

4. BUSINESS AND INDUSTRY



POLICY INDEX

LP/E1	New Industrial & Business development	Page 54
LP/E2	Established Industrial Areas	Page 57
LP/E3	Town Centre	Page 59
LP/E4	Established Shopping Areas	Page 61
LP/E5	Out-of-Centre Retail Development	Page 63
LP/E6	Mixed Use Areas	Page 65
LP/E7	Rural Shops	Page 66
LP/E8	Tourist Developments	Page 67
LP/E9	Tourist Accommodation	Page 69
LP/E10	Agricultural & Non Domestic Rural Buildings	Page 71
LP/E11	Mineral Extraction	Page 73
LP/E12	Home Working	Page 76

4.1 INDUSTRIAL AND BUSINESS DEVELOPMENT

Structure Plan Context

Key Objective	Relevant Policy or Proposal
<p>To ensure that an adequate supply of land for general industrial and business development is provided; To identify land for high amenity business development.</p>	<p>Policy SP/DS2 - Development Strategy Policy SP/DS3 - Settlement Hierarchy Proposal SP/E1 - Business & Industrial Land Policy SP/E2 - Oil & Marine Related Development Policy SP/E3 - Business in the Rural Areas</p>

Local Plan Policy

<p>POLICY LP/E1</p> <p>NEW INDUSTRIAL AND BUSINESS DEVELOPMENT</p> <p>a) <u>Strategic Industrial Sites</u></p> <p>The Council will seek to support proposals for major industrial developments, which are considered to be of strategic importance to the economy of Orkney. Land at Lyness and Flotta is reserved for large-scale development and the Council will presume against any proposals, which would prejudice the longer-term development of these sites for major inward investment. Prior to the granting of planning permission for the expansion of the existing strategic site at Flotta or the development of any major new site(s), development briefs must be prepared to the satisfaction of the Planning Authority, and development proposals will be required to indicate how they propose to minimise impact on local residents and the surrounding and wider environment.</p> <p>b) <u>Allocated Sites within Towns and Villages</u></p> <p>Planning permission will be granted for appropriate industrial development for business, general industrial, storage and distribution development (Use Classes 4, 5 and 6) on allocated sites within the settlement boundaries of the following towns and villages.</p> <p>Kirkwall - Classes 4, 5, & 6 Stromness - Classes 4, 5 & 6 St Margarets Hope - Classes 4, 5 & 6 Dounby - Classes 4 & 5 Whitehall, Stronsay - Classes 4,5 & 6</p> <p>c) <u>Unallocated Sites in Villages and Rural Settlements</u></p> <p>The construction of buildings for business, general industry, storage or distribution will be permitted on sites within the boundaries of villages and rural settlements which have not been specifically identified for such a purpose, provided that there is no allocated land for business and industry available within the boundary of the proposed settlement or an adjacent settlement which is within reasonable travelling distance.</p> <p>d) <u>In the Countryside</u></p> <p>Outwith villages and rural settlements, the development of small scale employment generating enterprises through either new development, redevelopment or conversion of existing buildings (including extension, intensification or other employment use of an established business use) will be permitted provided that there is a demonstrated need for new employment in the area and limited land supply available for development in any adjacent village or rural settlement.</p>
--

Any proposals for major economic development in the countryside will require a detailed assessment of all economic and environmental factors, and will be assessed against the principles of sustainable development contained in the Structure Plan Development Strategy.

e) Specialised Industrial and Business Uses

The Council will seek to support the development and expansion of specialised industrial and business uses in locations that maximise the use of existing infrastructure and capitalise on the proximity of compatible uses while minimising any impact on the surrounding environment.

Background and Issues

4.1.1 The availability of land and premises is an important factor in accommodating development and supporting new business growth. The Structure Plan identifies a number of strategic issues to be addressed in the context of the Local Plan, namely the increasing pressure on existing industrial land in Kirkwall and the lack of provision for specialised industrial sectors such as high-technology, and the food and drink sector.

4.1.2 The purpose of this policy is to ensure a continuous supply of land for business, industrial and storage and distribution uses together with a choice of location.

4.1.3 In terms of strategic sites the only existing strategic industrial site in Orkney is Flotta Oil Terminal. Since the development of the Flotta Oil Terminal in 1977, there has been no major large scale industrial development in Orkney, but the Structure Plan recognises that major oil and marine related development opportunities could be realised based on the sheltered deep water anchorage of Scapa Flow, and the Plan contains a commitment to encouraging future developments associated with oil and marine related industries. In terms of major inward investment, the Council together with Highlands and Islands Enterprise and Orkney Enterprise have been actively marketing Orkney as a location for the establishment of a container transshipment port. An assessment into potential sites for such a development has identified the Golta peninsula in Flotta as being the preferred site, and land adjacent to the oil terminal is therefore safeguarded for the development of the sea freight terminal, or for development associated with the oil terminal, if required.

4.1.4 There is also a need to accommodate a further strategic site to meet future development needs within the Scapa Flow area. In order to further meet the needs of major inward investment, the Structure Plan also identifies an 11ha site at Lyness on Hoy, which is considered suitable for future large-scale industrial use. This brownfield site previously used as a naval base offers a number of benefits including proximity to the northern and central sectors of the North Sea, and a sheltered deep-water anchorage.

4.1.5 In terms of local sites, serviced sites on industrial estates have been provided in Kirkwall, Stromness and St Margaret's Hope, and it is important to maintain and expand these where necessary. Hatston Industrial Estate, Kirkwall and Garson Industrial Estate and Cairston Industrial Estate in Stromness are the three main employment sites within Orkney although other uses of an industrial nature are found throughout the County. All three sites have very high occupancy rates and a pressing need for more serviced land has resulted in extensions being added to Hatston and Garson Industrial Estates. The site at St Margaret's Hope has been partly developed and provides an alternative to Kirkwall and Stromness. Similarly, land at Dounby provides for local demand and promotes sustainability within the local employment market. Business type developments demand a higher level of amenity than can be offered within industrial estates and a site at the former Academy site in Stromness is reserved for these purposes.

4.1.6 The growth of high technology, information technology and related uses in the future is also supported. The development of land adjacent to Orkney College maximises resources focusing like users and can provide for prestigious development typical of such high amenity developments. Proximity of residential areas and infrastructure capacity are considerations to

be deliberated when examining any proposals for such development and a comprehensive plan for the site as a whole is seen as the optimum approach to any design.

4.1.7 Siting of industries and businesses of a similar nature is also recognised as a move towards a planned approach to employment provision and industrial development. The food processing sector is of particular importance to the economy and it is important to provide high quality sites for its development and expansion. Hatston Industrial Estate provides opportunity for high quality seafront development and proposals should be of the highest standard of design to protect the coastal location of this industrial estate.

4.1.8 In rural areas in particular, employment uses within villages can make a valuable contribution to the local economy, although the environmental impacts of such developments need to be carefully considered. The policy also permits the development of new business and industrial sites on unallocated ground within a settlement whilst not detracting from the overall appearance of the area. New employment development on unallocated sites does mean that all other possible existing sites have been exhausted. However, some proposals may be entirely inappropriate and likely to cause severe planning problems, e.g. in terms of excessive traffic generation, road safety, overloading of infrastructure, loss of valuable open space or blighting of land identified for other uses such as housing.

4.1.9 Whilst the Council recognises the importance of protecting the environment of Orkney as one of its principal assets, particularly in terms of attracting tourists, it is also keen to provide opportunities for economic activity in the rural areas. The potential conflict between development and the environment can be resolved by application of sound principles governing siting and design criteria for proposals. Generally, proposals related to agriculture, aquaculture and fisheries, tourism, transport and those with specific locational requirements will be favourably considered. Proposals which involve the rehabilitation or conversion of existing buildings will also be looked upon favourably.

Implementation and Monitoring

4.1.10 Orkney Islands Council owns both the Hatston and Garson Industrial Estates and will service and manage the development of these two areas. Any infrastructure requirements will have to be programmed in consultation with utility providers and the Roads Authority.

4.1.11 In the rural areas preference will always be given to the re-use and/or redevelopment of existing buildings and premises rather than sites which have been zoned for business and industrial uses.

4.1.12 This policy will be monitored through the development control process by recording the number of applications granted planning permission for industrial and business development. In monitoring the policy it is important to consider how much development is being proposed, permitted and refused, where and why. This will allow an assessment of the impact of approved development on the surrounding environment and highlight other issues not raised through the planning process.

4.1.13 The countryside has to be protected from any inappropriate business and industrial development and monitoring should seek to determine whether any forms of these developments other than those set out in the policy have been allowed and why.

4.2 ESTABLISHED INDUSTRIAL AREAS

Structure Plan Context

Key Objective	Relevant Policy or Proposal
<p>To ensure that an adequate supply of land for general industrial and business development is provided; To discourage out of centre retail development except in exceptional circumstances.</p>	<p>Proposal SP/E1 - Business & Industrial Land Policy SP/E5 - Retailing</p>

Local Plan Policy

<p>POLICY LP/E2</p> <p>ESTABLISHED INDUSTRIAL AREAS</p> <p>a) <u>Established Industrial Areas</u></p> <p>The Council will seek to maintain the predominance of industrial and related uses (Classes 4, 5 or 6 of the Use Classes Order) at established industrial areas throughout Orkney through the following:</p> <ol style="list-style-type: none"> i. priority will be given to the relocation, establishment or expansion of manufacturing industry to help broaden the employment base of the County; ii. favourable consideration will also be given to other general industrial uses, including construction, storage and distributive trades (non-retailing), miscellaneous and other business services where these are clearly related to industrial and associated activity on the industrial estate. <p>Planning permission will not be granted to redevelop or use vacant business, general industry, storage or distribution sites or premises for non-employment purposes.</p> <p>b) <u>Retailing & Related Uses</u></p> <p>Food retailing developments will not be permitted within areas zoned for general industrial uses. Non-food retail uses will be discouraged with the exception of the following:</p> <ol style="list-style-type: none"> i. retailing operations which are ancillary to manufacturing and other general industrial operations already located on, or to be established in, the industrial areas will generally be supported; ii. retailing of building materials and agricultural supplies, together with associated components, plant and accessories, and other bulky goods requiring customer access 'to the door' for the dispatch of goods by vehicle; or, iii. other non-food retailing development will only be permitted in exceptional circumstances where the operating circumstances of the proposal justify such a location, and there is no suitable alternative site available within or adjacent to the town centre. <p>Proposals for all other uses including cafes, offices, leisure and recreation facilities will only be permitted when they are ancillary to, or directly related, to a particular industrial activity in the industrial area.</p>
--

c) Expansions and Alterations

The extension, or other change of use of an existing firm (involving Class 4, 5 or 6 uses) will normally be permitted provided that the site can accommodate the proposed development, and ancillary access, parking, landscaping and other design features.

Background and Issues

4.2.1 Serviced sites on industrial estates have been provided in Kirkwall, Stromness and St Margaret's Hope, and it is important to maintain these and expand them where necessary. Hatston Industrial Estate, Kirkwall and Garson Industrial Estate and Cairston Industrial Estate in Stromness are the three main employment sites within Orkney although other uses of an industrial nature are found throughout the County.

4.2.2 This policy recognises the positive contribution made to the economy by the expansion of successful businesses. The purpose of the policy is to help existing businesses prosper in the local area, by controlling the location of employment and industrial uses and enabling a continuous supply of marketable industrial land within Orkney to meet the likely foreseeable demand of manufacturing and general industrial uses. The established employment sites, which cause no significant environmental problems, are important to the long-term stability of the Orkney economy. It is important that this land is retained to meet the requirements of manufacturing and other general industrial uses and is protected from use by non-industrial or non-employment activities.

4.2.3 Increasing demand to permit non-industrial and employment uses within industrial estates should be resisted unless directly related to a manufacturing or general industrial use already located, or to be established, on the estate. In particular those uses considered to be more appropriate for town centre locations should be resisted, to protect the vitality and viability of those town centres.

4.2.4 The Council recognises that the retailing of certain types of bulky goods, particularly those associated with building materials and agriculture may not be appropriate within town centres. The Council also recognises that for the retailing of other bulky non-food items there may be instances where location on an Industrial Estate may be more appropriate. In such instances, developers must clearly indicate the reasons why they consider the industrial estate location most appropriate, including a reasoned assessment of other sites they have considered and rejected.

Implementation and Monitoring

4.2.5 The policy will be implemented through the development control process through the granting of planning permission for appropriate uses within existing industrial areas. Industry will be encouraged to locate in these areas and the Council's Economic Development Division will actively seek to ensure these employment sites are retained and developed with financial assistance.

4.2.6 Where the expansion of businesses would result in over-development of sites in existing industrial areas, the business should be encouraged to relocate to new or existing premises more suited to their needs elsewhere, and help will be given by the Planning Authority in the search for alternative sites.

4.2.7 The policy outlines the need to retain identified employment sites and therefore the number and type of other uses permitted within these sites will be carefully monitored. Monitoring will involve recording the movement of companies, and assessment of their reasons for moving.

4.3 TOWN CENTRE

Structure Plan Context

<i>Key Objective</i>	<i>Relevant Policy or Proposal</i>
<i>To encourage retail development within or adjacent to town centres, and to discourage out of centre retail development except in exceptional circumstances.</i>	<i>Policy SP/DS2 - Development Strategy Policy SP/DS3 - Settlement Hierarchy Policy SP/E5 - Retailing Policy SP/E6 - Other Town Centre Uses Policy SP/O1 - Commercial Development Proposal SP/O3 - Town Centre Strategy</i>

Local Plan Policy

<p>POLICY LP/E3</p> <p>TOWN CENTRES</p> <p>a) <u>Prime Retail Frontages</u></p> <p>In Kirkwall and Stromness, planning permission for the development, redevelopment or change of use of existing ground floor properties or sites, designated as prime retail frontages as identified in the Local Plan Proposals Maps, will be granted if it meets the following criteria:</p> <ul style="list-style-type: none"> i. it involves a use as defined in Class 1 (Shops) of the Use Classes (Scotland) Order 1997; or a use as defined in Class 3 (Food and Drink) of the Use Classes (Scotland) Order 1997, and provided it does not have an adverse effect on the amenities enjoyed by occupiers of adjoining residential properties in terms of noise, smell and disturbance; and, ii. the development does not have an adverse impact on the street frontage or the character of the respective Outstanding Conservation Areas. <p>Classes of development as defined in Class 2 (Financial, Professional and Other Services); Class 4 (a) (Office other than within Class 2) or Class 9 (Houses) of the Use Classes (Scotland) Order 1997, will only be considered if it can be demonstrated that the property has been vacant for at least 12 months, and actively marketed for retail use in that time.</p> <p>b) <u>Office Uses</u></p> <p>Development of, or change of use to, or extension of, office accommodation (Class 4 of the Use Classes Order (Scotland) 1997) will be encouraged within the town centres of Kirkwall and Stromness provided that:</p> <ul style="list-style-type: none"> i. office development in the prime retail frontage is restricted to upper floors only with the ground floor being retained for uses considered appropriate to the prime retail frontage; and, ii. the development does not have an adverse impact on the street frontage or the character of the respective Outstanding Conservation Areas. <p>c) <u>Sale of Food & Drink</u></p> <p>Planning permission will be granted for the use of premises for the sale of food and drink in both Kirkwall and Stromness town centres provided that:</p> <ul style="list-style-type: none"> i. the development does not have a significant adverse effect on the amenities enjoyed by the occupiers of adjoining residential properties, in terms of noise, smell and disturbance; and,
--

ii. as appropriate, the proposal ensures the provision of adequate storage facilities at the rear of the premises.

d) **Other Uses**

Within the town centre boundaries of Kirkwall and Stromness, planning permission for the development of other compatible town centre uses including residential, financial and professional services, residential institutions and non-residential institutions, and leisure uses, will be granted unless the proposal is in conflict with parts a) and b) of this policy.

Background and Issues

4.3.1 The purpose of this policy is to further enhance the town centres as places which are vibrant both during the day and evening. The vitality and viability of town centres are dependent on a diverse range of services and products, and it is very important to encourage their use during both the day and evening. The policy encourages growth and aims to sustain healthy town centres by encouraging a diverse range of uses.

4.3.2 The policy aims to protect the core retail areas within both Kirkwall and Stromness town centres as the main shopping areas in Orkney. Any new development, redevelopment or change of use in areas designated as prime retail frontages must be controlled carefully to encourage shops to remain in these areas. Relocation to industrial areas will be actively discouraged. Shop frontages must retain the local character and have no adverse impact on the appearance or character of the streetscape.

4.3.3 Office uses are actively encouraged within non-prime retail areas of town centres. Offices will not be permitted in shop units within prime retail areas as they make little contribution to the vibrancy of the town centre, and do not fully utilise shop windows, which may detract from the ambience of the street. The use of upper floors for office use is appropriate to maximise use of existing floorspace. Brownfield redevelopment within town centres may also be appropriate.

4.3.4 The sale of food and drink also provides an essential service within centres and encourages vibrancy and vitality of town centres out of normal office hours.

Implementation and Monitoring

4.3.5 Planning applications for non-retail uses within town centre areas will be encouraged to locate outwith the prime retail frontages, which are protected as core retailing areas. Only in exceptional circumstances will permission be granted for non-retail uses on ground floors within such areas. Applications for office development in Kirkwall and Stromness will only be permitted in town centre locations or in areas specially designated for such a use.

4.3.6 Development in whole town centre areas will be monitored to ensure that appropriate types of development are located within. Applications for development, redevelopment or change of use to or within Use Class 1 will be monitored to ensure majority of permissions are within prime shopping areas. The location of food and drink uses will be monitored to assess any adverse impact on localised areas.

4.4 ESTABLISHED SHOPPING AREAS

Structure Plan Context

<i>Key Objective</i>	<i>Relevant Policy or Proposal</i>
<i>To encourage retail development within or adjacent to town centres, and to discourage out-of-centre retail development except in exceptional circumstances.</i>	<i>Policy SP/DS2 - Development Strategy Policy SP/DS3 - Settlement Hierarchy Policy SP/E5 - Retailing Policy SP/E6 - Other Town Centre Uses Policy SP/O1 - Commercial Development Proposal SP/O3 - Town Centre Strategy</i>

Local Plan Policy

<p>POLICY LP/E4</p> <p>ESTABLISHED SHOPPING AREAS</p> <p>a) <u>Shop Extensions</u></p> <p>Planning permission for extensions to existing retail businesses will be granted where:</p> <ol style="list-style-type: none"> i. the proposed extension can be accommodated within the existing curtilage and is used in connection with the established retail use of the property; ii. existing rear access or storage is retained; iii. the proposal would not result in a loss of off-street car parking facilities; iv. the proposal would not have a detrimental affect on the amenity of adjoining residential properties; v. the materials and design are compatible with the existing building and where applicable, the surrounding conservation area; and, vi. the proposal would have no adverse impact on the character or setting of a listed building. <p>b) <u>Shop Front Design</u></p> <p>Proposals for the change or creation of a shop front will only be permitted if it preserves or enhances the character or appearance of a building and its setting through:</p> <ol style="list-style-type: none"> i. the repair and retention of an existing historic shop front or historic features within an existing shop front; ii. the treatment of the shop front as part of the whole building and its setting; iii. ensuring any blind or canopy is an integral feature of the shop front, is fully retractable, and does not create a hazard to vehicular or pedestrian traffic; iv. the use of internal lattice, safety glass or removable grilles where security shutters are proposed. Roll down shutters will not be permitted; v. the use of advertisements and signs which, in their number, size and materials, preserve or enhance the appearance of a building and its setting; vi. the design of fascias that respect the design of the shop front and building of which they form a part; and, vii. the use of traditional hanging signs rather than bulky, modern, projecting box signs in accordance with Policy LP/DC7 on advertisements.

c) Rear Service Access

Proposals for development which will diminish the availability of rear service access to shops within the prime retail frontages will not be permitted.

d) Lanes and Closes

The Council will encourage the retention and enhancement of traditional lanes and closes, which lead off the main streets within the retail centres. Developments that result in the removal or closure of these lanes will generally not be permitted unless an acceptable alternative is provided as part of the development.

Background and Issues

4.4.1 The purpose of this policy is to enhance the quality of the existing shopping environment and protect its amenity.

4.4.2 The policy aims to promote the retail sector and encourage its growth. Extensions to existing shops will be encouraged where they are in keeping with the surroundings and do not prejudice access or amenity. The main shopping areas of Stromness and Kirkwall are both situated within conservation areas and it is essential to minimise the impact of new development on the streetscape. Traditional design and materials will be encouraged throughout the main retail areas.

4.4.3 The policy promotes the maintenance of rear access to business premises that does not prejudice the character, function or appearance of the street.

4.4.4 The policy also supports the retention of the traditional pattern of lanes within the prime shopping areas of both Kirkwall and Stromness, since they provide important links between the town centres and key peripheral residential and commercial areas. The character and appearance of these lanes will be the subject of enhancement proposals.

Implementation and Monitoring

4.4.5 Design should be of the highest quality, respect the scale and character of the surrounding area and reinforce local distinctiveness. Design guidance on shop fronts and shop signs will be produced by the Council to assist in this.

4.4.6 Applications that compromise the continued use of lanes will not be permitted without an acceptable alternative being provided. Any alternative should match the character and width of that being replaced.

4.4.7 Monitoring of current and newly proposed shop front designs will be required. The continued free access to the rear of retail premises in the prime retail areas, together with the continued existence of the lanes will be an indication of the success of the policy.

4.5 OUT-OF-CENTRE RETAILING

Structure Plan Context

Key Objective	Relevant Policy or Proposal
To encourage retail development within or adjacent to town centres, and to discourage out-of-centre retail development except in exceptional circumstances.	Policy SP/E5 - Retailing Policy SP/O1 - Commercial Development Proposal SP/O3 - Town Centre Strategy

Local Plan Policy

<p>POLICY LP/E5</p> <p>OUT-OF-CENTRE RETAIL DEVELOPMENTS</p> <p>a) <u>Major Retail Developments</u></p> <p>Outwith the town centres large retail developments will only be permitted if all the following criteria are met:</p> <ol style="list-style-type: none"> i. there are no sites available for the proposed development within the town centre and the suggested site is the closest available to the town centre; ii. the proposal, either by itself or together with other shopping proposals or developments, will not harm the vitality or viability of the main retail core of the town, or another town or village; iii. the proposal is of acceptable scale, massing, materials and design; iv. the proposal is sited to ensure maximum accessibility by transport modes other than the private car; v. the proposal is not located on land used or allocated for industry or business which is required to meet the employment objectives of the Local Plan. <p>Developers will be required to submit a retail impact analysis and a reasoned justification of why the proposal cannot be located in the town centre in support of their proposals. Only full planning applications will be considered to enable the full implications of the development to be judged.</p> <p>b) <u>Neighbourhood Shops</u></p> <p>Planning permission will be granted for the establishment of small local shops as defined within Class 1(a) and (b) of the Use Classes (Scotland) Order 1997 which service everyday needs, provided the development is justified through a local demand for such a shop.</p> <p>Conditions will be imposed on any consent issued under this part of the policy to restrict subsequent changes of use within Class 1 to “convenience” type shops.</p>

Background and Issues

4.5.1 The purpose of this policy is to enable and promote consumer choice whilst maintaining the vitality and viability of other shopping areas. Large out-of-town retail developments are not to be actively encouraged in Orkney and a sequential approach to selecting sites for new retail development is to be adopted. This approach ensures the first preference is for the town centre locations, working outwardly to edge-of-centre, and these out of town sites will only then be considered appropriate where they are accessible by a choice of means of transport.

4.5.2 Due to the potential impacts of such proposals, it is important that the complete scheme is submitted for consideration. Permission in principle (outline planning permission) cannot be given due to the nature of the possible impacts of such proposals.

4.5.3 The policy also allows the provision of small convenience shops within residential areas. With the continued expansion of Kirkwall and Stromness, some residential areas will become more remote from the retail centre, and it is important to make provision for the creation of smaller shop units within residential areas, to help reduce the need for travel for goods, particularly for perishable goods.

4.5.4 Speculative development of such businesses should not be permitted to adversely affect the viability of existing enterprises, and there should be a recognition that competition between businesses can result in neither enterprise being viable and the loss of all local shopping facilities in an area.

Implementation and Monitoring

4.5.5 Out-of-centre retailing proposals submitted for planning permission without retail impact analysis and reasoned justifications will be judged to be incomplete and will not be considered. Applications for outline planning permission will likewise not be considered.

4.5.6 The need for smaller neighbourhood retail units will be carefully assessed and only those matching the description of “convenience” type shops will meet the requirements of the policy.

4.5.7 Retail impact analysis will be carried out 12 months after the opening of any new out-of-town development to assess the impact on existing shopping areas.

4.6 MIXED USE AREAS

Structure Plan Context

<i>Key Objective</i>	<i>Relevant Policy or Proposal</i>
<i>To encourage retail development within or adjacent to town centres.</i>	<i>Policy SP/E5 - Retailing</i>

Local Plan Policy

<p>POLICY LP/E6</p> <p>MIXED USE AREAS</p> <p>In areas zoned for mixed use, proposals for uses associated with a town or village centre are acceptable in principle. Such uses include business and office use, retailing, residential or leisure and entertainment uses. For all proposals apart from residential, justification of why a town centre location has not been identified will be required.</p> <p>Planning permission will be granted for such uses provided that the development would not:</p> <p>a) have a serious impact on the vitality and viability of the town centre; or,</p> <p>b) be prejudicial to the comprehensive development of a large area of which the proposed development forms a part.</p>

Background and Issues

4.6.1 The purpose of this policy is to allow for appropriate developments to take place within mixed-use areas. Certain areas, particularly within or close to town centres have historically developed a mixture of different uses - commercial, residential, storage, etc. This mix should be allowed to continue provided that there is no significant and harmful environmental impact particularly on residential properties. Some uses may constitute “bad neighbour” developments by nature of their operation, causing noise or smells, or late night disturbance. In such uses, a segregation of the uses is appropriate and although the Council cannot readily affect such changes, it can identify, through the Local Plan, what it considers to be the most appropriate overall land use. Any new proposals within mixed-use areas likely to have a detrimental environmental impact, particularly on the amenity of residents, should not be permitted.

Implementation and Monitoring

4.6.2 Within the Proposals Statements and Maps, sites are identified where more appropriate uses would be preferable, and whose redevelopment is to be encouraged. The policy will be monitored by assessing the number of development proposals approved in such areas in accordance with the plan.

4.7 RURAL SHOPS

Structure Plan Context

<i>Key Objective</i>	<i>Relevant Policy or Proposal</i>
<i>To encourage the retention of rural shop facilities.</i>	<i>Policy SP/E5 - Retailing</i>

Local Plan Policy

POLICY LP/E7 RURAL SHOPS Planning permission will be granted for new retail development in villages and rural settlements provided that the facility is primarily intended to service a local need, or to serve the tourism market, and its design accords with the principles set out in Policy LP/DC2 – Siting and Design.

Background and Issues

4.7.1 The purpose of this policy is to help support and encourage rural shops to maintain a vital service. Rural shops are crucial to the elderly, disabled, and car-less sections of the rural community and therefore any new development has to be supported. Many Post Office facilities are already incorporated in rural shops and their continued existence is important to local communities. In accordance with the Structure Plan Development Strategy, priority is given to the provision of shops serving local needs in the identified villages and rural settlements.

Implementation and Monitoring

4.7.2 The number of rural shops and their location throughout the county will be monitored to ensure that such development is being located or maintained within the villages and rural settlements.

4.8 TOURIST DEVELOPMENTS

Structure Plan Context

<i>Key Objective</i>	<i>Relevant Policy or Proposal</i>
<i>To encourage tourism development.</i>	<i>Policy SP/E7 - Tourism</i>

Local Plan Policy

<p>POLICY LP/E8</p> <p>TOURIST DEVELOPMENTS</p> <p>New tourist developments will be assessed against the following:</p> <p>a) <u>Within Towns, Villages and Rural Settlements</u></p> <p>Tourism developments within the settlements, which are of a high quality design, scale and type compatible with the character of the surrounding area, will be permitted, providing there is:</p> <ol style="list-style-type: none"> i. adequate parking facilities and capacity within the road network to cope with any extra traffic generated; and, ii. the amenities of nearby residents are not harmed. <p>b) <u>Within the Countryside</u></p> <p>Developments in rural areas will be permitted only where:</p> <ol style="list-style-type: none"> i. there is no adverse effect on the natural heritage, landscape, amenity and general appearance of the countryside and coast; ii. there is adequate and appropriate parking and suitably sized roads to manage any increase in traffic; iii. proposals endeavour to be sited near to major public transport corridors, i.e. ferry/bus/air routes; and, iv. the design of new developments is of high quality adding to and reflecting the character and amenity of the local area. <p>In all cases the development proposals will be judged with regard to the possibility of unacceptable pressures being placed upon the resource itself, or of its intrinsic interest, whether this be in terms of cultural or natural heritage or landscape quality.</p> <p>c) <u>Themes</u></p> <p>Particular encouragement will be given to proposals, which promote any of the main themes associated with Orkney, including:</p> <ol style="list-style-type: none"> i. Wildlife and Landscape; ii. Ancient Peoples In Orkney; iii. Viking Times and Influences; iv. Folklore History; v. Orkney and the Defence of Britain; and, vi. Orkney Crafts

d) Added Benefits

Development proposals that contribute to the following will be looked upon favourably:

- i. attract significantly more people and spending to Orkney;
- ii. help to lengthen the tourist season, develop the conference trade or encourage business tourism;
- iii. provide wet weather facilities;
- iv. benefit the local community as well as tourists;
- v. enhance or make better use of existing attractions and facilities and promote the local character of an area;
- vi. make better use of existing infrastructure; and,
- vii. promote “green” tourism.

e) Existing Attractions

Any development adjacent to or near an existing tourist attraction will not be encouraged unless it is designed to enhance or minimise any impact on the site of interest.

f) Interpretation Facilities

New interpretation developments will be permitted if the criteria below are met:

- i. there is adequate parking and no road hazard is caused;
- ii. the design is sympathetic to its surroundings, i.e. colour, height, size, materials;
- iii. the development does not detract from the amenity of the area;
- iv. the proposal takes account of the needs of people with mobility impairment; and,
- v. there is no adverse impact on the natural heritage

Background and Issues

4.8.1 The purpose of this policy is to significantly increase the present level of tourism in Orkney, without damaging the resource on which it is based. Although tourism is one of the main sources of income in the economy it must be developed in a sustainable manner. The policy supports the development of informative and well-designed interpretation facilities that do not detract from the amenity of the area and are accessible to the mobility impaired. Careful consideration on the design and siting of information facilities is necessary to enhance the area in which they are located.

Implementation and Monitoring

4.8.2 In assessing proposals, policy guidelines concerning the effects on the area must be met whilst taking particular account of the appropriateness and actual need of the development to be in the location proposed. Due to the importance of maintaining and enhancing the amenity of an area, only well designed interpretation facilities will be encouraged. The number of new tourist developments permitted which accord with the plan will be monitored.

4.9 TOURIST ACCOMMODATION

Structure Plan Context

Key Objective	Relevant Policy or Proposal
To encourage tourism development.	Policy SP/E7 - Tourism

Local Plan Policy

<p>POLICY LP/E9</p> <p>TOURIST ACCOMMODATION</p> <p>a) <u>Hotels, Guest Houses and Serviced Accommodation</u></p> <p>There will be a presumption in favour of proposals for new hotels, guesthouses or other serviced and self-catering accommodation for visitors; the extension or upgrading of such accommodation; or the change of use of buildings to provide such accommodation provided that the following criteria are met:</p> <ul style="list-style-type: none">i. the development is in keeping with its surroundings in terms of siting, scale, design, materials and landscaping;ii. historic buildings or those of architectural interest and their settings are not harmed; and,iii. the development would not result in the loss of residential accommodation within the town centres. <p>In principle the Council will support proposals for the upgrading of Bed & Breakfast establishments and existing hotels.</p> <p>b) <u>Camping and Touring Caravan Sites</u></p> <p>Planning permission for the development of camping and touring caravan sites will be granted if the following criteria are met:</p> <ul style="list-style-type: none">i. the development can be integrated in the landscape and associated with existing development;ii. the development will not affect a site of general importance for wildlife conservation, scientific interest, archaeological significance or tourism value; and,iii. the development site is capable of accessing water facilities and sewage disposal facilities.

Background and Issues

4.9.1 The policy allows the development of good quality accommodation for tourists and visitors. Tourism makes a major contribution to the economy of Orkney, and it is therefore very important that adequate accommodation of a suitable standard and variety is provided in the County.

4.9.2 Whilst there is a recognised need to provide camp sites, and touring and holiday caravan sites, the policy ensures that the environment is not adversely affected by the inherent obtrusive nature of such development.

4.9.3 For the avoidance of doubt the Town and Country Planning (Use Classes) Order 1997 extends Class 9 to include limited use as a bed and breakfast or guesthouse. The use is permitted for this purpose of a maximum of one bedroom where the house has less than 4 bedrooms and a maximum of 2 bedrooms where the house has 4 or more bedrooms. Where

this threshold is exceeded planning permission will be required for a change of use to Class 7 - Hotels and Hostels.

Implementation and Monitoring

4.9.4 The policy will be implemented through the development control process. Caravans are not suitable for long-term winter use and their siting must blend with their landscape setting. Appropriate site screening and landscaping should be undertaken to minimise the visual impact on the surrounding area. Their location should not be random, and should reflect the demands of the holiday market, as identified through the Orkney Tourist Board. These criteria will be best achieved by the modest expansion of existing sites and the provision of new small sites. Appropriate conditions should be attached to permissions to include annual inspection of sites to confirm their suitability, establish the maximum period of any holiday let, ensure the holiday/temporary (rather than permanent) use of the caravan and highlight the need for a Caravan Site Licence.

4.9.5 The policy will be monitored by assessing whether there is sufficient accommodation available at peak times of the season. The number of establishments with a grading from the tourist board will act as an indicator of the quality of the accommodation.

4.10 AGRICULTURE

Structure Plan Context

Key Objective	Relevant Policy or Proposal
None applicable.	Policy SP/E3 - Business in the Rural Areas Policy SP/E4 - Business Diversification

Local Plan Policy

<p>POLICY LP/E10</p> <p>AGRICULTURAL AND NON DOMESTIC RURAL BUILDINGS</p> <p>a) <u>New Farm Buildings</u></p> <p>Planning consent for new farm buildings will be granted provided that:</p> <ol style="list-style-type: none"> i. the use proposed for the building cannot be accommodated through rehabilitation or conversion of existing buildings; ii. subject to operational requirements, the building is sited and designed to respect the scale, character and colour scheme of existing buildings and surroundings, and minimise the impact on the appearance or character of the landscape; iii. considerate use of landscaping is used to integrate the new development with its immediate surroundings and to mitigate any impact it may have on the wider landscape; and, iv. the proposal would not cause noise, air or water pollution. <p>b) <u>Farm Diversification</u></p> <p>Proposals to diversify the range of economic activities on a farm will be permitted if all the following criteria are met:</p> <ol style="list-style-type: none"> i. the proposal is complementary to the agricultural operations on the farm and is operated as part of the farm holding; ii. the character, scale and location of the proposal is compatible with its landscape setting and any site or area of natural or built heritage importance; iii. the likely amount of traffic generated by the proposal could be accommodated on the local highway network without affecting road safety; iv. if appropriate, the proposal should re-use or adapt any farm building which is available; v. if a new building is justified, it should be sited in or adjacent to an existing group of buildings, be of compatible design, and blend satisfactorily into the landscape in design, siting and materials; and, vi. the proposal would not cause noise, air or water pollution. <p>c) <u>Other Non Domestic Rural Buildings</u></p> <p>Planning permission will be granted to re-use and adapt an existing rural building for a commercial, industrial or recreational use provided that:</p> <ol style="list-style-type: none"> i. it is for the change of use, extension or alteration to a substantial sound and permanently constructed building which is no longer required for the use for which it was originally designed; ii. it is essential to the local economy and cannot be provided in an existing settlement;

- | |
|---|
| <p>iii. any conversion, extension or alteration is appropriate in scale and design with the character of existing buildings and the surrounding landscape; and,</p> <p>iv. considerate use of landscaping is used to mitigate any adverse impact.</p> |
|---|

Background and Issues

4.10.1 Agricultural buildings have become increasingly industrial in scale and design, and the need to control their development was acknowledged in 1992 when permitted development rights for farm buildings were reduced and the system of prior notification introduced, giving local authorities power to exercise control over the siting, design and external appearance of these buildings. Agricultural buildings will often require Prior Notification rather than planning permission. In these cases developments are notified to the Council who then have 28 days in which to ask for a planning application. The need for a planning application will be judged on the criteria within the policy.

4.10.2 The open nature of the Orkney landscape makes large agricultural buildings very prominent, accentuating the need for thoughtful siting, good design and sympathetic colouring. Three main issues exist relating to the design of new farm buildings:

- poor siting of buildings located, for example in, prominent skyline locations, or without regard to existing development;
- inappropriate design and use of materials; and,
- inappropriate use of colour.

4.10.3 This policy aims to ensure that new agricultural buildings integrate with the landscape rather than have negative impact upon it. Farming is a key component of Orkney's economy and it is important for farmers to diversify to maintain the viability of the industry and sustain population and employment levels in the rural parts of the County. The policy, therefore, supports the diversification of farm enterprises. Farmers are also encouraged to renovate redundant farm buildings to provide tourist accommodation or alternative employment uses, e.g. tele-centres or workshops.

4.10.4 In addition, the policy aims to ensure that non-residential or non-agricultural development in the countryside utilises existing buildings and makes a positive contribution to both the economy and landscape. The re-use and adaptation of vacant rural buildings has potential to make an important contribution to meeting the commercial and industrial development needs of rural areas, and provide for tourism, sport and recreation facilities. This also reduces demand for new buildings in the countryside, maximising the use of existing buildings and providing employment.

Implementation and Monitoring

4.10.5 This policy will be implemented through the development control process. Applicants for both planning permission and prior notification will be required to show that the development meets the criteria of the policy. Conditions and agreement on planning consents may be used to secure landscaping to mitigate any landscape impact.

4.10.6 Monitoring of this policy will be through the review of Prior Notification applications to determine how many were elevated to the status of planning applications because of poor siting, design or colouring. The number of non-residential development proposals within the rural settlements compared to those in the open countryside, and the number which involve redevelopment of existing buildings will also be monitored.

4.11 MINERAL EXTRACTION

Structure Plan Context

<i>Key Objective</i>	<i>Relevant Policy or Proposal</i>
<i>To provide a planning framework for the extraction of minerals.</i>	<i>Policy SP/E8 - Minerals</i>

Local Plan Policy

<p>POLICY LP/E11</p> <p>MINERAL EXTRACTION</p> <p>a) <u>Guiding Principles</u></p> <p>In considering planning applications for mineral workings the Council will favour permitting extensions to existing workings rather than the opening of new greenfield sites in instances where:</p> <ul style="list-style-type: none"> i. an extension is not likely to cause any significant adverse effect on residential properties, the historic environment or natural heritage; and, ii. an extension may bring about improvements either in terms of working practices at the site, restoration and after-care, or other environmental quality improvements; <p>with the opening of new sites only being considered in instances where:</p> <ul style="list-style-type: none"> i. a particular source of material has been exhausted, and it is clear that it is not possible to meet the 10 year landbank for a local market area; and, ii. a new mineral resource has been identified as being commercially exploitable. <p>b) <u>Areas of Search</u></p> <p>Subject to all other relevant policies within the Local Plan, the Council will determine the acceptability of mineral extraction in accordance with a three-tier constraint policy:</p> <ul style="list-style-type: none"> i. Tier 1 - Within this area there will be a strong presumption against new mineral extraction. The first tier areas comprise: <ul style="list-style-type: none"> Natura 2000 sites and Sites of Special Scientific Interest; National Scenic Area; Scheduled Ancient Monuments and their settings; coastal erosion areas; and, World Heritage Zone of Visual Influence. ii. Tier 2 - Within this area permission for new mineral extraction will only be permitted if the Council is satisfied that the relevant environmental resources are safeguarded and the minerals are not available from third tier sites. The second tier area comprises: <ul style="list-style-type: none"> areas of Local Nature Conservation Importance; sites contained within the Sites and Ancient Monuments Record and their settings; Listed Buildings and their settings; Areas of Great Landscape Value and Areas of Attractive Settled Landscape;

within 400m of the defined boundaries of towns, villages and rural settlements;
and,
areas identified within the Local or Structure Plan for future development.

- iii. Tier 3 - This area is least constrained and extraction of minerals will be permitted subject to individual site and local circumstances. This area comprises the remainder of Orkney not included in Tiers 1 and 2.

c) **Restoration and After-care**

Proposals for mineral extraction will only be permitted by the Council where proper provision has been made for the restoration and aftercare of the site as soon as practicable. This will include:

- i. an assessment of the existing landscape and a practical scheme showing how the reclaimed site will be assimilated into the landscape;
- ii. details of phasing, filling, land forms, drainage, pollution prevention measures, management of soils and landscaping;
- iii. measures to enhance the environment such as landscape features and wildlife habitats; and,
- iv. arrangements for the effective aftercare of the site.

The Council will expect all applicants for minerals development to demonstrate how they propose to make financial provision for the restoration and after-care of the site. The Council may require the applicant to enter into an agreement to provide a bond or restoration guarantee to cover the cost of restoration in the event of failure to carry out the agreed works.

Background and Issues

4.11.1 National planning guidance requires Local Plans to indicate sites, or define areas of search where planning authorities would favour mineral working. The Islands have significant rock, sand, peat and maerl reserves, exploitation of which can make an important contribution to the local economy.

4.11.2 It is important to maintain a 10 year "landbank" of workable sites for each market area, safeguard good mineral deposits from development which may preclude their future exploitation and, as far as possible, ensure that mineral deposits are worked in a sustainable manner and with a minimal impact on the wider environment, especially watercourses. The main local market area is the Mainland and linked South Isles with each of the other individual islands being considered as separate market areas.

4.11.3 The objective of this policy is to identify appropriate areas where mineral extraction is likely to be most acceptable. The Council is of the view that it is generally preferable, as a means of minimising environmental disturbance, to permit extensions to existing sites, as opposed to the opening of new greenfield sites. This provides a number of advantages including an established history of extraction in the area, the proven viability of reserves, less pressure for new greenfield sites and reduced costs for the operator.

4.11.4 By its very nature mineral working has often had more of an impact on the environment than any other form of development. Restoration, after-care and after-use are important and integral parts of the minerals planning system, which should ensure that workings do not leave a legacy of dereliction. Land taken for mineral operations should be restored to an acceptable and beneficial after-use as soon as possible after working has ceased. The quality of restoration and after use of minerals sites are key considerations to be taken into account before planning applications for mineral working are determined. The policy therefore promotes the restoration and after-care of mineral workings once mineral operations have ceased.

4.11.5 As part of the work on "Towards a Minerals Strategy for Orkney" in March 1999, British Geological Survey produced a report on "Alternative Uses for Working and Disused

Hardrock Quarries" which provides a useful synthesis of potential after-uses to which such developments could be put. Waste disposal, recreation and nature conservation are all considered acceptable after uses.

4.11.6 Under the General Permitted Development (Scotland) Order as amended (1997) the extraction of any mineral from agricultural land comprised in an agricultural unit is permitted development provided that the mineral is not moved off the unit. This allows farmers to win minerals for their own use. If these minerals are subsequently sold then development has occurred and planning permission will be required.

Implementation and Monitoring

4.11.7 A separate and more detailed Minerals Strategy will be developed to expand on the principles identified within the Structure and Local Plans.

4.11.8 In most instances properly worded and relevant planning conditions when complied with or enforced, will be sufficient to ensure the adequate restoration and after-use of a site. However, there may be circumstances, e.g. the financial failure of the operator, which would result in the required restoration not being carried out. In order to ensure that such possibilities are accounted for, financial guarantees can be provided between the Council and the operator. It is essential that in the event of an operator not being able to satisfy the restoration and after-care requirements, adequate funding is available to the Council to allow the work to be carried out.

4.11.9 The policy will be monitored through an assessment of proposals throughout the plan period to determine whether approved developments are being undertaken in an environmentally acceptable way. Assessments of export and import of minerals will be used to judge whether current activity is meeting or exceeding local needs. Completed sites will be inspected to ensure that the necessary restoration and after-care requirements have been complied with.

4.12 HOMEWORKING/TELEWORKING

Structure Plan Context

<i>Key Objective</i>	<i>Relevant Policy or Proposal</i>
<i>None applicable.</i>	<i>None applicable.</i>

Local Plan Policy

POLICY LP/E12

HOMEWORKING

Planning applications for home-based businesses, including teleworking or IT related businesses will be considered favourably, in particular where there is a demonstrated need to enhance the life of rural residents, business performance and relations, or educational facilities provided that the scale of the operation is compatible with the continued primary function of the property as a dwelling house.

Background and Issues

4.12.1 The purpose of this policy is to encourage homeworking opportunities and small businesses carried out in the home, whilst maintaining control over the impact that business activity can have on the surrounding area. The activity should not reduce the quality of the surrounding area or have an impact greater than that of a dwelling house on the character, amenity or landscape of the area. Generally, change of use to a non-residential use will be deemed to have occurred when more than one room of the house is used for the business purpose or the business requires more people to call at the property than could normally be expected at a residence. Opportunities for the development of information technology based businesses, especially in the more rural areas of Orkney where other economic opportunities are limited, are encouraged.

Implementation and Monitoring

4.12.2 In implementing the policy, the Council will expect sufficient information to be provided to enable a full assessment of the proposed business. Consideration will be made of the scale of the business (number of staff and space used), the nature of the business, the amount of traffic generated and the likely effect on the surrounding area. Planning conditions may be used to ensure that the business operations can be controlled.

4.12.3 The aim of the policy is to help establish new small businesses but to control the level of business activity operated from home. Monitoring the success of the policy will therefore require an assessment of home-based businesses at the start and end of the Plan period.