay@orkney.gov.uk).

Susan Shearer, Service Manager (Development and Marine Planning), extension 2533, Email [susan.shearer@orkney.gov.uk](mailto:susan.shearer@orkney.gov.uk).

## **12. Appendices**

Appendix 1: Consultation Report.

Appendix 2: Revised K4 (Kirkwall) Development Brief.



## Development & Marine Planning

### Consultation Report - Kirkwall K4 Development Brief

Consultation period: 4 October to 15 November 2023

Consultee	Comment Number	Comment	Planning Authority Response	Action
Scottish Water	1	Scottish Water supports the development brief, and we are encouraged by the planning of blue green infrastructure within this site. We would welcome the opportunity to input further if required.	Your support is noted.	No action.
OIC – Roads	1	From a Roads Services point of view the main issue that needs to be stressed is that agricultural access to the undeveloped area K-3 must be maintained via K-4 as is the current situation and irrespective of the eventual land usage, as it would be unacceptable for agricultural type traffic to be using residential roads and housing areas to access agricultural land.	We note your comment. This is a matter for the management of the land and would be difficult for this to be controlled through this development brief or the planning application process.	For the Roads comments to be passed to the relevant Council Team that manages this land.
Historic Environment Scotland	1	Thank you for consulting Historic Environment Scotland on the Kirkwall K-4 Development Brief Consultative Draft. We have considered the draft for our statutory historic environment interests and have no detailed comments to offer. We are satisfied that development in this area is unlikely to have significant impacts on the site or setting of assets within our statutory interests.	We note your comments.	No action.
NatureScot	1	General We welcome that the brief focuses on the need to strengthen recreation and open space and connecting into the wider Green Infrastructure Network (GIN). We also support the vision to enhance biodiversity and tackle climate change through, for example, new tree planting and	Your support is noted.	No action

Consultee	Comment Number	Comment	Planning Authority Response	Action
		connecting to the existing wooded areas. This approach helps reflect National Planning Framework 4 and particularly Policy 1: Tackling the climate and nature crises. We also note within the development principles the inclusion of connectivity and active travel, and we see this as an opportunity to incorporate the GIN as a way of connecting people with nature.		
NatureScot	2	<p>Figure 3: Site Context Plan</p> <p>The key for the Site Context Plan map doesn't quite match the description and we would welcome this to be made clearer. We also noted in the key the inclusion of '<i>Future housing site</i>', but it is not obvious on the map where it is located, and this would also benefit from being made clearer. There are opportunities for the design principle '<i>Sustainable Design and Construction</i>' to incorporate zero and low carbon technologies through the inclusion of nature-based solutions such as solar biodiverse roofs where there is a combination of planting and angled solar panels, and which can address both climate change and biodiversity loss. More information on solar biodiverse roofs and other opportunities can be found in the NatureScot '<i>Developing with Nature Guidance</i>' at <a href="https://www.nature.scot/doc/developing-nature-guidance">https://www.nature.scot/doc/developing-nature-guidance</a>.</p>	Thank you for your comment here. This drafting error has been amended and details are now clear.	Figure 3 – review and amend the key as noted in this comment.
NatureScot	3	<p>Natural Flood Management</p> <p>We suggest that this section should be 3.3 and not 3.2. We support the proposal to integrate the K4 site into the GIN as a way of managing flooding and tackling climate change. Other vegetation could include planting that helps to increase biodiversity,</p>	Within the body of this Development Brief, we have now made reference to National Planning Framework 4 (NPF4) and relevant policies in regard to climate change and	Add reference to NPF4 and leading policies on climate change and biodiversity.

Consultee	Comment Number	Comment	Planning Authority Response	Action
		and as above, further advice can be found in our <i>Developing with Nature Guidance</i> .	biodiversity. Note that the Council has developed a local guidance note in regard to considering and including biodiversity in development. NFP4 and DMG – Considering and Including Biodiversity in Development are material considerations in the determination on planning applications at this location.	
NatureScot	4	Development Principles We support the development principles noted in the brief, however, we would like to see inclusion of a development principle that considers natural areas for biodiversity and habitat enhancement to help tackle the biodiversity crisis.	Within the body of this Development Brief, we have now made reference to National Planning Framework 4 and relevant policies in regard to climate change and biodiversity. Note that the Council has developed a local guidance note in regard to considering and including biodiversity in development. NFP4 and DMG – Considering and Including Biodiversity in Development are material considerations in the determination on planning applications at this location.	Add reference to NPF4 and leading policies on climate change and biodiversity.
NatureScot	5	Future Planning Applications To help reflect NPF4 Policy 3: Biodiversity, and the cross-cutting outcome and policy link: Improving	Within the body of this Development Brief, we have now made reference to	Add reference to NPF4 and leading policies on

Consultee	Comment Number	Comment	Planning Authority Response	Action
		<p>Biodiversity, we would advise that the ecology and ground water statement includes measures that demonstrate positive effects for biodiversity. As previously mentioned, further information can be found in our <i>Developing with Nature Guidance</i>.</p>	<p>National Planning Framework 4 and relevant policies in regard to climate change and biodiversity. Note that the Council has developed a local guidance note in regard to considering and including biodiversity in development. NFP4 and DMG – Considering and Including Biodiversity in Development are material considerations in the determination on planning applications at this location.</p>	<p>climate change and biodiversity.</p>





# Development Brief

Land North of Muddisdale Road, Kirkwall K4

November 2023



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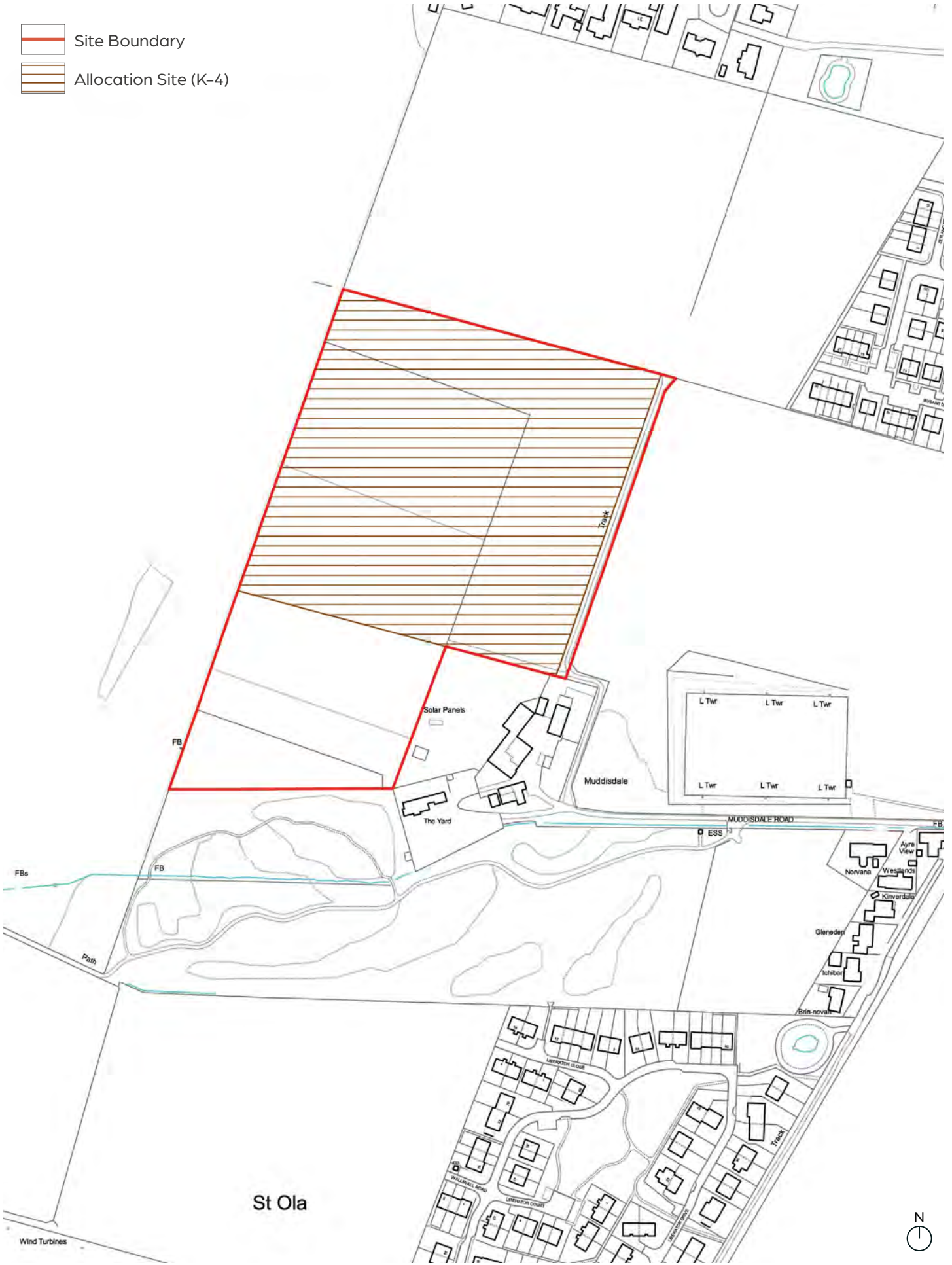


Figure 1: Site Boundary Plan

# 1. Introduction

## 1.1 Background

This development brief has been prepared to inform the potential for recreational development within the area north of Muddisdale Lane (Figure 1), which includes the allocation identified as K4 from the Orkney Local Development Plan 2017 (OLDP2017). The allocation is located in the north west of Kirkwall and to the east of Kirkwall Golf Course.

## 1.2 Purpose

As stated in the OLDP2017, the K4 site requires a Development Brief be produced prior to seeking application. This brief has been produced to outline the suitability of the site, for its allocated use or another within the settlement statement.

## 1.3 Status and Use

This Development Brief will be approved as Supplementary Guidance and will be material in the consideration of planning applications on this site. It aims to provide a development concept and considerations on what supporting information future applications on this site will be expected to demonstrate. The document will also inform the review of the OLDP2017.

## 1.4 Policy Background

Housing Allocation K4 was established for through the OLDP2017 for long-term housing (Figure 2). The site area is 4.3 hectare and the Supplementary Guidance: Settlement Statements notes a capacity of 20 units.

Following early review of the west Kirkwall area, the need for surface water management improvements and the desire to improve the Green Infrastructure Network (GIN) around Kirkwall, it is considered that this area, including the K4 allocation provides an opportunity to strengthen the recreation and open space offer for Kirkwall, whilst tying into a wider GIN.

Such uses could be linked with the existing neighbouring Pickaquooy Estate to create a cohesive green corridor of recreational green space running from the Peedie Sea up to the Golf Course and along the Muddisdale Core Path network to Wideford Hill.

## 1.5 Background to work

As part of continually reviewing and working to deliver housing land; the suitability of K4 for housing development has been considered. For the surrounding location there has been significant pressure on surface water management with the creation of new housing, the location contains trees and their carbon capture value has to be considered and the future need for the Pickaquooy Centre to expand their external facilities.



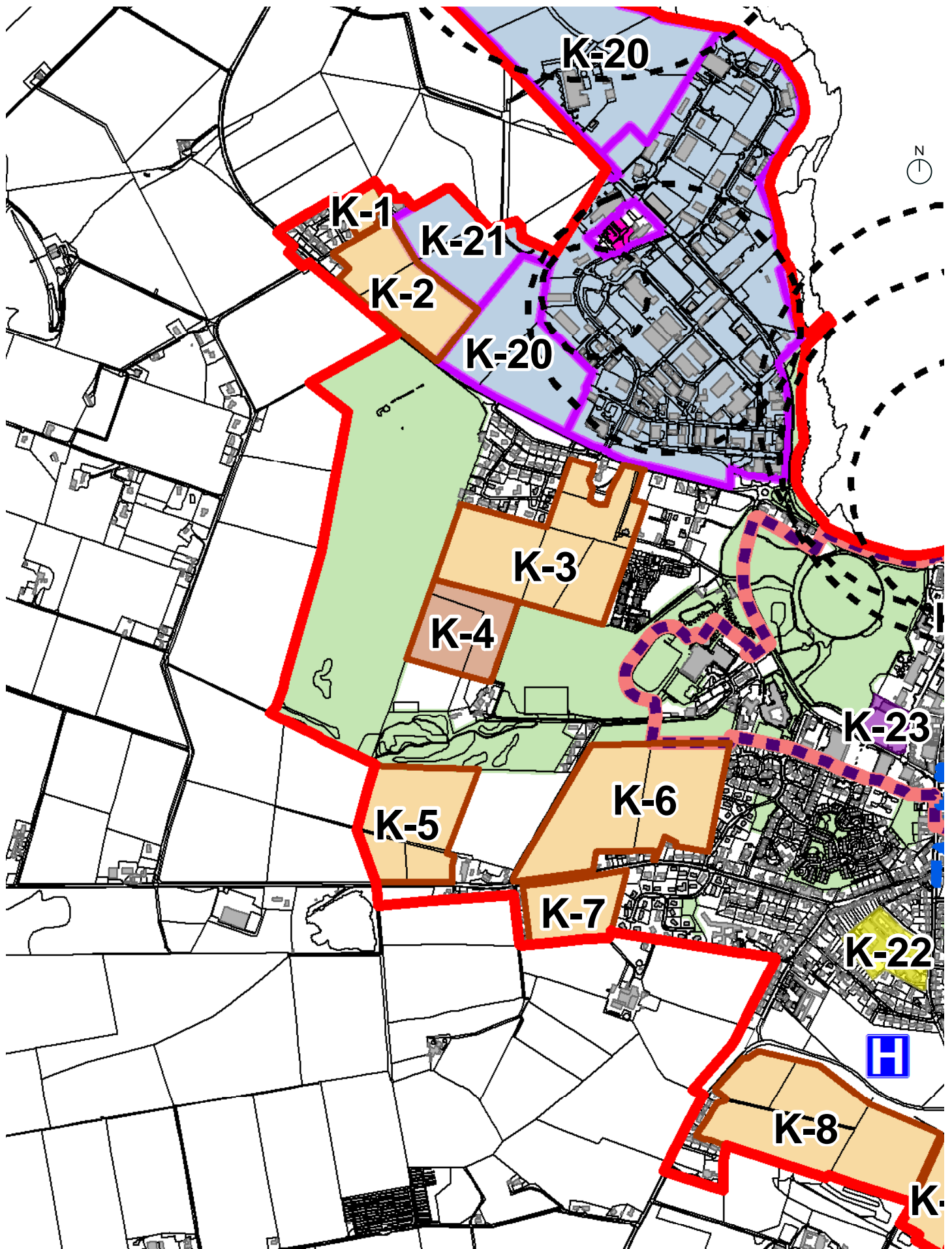


Figure 2: Kirkwall Proposals Plan

## 2.0 Site Context

### *2.1 Location*

The site is located to the west of Kirkwall, in a location that is currently considered to be within the settlement edge of Kirkwall, which is open and predominantly green. The site boundary incorporates the K4 allocation, alongside additional land to the south and east. Directly to the west is the Kirkwall Golf Course with farmland beyond. On the northern boundary of the site, housing allocation K3 is currently being built out. To the south is Muddisdale Farm and Muddisdale Strategic Openspace, and to the east lies the grounds of the Pickaquoy Centre and the Orkney Ruddy Club.

### *2.2 Use and Topography*

The site is currently in agricultural use and is part of the agronomy institute of Orkney College. There are two significant areas of Willow tree planting within the site. The site has stone dykes forming the northern, eastern and part of the southern boundary treatments with the remainder of the south being open and the western edge being post and wire and wooden fencing. The site slopes down from west to east, with an approximately 15m level change.

### *2.3 Access and Connectivity*

The site is currently accessed through Muddlisdale Farm track to the south. This track is considered to be private and not a public road.

### *2.4 Biodiversity and Carbon Capture*

The site is predominately crop and grassland with two blocks of trees, comprising mainly of densely planted willow. Originally planted as a potential biomass crop, they do not appear to be actively managed. The edge of the area closest to Muddisdale Strategic Openspace has a wider variety of species, but is also densely planted.

The site provides an opportunity to provide future Biodiversity enhancements as well as opportunities for carbon capture with more tree planting alongside existing trees.

### *2.5 Flooding and Drainage*

The K4 site lies within the larger Kirkwall catchment and contributes to the Peedie Sea via the Muddisdale and Pickaquoy sub-catchments. A primary school, a number a day care centres, a leisure centre and an increasing number of houses lie within the adjacent Muddisdale and Pickaquoy sub-catchments. Currently, surface water flooding occurs frequently within both the Pickaquoy and Muddiesdale catchments. Every opportunity should be taken to minimise runoff to limit flooding in this area in future years.





# 3. Vision

## 3.1 Vision

The Vision for this location is to extend the existing green corridor that will provide opportunities for sustainable surface water management, tree planting, biodiversity enhancement and the strategic expansion of open space for sports and leisure.

The Your Kirkwall Place Plan (2018) highlights the need for an improved Green Infrastructure Network (GIN) within the Muddisdale Area to provide improved surface water flood management in conjunction with better connectivity and active travel infrastructure within a multi-purpose, connected green and blue landscape corridor.

The site provides the opportunity to build-on the existing GIN, incorporating natural flood management, biodiversity enhancement and improved opportunities for sports and recreation.

This is in line with National Planning Framework 4; in adapting to climate change and protecting and enhancing biodiversity.

## 3.2 Biodiversity Value and Climate Change

Any development within the site will be required to enhance biodiversity and create more areas of shrub and woodland planting.

New woodland planting will have to increase the diversity of tree species, consider appropriate spacing for specific species, the use of planting to create shelter and therefore open areas within the planting. There is also an opportunity to connect with the wooded areas with the Muddisdale woodland by way of a woodland strip/additional planting.

In relation to climate change and carbon sequestration, research from The Woodland Trust find that 1 hectare of young woodland can capture over 400 tonnes of carbon in the trees, roots and soil.

## 3.3 Natural Flood Management

Incorporating the K4 site into a green infrastructure network would maximise the potential to employ natural flood management (NFM) techniques aimed at enhancing present-day flood resilience and mitigating the predicted effects of future climate change.

NFM on the site would be aimed at minimising surface water run-off, maximising groundwater recharge and surface water storage and encouraging take up by trees and other vegetation.










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|--|---|---|---|
|  | Waterbody / Watercourse                                   |  | Your Kirkwall Strategic Active Travel Route 1 |
|  | Areas for Surface Water improvements                      |  | Core Path Network                             |
|  | Potential for enhanced Green Infrastructure Network (GIN) |   |   |

Figure 4: Indicative drawing of the West Kirkwall Green Infrastructure Strategy

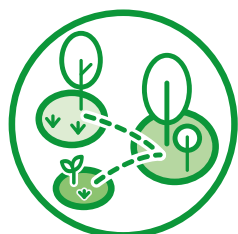
## 4. Development Principles

Development of the site should adhere to the following principles:



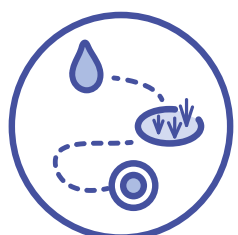
### *Strategic Green and Blue Corridor*

The site should support and tie in with the wider strategic Green Infrastructure Network (GIN) of Muddisdale.



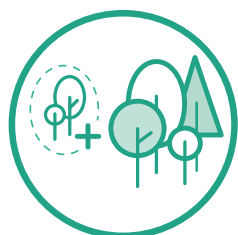
### *Connected and Varied Open Space*

The site and proposed use should compliment and build on the existing openspace offer in this part of Kirkwall and the Pickaquoy Centre Estate.



### *Surface Water Management*

Development of the site should carefully consider it's impact and opportunity to improve the surface water managment within the wider context of the Muddisdale and west Kirkwall Area.



### *Tree Preservation and Enhancement*

Development of the site should seek to retain the existing tree planting and include opportunites to provide additional planting.



### *Connectivity and Active Travel*

The site and its use should be de designed to favour access by modes of Active Travel, utilising the existing core path connections in its immediate context. Proposals should seek to demonstrate how private vehicle access will be minimise or negated where appropriate.



### *Sustainable Design and Construction*

Proposals should follow sustaiable design and construction methods, limiting impact on the existing landscape and neighbouring dwellings.

# 5. Delivery and Monitoring

## 5.1 Future Planning Applications

It is considered that future leisure and recreational users, when seeking planning permission, need to consider and include within the applications:

- Design principles and design statement.
- Landscape plan, including any changes to levels.
- Management and Maintenance plan.
- Services information including SUDS proposal and Scottish Water correspondence (if appropriate).
- Flood risk information.
- Transport statement.
- Ecology and ground water statement.
- Archaeology statement.
- Existing Tree survey and Planting Plan
- Construction method statement.

Any pre-application advice is completed by the Development Management Team ([planning@orkney.gov.uk](mailto:planning@orkney.gov.uk))

For further information please contact Development and Marine Planning team by email:  
**[devplan@orkney.gov.uk](mailto:devplan@orkney.gov.uk)**

