



**Orkney Islands Council
Development Briefs and Design Statements Supplementary Guidance
(May 2014 Draft)**

Participation Statement & Consultation Report

18 July 2014

1) Introduction

Orkney Islands Council published a draft consultation paper titled Development Briefs and Design Statements Supplementary Guidance on 8 May 2014.

Interested parties and key agencies were invited to comment on this draft of the document over a six week period from the 8th May 2014 to 19th June 2014.

2) Consultation Methods

1) Public advertisement

- An official advertisement was placed in the Orcadian on the 8th May 2014 detailing the consultation; the consultation dates; the location of copies of the Draft Supplementary Guidance; and how members of the public could comment.

2) Public display of documents

- Documents were made available at the OIC Customer Services One Stop Shop in Kirkwall, the Kirkwall and Stromness Libraries, Stromness Cash Office, and on the Orkney Islands Council website.

3) Letters to key agencies

- Letters were sent to all statutory consultees, key agencies and community councils on 8th May 2014.

3) Consultation Results

Key issues raised include:

- There was a desire that the guidance provided advice on Design Statements

for the development of individual buildings in addition to larger allocations.

- There was a degree of confusion regarding the terminology used to define the process where a full development brief was not required.
- Additional considerations were suggested regarding potential constraints to be addressed on a particular site.

Key changes to the document include:

- The terminology has been revised within the document to avoid confusion with regards to Design Statements, relating to individual buildings, and Site Development Statements, which relate to wider sites of multiple units.
- An additional section has been added to the document relating to Design Statements for individual buildings.
- An additional Appendix has been included to provide advice on preparing Design Statements for individual developments.
- A template for a Design Statement has been included as an additional appendix.

Proposals which have not been taken on board include:

- The inclusion of a flow chart within the document; and
- The inclusion of additional images within the document.

4) Conclusion

Full details for the reasoning behind these proposals are included in the Consultation Report at Appendix 1

Orkney Islands Council

Development Briefs and Design Statements Participation Statement and Consultation Report

Consultation Period: 8th May 2014 – 19th June 2014

<u>Representation</u>	<u>Consultee Type</u>	<u>Consultee Number</u>	<u>Comment Number</u>	<u>Comments</u>	<u>Response from Planning Authority</u>
[REDACTED]	KA	3	001	<p>Thank you for consulting us on the above draft Supplementary Guidance (SG). We welcome its preparation, and note that the SG sets out the requirement that development briefs or design statements will be adopted in accordance with the requirements of this SG and in accordance with the overarching Policy D8: Development Briefs and Design statements of the Orkney Islands Council Local Development Plan 2014.</p> <p>We have no detailed comments to offer on this occasion, other than to welcome that the SG sets out requirements for all applicants to consider, including consideration of design as an integral part of the development process, consideration of constraints present at development sites and provision of solutions to developing the site in its entirety.</p> <p>Appendix 1: Information to be considered in design briefs, will also ensure historic environment features and their settings are part of consideration in the production of the design briefs or statements.</p>	Support noted
[REDACTED]	KA	2	001	<p>Thank you for your [REDACTED] May 2014 requesting [REDACTED] on the above draft Supplementary Guidance (SG). We welcome the opportunity to comment on this topic. Overall we are supportive of this Supplementary Guidance and only have a few minor suggestions on how the document could be strengthened to ensure that the natural heritage and access opportunities are maximised in new developments.</p>	General support noted

				Detailed in the Annex A are our specific comments on the SG, we hope you find them helpful. Please let me know if you wish to discuss anything in more detail in relation to this response.	
█	KA	2	002	<p>Annex A: Detailed Comments on Development Briefs and Design Statements – Draft Supplementary Guidance</p> <p>Annex 1 of the Supplementary Guidance</p> <p><u>Site description</u></p> <p>We suggest that it would be useful to get developers to consider and identify “how the development can integrate with and/or enhance the surrounding green networks and habitat corridors where appropriate.</p> <p>We note that there is no mention of hydrology in this section and we believe that considering the areas natural hydrology can provide opportunities to deliver improvements to the water environment and other associated benefits including amenity in an integrated way.</p>	<p>AP1 – add bullet above natural heritage (4) that states:</p> <p><i>“can the development integrate with and/or enhance the surrounding green networks or habitat corridors?”</i></p> <p>Bullet 6 refers to water courses.</p>
█	KA	2	003	<p><u>Use of space</u></p> <p>We suggest that there is reference in this section to “consider how any required SUDS provision can be incorporated into the design to not only provide water management but also provide enhanced amenity and improved sense of place.</p>	<p>AP2 – add bullet in Use of Space Section to read:</p> <p><i>Can any SUDS provision be utilised to enhance amenity and improve the sense of place?</i></p>
█	KA	2	004	<p><u>Identity</u></p> <p>Annex 1 currently states “Could the development affect any Rights of Way?”</p> <p>We suggest that this should be expanded and also seek to link into these important routes as often important access routes are not classified and Rights of Way. We therefore recommend that this wording is amended to wording such as “Could the development affect any Rights of Way, Core Path or other important access routes and can the development link into and enhance these routes?”</p>	<p>AP3 – amend final bullet in section one of ‘Identity’ to read:</p> <p><i>“Could the development affect any Rights of Way, Core Path or other important access routes and can the development link into and enhance these routes?”</i></p>
█	KA	18	001	<p>█ supports the Development Brief and Masterplan process; it provides additional certainty on how a site, or area, is to be developed. It also provides the opportunity for █ to comment on the status of its assets and the anticipated water and wastewater infrastructure requirements for the new development, at that time.</p> <p>A Development Brief or Masterplan will █ remove the need for the developer to contact █ to arrange the</p>	<p>Point noted</p> <p>AP4 – add sentence within introduction on page 3 which reads:</p> <p><i>A Development Brief or Masterplan will not remove the need for the developer to contact Scottish Water to arrange the approval of their water or wastewater connection. Scottish Water welcome early engagement and advise that developers should submit a Pre Development Enquiry Form and the necessary connection</i></p>

				approval of their water or wastewater connection. They should still submit a Pre Development Enquiry Form and the necessary connection application forms (found at www.scottishwater.co.uk). As always, early engagement is recommended.	<i>application forms at the earliest opportunity (found at www.scottishwater.co.uk).</i>
█	KA	10	001	<p>We welcome the opportunity to comment on this draft Supplementary Guidance. From our response below, you will see that we require a number of changes to be made to the Supplementary Guidance, and have also made some recommendations and suggestions.</p> <p>1. Section 2.1 Design statements</p> <p>1.1 We note that the draft Guidance highlights the importance of pre-application discussions to ensure that the developer is fully aware of any known constraints relating to the development site. We welcome the inclusion of this issue within the Guidance. We are happy to participate in pre-application discussions where this would be helpful to the Council and the developer. In addition, we would be happy to review draft development briefs/design statements and to provide comments in relation to issues within SEPA's remit.</p> <p>1.2 In relation to the final paragraph of section 2.1 we support the inclusion of flood risk as a potential significant constraint to development.</p>	Support noted
█	KA	10	002	<p>2. Appendix 1</p> <p>2.1 We welcome the inclusion of guidance on the types of issues that should be covered within the development brief or design statement. We have reviewed the contents of appendix 1 and can provide the comments set out below. Whilst we recognise that the information in Appendix 1 is an outline of general information that should be considered in the production of a design statement or development brief, we would highlight that there may also be site specific issues that may arise which will also need to be carefully considered.</p>	The introduction to Appendix One makes it clear that the general information is indicative only and that all constraints identified on a site should be considered.
█	KA	10	003	2.2 We would also highlight that we consider	

				<p>paragraph 1 of appendix 1 could be made clearer so that developers are fully aware that further assessments may be required to inform the design statement/development brief/site organisation plan and to show how the constraints to the site have been considered. For example, a Flood Risk Assessment may be required to demonstrate the areas of the site that are suitable for development. Although we recognise that policies in your Local Plan will specifically require such assessments and will set out detailed requirements in relation to issues such as flood risk, for the interests of clarity, we suggest that this paragraph is amended to highlight that assessments may be required and that a solution to the identified constraints will need to be provided. Indeed, we note that reference to this issue is made on page 7. We therefore suggest wording along the lines of the following:</p> <p>“The Design Statement/Development Brief should address any identified constraints on the site and demonstrate through the associated Site Organisation Plan, informed where necessary by supporting assessments such as a Flood Risk Assessment or Drainage Impact Assessment, how these factors have been considered and how the site accords with national and local policies.”</p> <p>We would suggest that you consider including information on the type of assessments that may be required and at what stage you may require them to be submitted.</p>	<p>AP5 – amend sentence 2 in paragraph 1 of Appendix 1 (page 9) to read:</p> <p><i>“The Statement/ Brief should address any identified constraints on the site and demonstrate through the associated Site Organisation Plan, informed where necessary by supporting assessments such as a Flood Risk Assessment or Drainage Impact Assessment, how these factors have been considered and how the site accords with national and local policies.”</i></p>
█	KA	10	004	<p>Watercourses</p> <p>2.3 We note that developers should identify if there is the potential for the development to affect a watercourse. We support the inclusion of this issue within appendix 1.</p> <p>2.4 However, in respect of the requirement for a buffer zone, we highlight that policy N5 of your local plan requires a buffer zone to be included in all circumstances with few exceptions. We therefore request that this is made clearer within appendix 1. In addition, the reference to ‘brief’ indicates that this is only a requirement in terms of development briefs. We request that this is also made clearer so that developers are aware that this refers to design statements as well as to development briefs. In light of these comments, we would suggest the following wording</p>	<p>AP6 – replace ‘may’ with ‘will’ at bullet 6 of Site Description (appendix 1)</p>

				<p>amendment:</p> <p>“Is there potential for the development to affect a watercourse? If so it may will be necessary to identify an appropriate buffer zone in the Brief.”</p> <p>2.5 In addition, we would highlight that, in order to meet the objectives of the Water Framework Directive of preventing any deterioration and improving the water environment, developments should be designed to avoid engineering activities in the water environment wherever possible. We require it to be demonstrated that every effort has been made to leave the water environment in its natural state. Engineering activities such as culverts, bridges, watercourse diversions, bank modifications or dams should be avoided unless there is no practicable alternative. Paragraph 211 of SPP deters unnecessary culverting. Where a watercourse crossing cannot be avoided, bridging solutions or bottomless or arched culverts which do not affect the bed and banks of the watercourse should be used.</p> <p>2.6 We recommend that early consideration is given to this issue throughout the design of the development. We therefore request that this issue is included within appendix 1 and would suggest the following bullet point: “Are any engineering works, for example watercourse crossings, proposed in the water environment?”</p> <p>2.7 In respect of the above, we would highlight that consent is required from SEPA under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) (as amended). We note that this is referenced within policy N5 of your local plan. You should consider whether it would be useful to highlight this requirement to the developer within this Guidance so that early discussions can take place where necessary.</p>	<p>AP7 – add bullet to Context Section which reads: <i>“Are any engineering works, for example watercourse crossings, proposed in the water environment?”</i></p> <p>Policy N5 includes this information and it would not be appropriate to duplicate information unnecessarily.</p>
█	KA	10	005	<p>Waste water drainage</p> <p>2.10 We welcome the inclusion of public utilities as a potential constraint to development. With specific regard to waste water drainage, we would highlight the requirement for proposals to only consider an alternative means of foul drainage where it has been proven that connection to the public sewer is not feasible. This is in accordance with the</p>	<p>AP8 – Add bullet in Services which reads: <i>‘If connection to the public sewer is shown not to be possible, identify the proposed waste water arrangements which are environmentally acceptable and comply with local policy’</i></p>

				requirements of PAN79 Water and Drainage, our Policy and Supporting Guidance on Provision of Waste Water Drainage in settlements and policy D3 of your Local Plan. In addition, it should be ensured that all proposed waste water arrangements are environmentally acceptable. We request that these issues are made clearer within the Guidance, possibly by amending the wording as follows: 'If connection to the public sewer is shown not to be possible, identify the proposed waste water arrangements which are environmentally acceptable and comply with local	
█	KA	10	006	policy' Surface water drainage 2.11 We welcome and support the requirement for surface water drainage to be included within the	Support Noted
█	KA	10	007	brief/statement including the use of SUDS. Waste 2.12 We also support the requirement for the	Support noted
█	KA	10	008	development to incorporate space for waste and recycling. Disruption of wetlands including peatlands 2.13 We note that policies N5 and N6 of your local plan refer to the protection of the water environment and disturbance of peat. 2.14 We recommend that you consider whether future development may impact upon wetlands or peatlands. If this is considered to be the case, we request that this potential constraint is highlighted to developers within Appendix 1. If there are wetlands or peatland systems present, it should be demonstrated how the layout and design of the proposal	It is not felt appropriate to include this constraint as sites allocated for development do not include wetlands or areas of peat. If such a site were to be developed, the relevant policy would ensure it is given due consideration.
█	KA	10	009	avoids impact on such areas. Groundwater abstractions 2.15 Similarly to the above, we recommend that you consider whether future development is likely to impact upon existing groundwater abstractions. If this is considered to be the case, we request that this potential constraint is	As above.
█	OIC	011	001	also highlighted to developers within Appendix 1. Introduction • Policy D8 refers to the SG 'Development Quality in the Countryside', but not the SG Development Quality in Settlements.	The Core policy is taken from the Plan and cannot be amended. It is clear from the relevant policies and supplementary guidance that Development Quality in Settlements is relevant.

				<p>Strategy Design statements:</p> <ul style="list-style-type: none"> • Could we use an alternative term, such as "Site Development Statement", to distinguish from "Design Statement" that we commonly require for individual houses in the countryside or required by statute for new buildings in the NSA? It would be good if this SG could also include guidance for these more commonly required Design Statements, including a template and/or a good example of one. • Additional bullet point at end of 2.1: "Proximate to key elements of the built or natural heritage" • Flooding might not be the best constraint example to require a DB; if this was the only issue it would likely be covered under a flood risk assessment. • A note to the effect that any applications over 2ha will require to go through major application process PAC. • This does not read well imposition 	<p>AP9 – change title of section 2.1 to 'Site Development Statements' and amend all other references to 'Design Statements'.</p> <p>AP10 – Add section entitled 'Design Statements' at 2.4 which reads:</p> <p><i>Planning applications for new buildings should normally be supported by a design statement. The design statement should include details of the energy conservation measures to be incorporated in the design and the layout of the development in light of any constraints on the development site.</i></p> <p><i>A Design Statement should be a concise report which illustrates the process that has led to the proposal and explains it in a structured way. The Statement will seek to justify the key elements of your proposal in relation to evidence that you understand and have taken into account in the specific context of your chosen site. Further information and a Design Statement Template can be found at Appendix 2.</i></p> <p>AP11- add Design Statement guidance notes as Appendix 2.</p> <p>AP12 – add Design Statement template at Appendix 3.</p> <p>AP13 – add bullet to list at 2.1 which states:</p> <p><i>'has potential to have a significant impact on key elements of built or natural heritage.'</i></p> <p>Point noted</p> <p>Suggestion noted but it is not felt appropriate to add this information here.</p> <p>AP14 – replace <i>'the imposition of'</i> in final paragraph of 2.1 with</p>
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				would not be a word we would generally use we would normally refer to attaching conditions to a consent <ul style="list-style-type: none"> The statement "or by the imposition of conditions/reserved matters on any planning consent, then it will be necessary for a Development Brief to be prepared for the site" it should refer to matters specified by conditions rather than reserved matters. 	'attaching' AP15 – replace 'reserved matters' in penultimate sentence of 2.1 with 'matters specified by conditions'.
	OIC	011	002	Development Briefs: <ul style="list-style-type: none"> Why do all non-residential or mixed-use sites have to be covered by a DB? Aren't some that are in single ownership, say in Garson or Hatston, straight forward enough to be capable of being dealt with by a "Site Development Statement"? " There will be occasions where a Development Brief will be required in advance of any application for planning permission being deemed acceptable," I do not think this reads clearly I would suggest : "There will be occasions where a Development Brief will require to be prepared for submission with the planning application for the development site," 	AP16 – add 'complex' to the beginning of bullet C) at 2.2. AP17 – replace " There will be occasions where a Development Brief will be required in advance of any application for planning permission being deemed acceptable," at beginning of 2.2 with following text: <i>"There will be occasions where a Development Brief will require to be prepared for submission with the planning application for the development site,"</i>
	OIC	011	003	Masterplans: <ul style="list-style-type: none"> Isn't there an SG on masterplans that should be referred to as well as the policy? I think it important to explain clearly what a master plan is, not sure this goes far enough. 	There is no SG dedicated to Masterplans. Masterplans are not the focus of this SG and it is not felt appropriate to provide further information in the document. The section provides a suitable reference to the relevant policy in the Plan in order that further information may be sought.
	OIC	011	004	Status Design Statements: <ul style="list-style-type: none"> Suggest add "planning application" before "consultation period" on the last line of this section. 	AP18 – Add 'planning application' before 'consultation period' in last sentence of 3.1
	OIC	011	005	Development Briefs: <ul style="list-style-type: none"> Under i) DMG, suggest "development" rather than "housing" Under iii) SG, suggest that if reference is to be kept at all to masterplans it should be accompanied by an explanation that these area covered by other policy and SG 	AP19 – replace 'housing' in 1 st sentence of Development Management Guidance Section with 'development'. AP20 – delete 'and that such a status will largely be reserved for Town, Village or Parish Masterplans.' From end of Section 3
	OIC	011	006	Appendix: <ul style="list-style-type: none"> Long lists are off-putting and need broken down. 	Point noted. The list has already been broken down and it is anticipated that professionals preparing the documents will be

				More pictures would be helpful to the reader	able to focus on the information to such an extent that the data can be absorbed. Whilst pictures may be useful to a reader, a concerted effort has been made in relation to this document to reduce its bulk and to not include any superfluous images or unnecessary information as the size of the document can likewise put off a reader.
	OIC	011	007	Context of the proposal: Site description <ul style="list-style-type: none"> Would a lot of these points not fall under 'identity'? List could be simplified down This section would be better broken down into sub sections e.g. site history (existing use; planning history; adjacent uses, etc.) as I think developers could be put off by such an extensive list. 	Thoughts noted - see comments above.
	OIC	011	008	Services: <ul style="list-style-type: none"> Provide locations of nearest connection point to public utilities (Should we be looking to include broadband in this) Include -Location of closed public road. Include - Waste collection points. Indicate if there is contaminated land on site and form of contamination (clean up strategy) If there is a public sewer in the area but it is not possible to connect, detailed reasons should be provided along with alternative proposals. 	This would be covered by underground services This would be confusing to the reader This is included within Circulation section AP21 – Replace 'Bad neighbor uses' in Site description with: <i>'is an element of the site known to be contaminated and, if so, how will this be addressed?'</i> See AP8
	OIC	011	009	Identity: Surrounding buildings: Building lines – groupings, rhythms and plot sizes <ul style="list-style-type: none"> Building pattern would be a more commonly understood word to use than 'rhythms' in this context. Include - existing boundary treatments. 	AP22 – replace 'rhythms' with <i>'pattern'</i> in Identity section of Appendix 1 This is covered in Hard Landscaping section

				<ul style="list-style-type: none"> Do not think Rights of way sits well within this section. 	Thoughts noted
██████████	OIC	011	010	<p>Use of the space</p> <ul style="list-style-type: none"> Include - details of existing open space; Include - location of nearest children's play area. 	<p>AP23 – Include bullet within Open Space heading which reads:</p> <p><i>Details of Open Space designations within the proposed development site and within the surrounding area.</i></p>
██████████	OIC	011	011	<p>Hard landscaping:</p> <ul style="list-style-type: none"> Include details of type of hard landscaping - materials, colours etc. 	<p>AP24 – Include further bullet within Hard Landscaping section:</p> <p><i>Proposed hard landscaping – materials, colour, etc</i></p>
██████████	OIC	011	012	<p>Soft landscaping:</p> <ul style="list-style-type: none"> Provide details of existing landscape trees, shrubs etc. Should just state trees “not trees in town” as this maybe in a village situation Tree survey may be required (if established trees on the site). Need to identify any natural heritage interest (indicate if there is need for Otter survey, bat survey etc.) 	<p>AP25 – Include following bullet in Soft Landscaping section:</p> <p><i>Details of existing trees, shrubs, etc</i></p> <p>AP26 – remove ‘in town’ from after trees in soft landscaping section</p> <p>This is covered by the relevant SG</p> <p>This is covered within the Site Description section</p>
██████████	OIC	011	013	<p>Connections:</p> <p>Vehicular movement:</p> <ul style="list-style-type: none"> Access, parking and circulation’ would be better as ‘Access, parking, and manoeuvring. Disabled parking Type of road management e.g. shared surfaces, road and footways etc. Need to identify if a traffic impact assessment is required 	<p>Suggestion noted. However, circulation is felt more appropriate in the context of a development of multiple units.</p> <p>This would be considered along with general parking.</p> <p>AP27 – add further bullets to Vehicular Movement Section:</p> <ul style="list-style-type: none"> <i>Type of road management e.g. shared surfaces, roads and footways, etc</i> <i>Is there a need for a traffic impact assessment?</i>
██████████	OIC	011	014	<p>Pedestrian access:</p>	

[REDACTED]	OIC	011	015	<ul style="list-style-type: none"> • Location of exiting footpaths & any rights of ways Any Other Comments regarding the SG • Greater clarity should be given over the different levels of work expected from a DS (or 'Site Development Statement') compared to a DB. Template examples would be helpful. • Not sure the appendix is ordered correctly. I would like to see another appendix for design statements for single house developments • Not sure about the structure of the SG, there is obvious links between Design Statements and Development Briefs but the SG jumps frequently between the two that might confuse the reader. Could all the info not be broken down into sections for design statements, development briefs and Masterplans. i.e. What is it, what does it involve, when is it required, what does it mean/status. I think the difference between a design statement and db need to be outlined clearer. A flow chart might be helpful near the beginning to set out the process for each type. 	<p>These issues are already covered within the Appendix</p> <p>It is not possible to provide further clarity as the level of detail required will relate directly to the specific site. The level of information required will be determined by the Development Management Officer and this will be guided by the site context and identified issues.</p> <p>See AP11 and AP12</p> <p>This has been clarified following the amendments made in response to the representations received.</p>
[REDACTED]	OCC	7	001	Members had no comments to make.	Response noted
[REDACTED]	OCC	18	001	Members had no comments to make.	As above
[REDACTED]	OCC	20	001	Members had no comments to make.	As above
[REDACTED]	OCC	19	001	Members had no comments to make.	As above
[REDACTED]	OCC	16	001	Members had no comments to make.	As above
[REDACTED]	OCC	4	001	Members had no comments to make.	As above
[REDACTED]	OCC	10	001	Members had no comments to make.	As above

[REDACTED]	OCC	12	001	Members had no comments to make.	As above
[REDACTED]	OCC	17	001	Members had no comments to make.	As above
[REDACTED]	OCC	8	001	Members had no comments to make.	As above
[REDACTED]	OCC	14	001	Members had no comments to make.	As above
[REDACTED]	OCC	6	001	Members had no comments to make.	As above
[REDACTED]	OCC	15	001	Members had no comments to make.	As above