ITEM 5

DEVELOPMENT AND INFRASTRUCTURE COMMITTEE: 1 MARCH 2017

SUPPLEMENTARY GUIDANCE: HOUSING IN THE COUNTRYSIDE

REPORT BY EXECUTIVE DIRECTOR OF DEVELOPMENT AND INFRASTRUCTURE

1. PURPOSE OF REPORT

1.1 To present an updated draft of the Supplementary Guidance: Housing in the Countryside.

2. RECOMMENDATIONS

The Committee is invited to note:

2.1 that public consultation has been undertaken in respect of Supplementary Guidance: Housing in the Countryside;

2.2 the Participation Statement and Consultation Report, attached as Appendix 1 to this report, which records the steps taken to ensure full and proper consultation was undertaken, the comments raised by members of the public and stakeholders and the response by the Executive Director of Development and Infrastructure to those comments;

2.3 the summary of key consultation responses and amendments, as detailed in section 5 of this report; and

2.4 the revised draft Supplementary Guidance: Housing in the Countryside, attached as Appendix 2 to this report, which has been amended to respond to material planning matters raised through the consultation process, referred to at paragraphs 2.1 and 2.2 above.

It is recommended:

2.5 that the Supplementary Guidance: Housing in the Countryside, attached as Appendix 2 to this report, be approved, for a period of two years;

2.6 that, once approved, the Supplementary Guidance, referred to at paragraph 2.5 above, be taken forward as Statutory Supplementary Guidance in relation to the emerging Local Development Plan for Orkney; and

2.7 that the Executive Director of Development and Infrastructure should monitor the performance of the approved Supplementary Guidance, and thereafter submit a report, to a meeting of the Committee to be held in early 2019, presenting the findings of the monitoring exercise.
3. POLICY ASPECTS

3.1 The preparation and implementation of a Local Development Plan and Supplementary Guidance is a statutory duty of the Council. The Local Development Plan and the consultative draft Supplementary Guidance: Housing in the Countryside are key documents for delivering many of the Council’s Community Planning and Single Outcome Agreement commitments and has a role in delivery of the Council’s six priorities.

3.2 The recommendation of this report links to the Council’s value of promoting sustainability, to make sure economic, environmental and social factors are balanced.

4. INTRODUCTION

4.1 At its meeting held on 15 November 2016, the Development and Infrastructure Committee noted:

4.1.1 that, as the policy provision relating to Housing in the Countryside in the Proposed Plan had changed, updated supplementary guidance was required in order to provide detail on how the policy would be applied in the assessment of applications; and

4.1.2 the draft Supplementary Guidance: Housing in the Countryside, attached as Appendix 1 to the report by the Executive Director of Development and Infrastructure.

4.2 The Committee recommended:

4.2.1 that, prior to issuing for public consultation, the Executive Director of Development and Infrastructure should amend the draft Supplementary Guidance: Housing in the Countryside, referred to at paragraph 4.1.2 above, to reflect the following matters raised by members:

4.2.1.1 amendment of development criteria DC9 to remove reference to the size restriction of the floor area of a proposed dwelling; and

4.2.1.2 amendment of the criteria required by a retiring farmer to demonstrate compliance with policy by:

4.2.1.2.1 removal of the requirement for the business to be capable of supporting a full-time farmer (criterion 4); and

4.2.1.2.2 adding “other relevant justification” into criterion 5 for the justification proposed for the location of the house; and

4.2.2 that the Executive Director of Development and Infrastructure should submit a report, to a meeting of the Committee to be held in 2017, detailing the outcome of the consultation exercise, referred to at paragraph 4.2.1 above, and presenting a final version of the Supplementary Guidance: Housing in the Countryside for adoption by the Council.
5. **PUBLIC CONSULTATION**

5.1 Public consultation in respect of the draft Supplementary Guidance: Housing in the Countryside was undertaken during the period 15 December 2016 to 2 February 2017, with additional time allowed owing to the Christmas period. A full record of comments received, and the Council’s response to these, is recorded in the Participation Statement and Consultation Report, attached as Appendix 1 to this report.

5.2 The consultation included public advertisement in the Orcadian, and copies of the draft Supplementary Guidance were placed in the One Stop Shop, Kirkwall, Warehouse Buildings, Stromness, and on the Council’s website. A press release was also issued on 15 December 2016, including to all Council staff.

5.3 Notification of the consultation was sent to the following:

5.3.1 key agencies;
5.3.2 planning stakeholders, ie local National Farmers Union and local builders; and
5.3.3 members of the public who had previously noted an interest in development planning issues.

5.4 Additionally, an officer attended a meeting of the local National Farmers’ Union to present the draft Supplementary Guidance and answer questions on the document, in addition to holding a meeting with the Scottish Agricultural College.

5.5 The Development and Marine Planning team has also worked closely with colleagues in Development Management in the consideration of relevant planning applications.

5.6 In total six comments were received with three comments from key agencies, one from a national interest group, one from a member of public and one from a local builder. These comments and the Council’s response to the comments are detailed in the Participation Statement and Consultation Report, attached as Appendix 1 to this report.

5.7 Key issues raised through the consultation included the following:

5.7.1 no adverse comments have been received from the agricultural community;

5.7.2 a minor amendment has been requested from Scottish Environment Protection Agency to note in Development Criteria 6 that new development should avoid engineering works in the water environment. This has been taken forward in the updated version of this Supplementary Guidance;

5.7.3 Scottish Natural Heritage requested that the Supplementary Guidance considers the use of appropriate materials and that reference is made to the design and natural environment policies of the Emerging Plan. Material is considered to be a design issue and therefore not a matter for this Supplementary Guidance; and
5.7.4 a local builder and a member of the public asked for amendments to assist in the development of land under their ownership/control. No changes are proposed as these amendments could lead to development patterns that are suburban in nature.

5.8 A number of administrative changes have been made to update the status of this Supplementary Guidance as well as the Proposed Plan, and to take account of any administration/drafting errors.

5.9 Additional clarification has been added to some parts of the guidance, with a new definition added for Suburbanisation.

5.10 Following conclusion of the public consultation period, comments were received from Firth and Stenness Community Council and St Andrews and Deerness Community Council. No other Community Council has made comment. These comments and the Council’s response to those comments are detailed in Appendix 3 to this report.

6. EQUALITIES IMPACT

6.1 An Equality Impact Assessment has been carried out, and is attached as Appendix 4 to this report.

7. ENVIRONMENTAL IMPLICATIONS

7.1 A screening report was prepared for the consultative draft Supplementary Guidance and submitted to the SEA Gateway for consideration by the Consultation Authorities (Scottish Environment Protection Agency, Scottish Natural Heritage and Historic Environment Scotland).

7.2 The screening report concludes that implementation of the Supplementary Guidance Housing in the Countryside is likely to lead to broadly neutral environmental effects. At this stage it is considered unlikely that further environmental assessment will be required.

8. FINANCIAL IMPLICATIONS

8.1 The staff costs associated with the drafting of this guidance has been met by the existing planning budgets. All costs associated with the advertisement and consultation of the draft guidance, were likewise met from existing Planning budgets.

9. LEGAL ASPECTS

9.1 The draft Supplementary Guidance, once approved by Council, will be a material planning consideration.
9.2 Following approval, the guidance will be notified to Ministers in order that it may be elevated to statutory supplementary guidance, after the adoption of the Proposed Plan as Orkney’s new Local Development Plan. It will thereafter form part of the Local Development Plan, bearing the same weight as the Local Development Plan.

10. CONTACT OFFICERS

10.1 Gavin Barr, Executive Director of Development and Infrastructure
Ext. 2301 Email: gavin.barr@orkney.gov.uk

10.2 Roddy MacKay, Head of Planning, Development and Regulatory Services, Ext. 2530 Email: roddy.mackay@orkney.gov.uk

10.3 Stuart West, Planning Manager (Development and Marine Planning), Ext. 2816, Email: stuart.west@orkney.gov.uk

10.4 Susan Shearer, Senior Planner (Development and Marine Planning), Ext. 2533, Email: susan.shearer@orkney.gov.uk

11. APPENDICES

11.1 Appendix 1 – Participation Statement and Consultation Report

11.2 Appendix 2 – Supplementary Guidance: Housing in the Countryside

11.3 Appendix 3 – Community Council Comments

11.4 Appendix 4 – Equality Impact Assessment