



**Orkney Development Plan Scheme
2024/25**

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Taking forward the Orkney Local Development Plan

Development Plan Scheme 2024/2025

Introduction

This is the first Local Development Plan newsletter for providing an overview of the timetable and work programme for preparing the new Orkney Local Development Plan. It lets you know how and when you can get involved in preparing these plans. This newsletter also acts as the Council's Development Plan Scheme (DPS) that we submit annually to Scottish Government.

By law the Council is required to prepare a Development Plan Scheme, that includes a participation statement. This Development Plan Scheme will be referred to as Development Plan Scheme 2024 (DPS2024) and will detail the work programme ahead. Through legislation it has to be reviewed yearly and reported to our Council.

Since 2016, the Scottish Government have been reviewing the national planning system and a new Planning Act was published in July 2019 and in May 2023 the Development Planning Regulations and Guidance were published which has changed the way in which LDPs are produced, including more opportunities for community engagement in Planning. These documents can be found at www.gov.scot/publications/local-development-planning-guidance/

We now have all the information we need to draft the work programmes that lie ahead.

DPS2024 sets out the programme for preparing and reviewing our Local Development Plan and explains what is likely to be involved at each stage. This Development Plan Scheme will cover the following:

- Provide an update on the focus of our work over the coming year,
- Indication of timescales for preparing a new Local Development Plan,
- Participation statement outlining how and when we will engage with our communities and stakeholders.

What is a Local Development Plan (LDP)?

A LDP is a land use strategy document that details areas within a location that require to be protected for their value and areas for new development to meet the social, economic and housing needs of the location.

Under changes to the planning system the Scottish Government have published and adopted **National Planning Framework 4 (NPF4)** that now provides all of Scotland with spatial principles, regional priorities, national developments and national planning policies.

Under planning legislation, NPF4 now forms part of the Development Plan and will be used to assess planning applications alongside policies in our LDP. This will likely lead to a reduction in the number and range of policies that we require in our LDP.

The new Local Development Plan for Orkney

Under new legislation, our next LDP will aim to be more spatial in nature; meaning it will be more mapped based with many of the policies already detailed in NPF4.

There is now a focus on place planning, an infrastructure first approach to development, a focus on development delivery and a clear ambition that land use planning will assist in tackling the climate and nature crisis currently facing Scotland.

The Scottish Government now expect all planning authorities to have a new look LDP within the next 5 years of NPF4 being adopted; and this next Plan will be in place for a 10-year period.

Background to the new system

The reforms to Scotland's planning system are being brought about by implementation of the Planning (Scotland) Act 2019. Further information on how it was developed can be found at www.transformingplanning.scot/planning-reform/how-we-got-here/

New-style Local Development Plan

Scotland's reformed planning system includes changes to the key steps for preparing a LDP. Preparation of a new-style LDP will include:

- Evidence-gathering, including for example through a range of audits and community/ stakeholder engagement, leading to an Evidence Report;
- Submission of the Evidence Report to Scottish Ministers for an independent Gate Check;
- Plan preparation, leading to publication of the Proposed Plan for consultation;
- Submission of the Proposed Plan to Scottish Ministers for an independent Examination of outstanding issues; and
- Adoption of the Plan.

Local Place Plans

The Scottish Government has also introduced Local Place Plans so that communities can have a more direct role in the decisions that influence their local community. Local Place Plans are a new requirement of the Planning Act, and the government has published a Circular ([Circular 1/2022: Local Place Plans](#)) which provides guidance for both communities and planning authorities on the preparation, submission and registration of Local Place Plans.

Once Local Place Plans have been registered by the planning authority, we have a legal responsibility to take them into account in the preparation of the LDP. We will require to have any Local Place Plans submitted to us by **March 2025** to ensure they are taken into account in the LDP preparation.

As part of our plan for engagement on the LDP we plan to hold community conversations and engagement where we will seek to understand which of our communities wish to prepare a Local Place Plan. In addition to this, we will also

ensure that all communities within Orkney are formally invited to prepare a Local Place Plan where we will set out where communities can access support and guidance.

Participation Statement

Consultation and Engagement

The Participation Statement sets out when, how and why you should get involved in the various stages of preparing the LDP. The experience of preparing previous LDPs has helped us learn how to improve the way we include the public and reach a wide range of people.

The Planning Act has set a clear direction to improve engagement and help people in communities find a way to influence how their community and the place they live will change for the better in the future. When preparing the LDP we will share information and focus on early and meaningful consultation. We want to do the best we can to encourage people to take part and have their opinions and ideas heard so we will use the methods that have been shown to work and are now considered best practice for engaging with people.

Everyone will have an opportunity to get involved and comment throughout the LDP at the various stages of its preparation, including having a say on how you would like to be involved.

When the Proposed LDP has been published the opportunity for further engagement is a much more formal process, so we will seek to ensure everyone has the opportunity to input at the earlier stages of the plan preparation process such as during the evidence base stage and before drafting of the proposed LDP has been started.

Ensuring the public and other key stakeholders are informed and made aware of when events are happening is crucial to this. This will be done by publicising events and consultations on our website, through Council social media accounts, using email updates and using local media such as the Orcadian and Radio Orkney.

Throughout the preparation of LDP, we will consult and engage with the following groups:

- The general public.
- Within the Council it will be important to engage with relevant services, including economic development, housing, education, waste, transport, roads, environmental health and estates from the outset.
- Elected Members will also be closely involved in process, informing and inputting during the Plans preparation including consideration and approval of key stage documents such as the Evidence report and Proposed Plan.
- Community Planning Partnership.
- Under-represented groups such as Disabled people, Children and Young people, Gypsies and Travellers (note: there are no gypsy or traveller sites within Orkney)

and the Housing Need and Demand Assessments have not identified any specific need but we are still to consider if engagement is required).

- Community groups, organisations and their representatives, including Community Councils and Development Trusts.
- Interest groups such as the National Farmers Union (NFU).
- The third sector through Voluntary Action Orkney (VAO).
- Stakeholders and Key Agencies such as SEPA, Historic Environment Scotland and Nature Scot.
- Scottish Government and Marine Directorate
- Our Neighbouring Authorities
- Higher Education – UHI, Heriot Watt University and Robert Gordon University.
- Private sector such as business interests, landowners, and developers such as Renewable Energy, House Builders and the Aquaculture industry.
- Other groups with a wide interest such as Sustrans, tourism and nature conservation organisations.

Proposed methods for information sharing, engagement and consultation for the preparation of the LDP may include:

- Press releases.
- Social media alerts.
- Information and updates on Council webpage.
- Directly notifying people signed up to our news and updates mailing list.
- In person and digital meetings and discussions.
- Community Council meetings.
- Drop-in sessions and workshops in various locations across Orkney, holding community conversations about their place as part of the community engagement project that is currently being developed with different Council teams, which aims to build on the approach taken during the Orkney matters consultation.
- Engaging with under-represented groups.
- Creative approaches to place making.
- Notifying neighbouring properties to sites that are being considered for inclusion within the plan.
- Online and printed questionnaire.

New Orkney Local Development Plan Process and what it involves

Evidence Report

Estimated Date June 2023 – November 2024

The Evidence Report is a new element to the process where we must gather evidence as to why we need a new LDP and show what evidence we have that supports the aims and aspirations for development planning in Orkney. Some information is required by law and is set in the Planning Act, development planning regulations or development planning guidance.

Under the new plan-making system, the Evidence Report is intended to front load the work and use the evidence to clearly inform what to plan for, before the Proposed LDP looks at where development should take place. The Evidence Report will provide a summary of the evidence and analysis of what it means for the plan, informed by the views of those who are anticipated to be affected by the plan, and involved in its implementation.

From previous work there is already a wealth of baseline information, for example, for a number of years we have collected data and have been monitoring the present LDP and associated planning policy documents. We have also completed consultations with our communities to establish their aims and aspirations for their communities. This work was completed in 2020 / 2021 under the banner of Orkney Matters.

Throughout 2023 we have been building on our existing information and focusing primarily on data collection and evidence-gathering for the new Orkney LDP. This will continue into the early part of 2024. As part of this work an important element of the evidence gathering will be to engage with communities again and other stakeholders to understand their views of the baseline information across a range of topics including existing infrastructure, housing, and the existing natural and historic assets.

Furthermore, we aim to undertake several community conversation forums and undertake a “call for ideas”. As part of this we will also formally invite communities to create Local Place Plans and find out their interest in producing a Local Place Plan.

Evidence that we will need to provide to the Scottish Government formally through a Gate Check process will include:

- Geographical Demographics (school roles, birth and death rates, healthcare statistics, inward migration).
- Housing Need and Demand Assessment.
- Economic Change (Agriculture, Energy, Tourism, Food and Drink, Retail).
- Digital Connectivity.
- Sustainable Transport Data.

- Environmental baseline and issues (Historical and Natural).
- Evidence of Community Engagement and Consultation (Local Place Plans).
- Open Space Strategy and Play Sufficiency Assessment.
- Self-Build Housing Demand Register.
- Evaluate whether the previous plan has delivered on its outcomes, and allocations and consider appropriateness of previous strategy.
- Infrastructure such as communications, transport, drainage systems, supply of water, energy, health care and education facilities of the county and how it is used.

Once the Evidence Report is drafted and the views of different stakeholders have been considered, we must report this to the Full Council for approval and formally enter into the Gate Check process with the Scottish Government. The product of this stage will be an Evidence Report which summarises the evidence and stakeholder views gathered during this period highlighting any areas of dispute.

During the evidence gathering stage, we will also commence the process of Strategic Environmental Assessment (SEA) for the new LDP – specifically, preparation of the Scoping Report, submission of it to the SEA Consultation Authorities and gathering environmental baseline information. We will also begin looking out for potential broad considerations for the LDP, bearing in mind the need for a Public Sector Equality Duty Assessment, a Fairer Scotland Duty Assessment, an Island Communities Impact Assessment and a Habitats Regulations Appraisal – and we will develop work programmes for undertaking those impact assessments.

Gatecheck

Estimated Date January 2025 to April 2025

The Gate Check will provide an independent assessment of whether the planning authority has sufficient information to prepare a LDP. It will be carried out by a person appointed by Scottish Ministers, usually a Reporter from the Directorate for Planning and Environmental Appeals. As this is an independent process we are not in control of the timings. We have estimated this will take 4 months but it could take longer depending on the number of issues that are disputed

Preparation and Publication of the Proposed Local Development Plan

Estimated Date February 2025 – June 2026

The Proposed LDP will be a document that identifies where the planning system can have the greatest influence to achieve the objectives set out in the Evidence Report. The next LDP will place a greater focus on place-based planning, identifying areas where significant change is required that the planning system can support. It is anticipated that there will be an emphasis on maps, site briefs, and masterplans within the document.

Sites specifically identified for development will have to be confirmed as being deliverable and free from constraints as far as possible; including details on infrastructure requirements and how infrastructure will be delivered.

The next plan is likely to have minimal policy wording to reflect the new role of National Planning Framework 4, and where bespoke policies are required this will only be for the purpose of adding value or filling gaps on the interpretation of national policies or where a specific local policy approach is required.

Prior to drafting the Proposed LDP there will be engagement with key stakeholders and communities identified in the Participation Statement and account will be taken of any Place Plans that have been submitted.

Once the Proposed LDP has been drafted it must be approved by Full Council before being published for public consultation. There will be a minimum 12 week consultation on the Proposed LDP and the draft Delivery Programme.

Following the close of the consultation on the Proposed LDP, the Plan may be modified to take account of any representations, consultation responses, minor drafting or technical issues. There will be a modification report produced that outlines the changes to the Proposed LDP.

Submission and Examination of the Proposed Local Development Plan

Estimated Date July 2026 - February 2027

Following the consultation on the Proposed LDP if there are still issues that have not been resolved through changes to the Proposed LDP after consultation (unresolved representations) then these will be collated and a summary of unresolved issues produced. Scottish Ministers will then instruct the Directorate of Planning and Environmental Appeals to conduct a Local Development Plan Examination into the modified Proposed LDP.

This examination is likely to take between six and nine months to complete. Due to the new power to negotiate on representations received, it is anticipated that an examination will be smaller in scope than that seen in past LDPs given the weight of NPF4, and may take less time to complete.

Adopt Local Development and Publish Delivery Programme

Estimated Date March 2027

Once the examination report has been received by the Council it will need to make any modifications recommended by the appointed person to the LDP. That being the case the plan will be adopted to replace the existing Orkney Local Development Plan.

The Delivery Programme will be considered at the outset of plan preparation and run alongside it. It is instrumental to achieving an outcome focussed approach to development

planning and will support delivery of the LDP. It will be developed to provide a clear route for delivery of sites and proposals in the adopted plan by project managing the timing of the authority's financial investment for the delivery of the plan, and any co-ordination with private or other funding identified required to deliver intended plan outcomes.

Key stages and Indicative Programme for Local Development Plan

Stage	When
Publish finalised Development Plan Scheme	November 2023
Evidence Report	
Gather evidence	June 2023 – March 2024
Engage with public and groups on evidence and support communities prepare Local Place Plans. This will include a call for ideas as part of the community engagement	December 2023 - September 2024
Finalise and Publish Evidence Report and SEA Scoping Report	November 2024
Gatecheck	
Examination of the Evidence Report	January to April 2025*
Proposed Plan	
Plan Preparation	February – December 2025
Publish and consult on Proposed Plan and the Environmental Report	January – March 2026
Assess representations. Consider any changes and progress to examination stage.	April - June 2026
Examination	
Examination of Proposed LDP and Environmental Report	July – November 2026**
Consider Examination recommendations. Publish any changes. Resend modified Proposed LDP to Scottish Ministers	November 2026 - February 2027
Adoption	
Publish and Publicise Adopted LDP and Environmental Report	March 2027

* This date will depend on the complexity of issues in the Evidence Report.

** This date will depend on the number and complexity of representations received to the Proposed Plan.

The Town and Country Planning (Development Planning) (Scotland) Regulations 2023 state that Development Plan Schemes are to specify the Quarter (Q) in which the planning authority expects to publish certain elements of the Local Development Plan process.

This applies to the following stages:

- Publish Evidence Report Q4 2024 (November 2024).
- Publish Proposed Plan Q1 2026 (January – March 2026).
- Send Proposed Plan to Scottish Ministers Q3 and Q4 2026 (July– November 2026).
- Adopt LDP Q1 2027 (March 2027).

If you have any questions in respect of the Development Plan Scheme or would wish to be added to our content database, where we will regularly send email updates and notification of consultations then please contact us at devplan@orkney.gov.uk.

Glossary

Call for ideas - Optional consultation phase to inform to the proposed plan. It provides an opportunity for stakeholders including; landowners, developers and communities, to put forward ideas or sites they would like to be considered by the planning authority for inclusion in the LDP.

Development Plan - The statutory basis of planning decision making, comprising NPF4 and the LDP.

Evidence Report - A supporting document to the LDP. An Evidence Report summarises the evidence base for those proposals and policies set out in the development plan and demonstrates that appropriate consultation has been undertaken and regard given to the views of the community.

Examination - The Examination is the opportunity for independent consideration, by an appointed person, of any issues raised during the formal consultation on the Proposed Plan that have not been resolved through modifications.

Fairer Scotland Duty - The duty on public bodies in Scotland, including councils, from to actively consider how they can reduce inequalities of outcome caused by socio-economic disadvantage when making strategic decisions. It is a requirement of [the Equality Act 2010](#). The aim of the duty is to help the public sector make better policy decisions and deliver fairer outcomes. It should focus on socio-economic issues such as low income, low wealth and area deprivation.

Forestry and woodland strategy - A strategy prepared by a planning authority either singly or in collaboration with other planning authorities, which sets out policies and proposals for the development of forestry and woodlands in their area, according to [section A159 of the Town and Country Planning \(Scotland\) Act 1997](#).

Gate Check - An assessment of the sufficiency of the evidence base on which the Proposed Plan will be developed.

Habitats Regulations Appraisal (HRA) - Under the [Habitats Regulations](#), all competent authorities must consider whether any plan or project could affect a European site before it can be authorised or carried out. This includes considering whether it will have a 'likely significant effect' on a [European site](#), and if so, they must carry out an 'appropriate assessment' (AA). This process is known as Habitats Regulations Appraisal (HRA)

Housing Land Audit (HLA) - The annual HLA will monitor the delivery of housing land including past completions and future programming. It will inform the pipeline and actions to be taken in the Delivery Programme.

Housing Need and Demand Assessment (HNDA) - A HNDA estimates the number of additional housing units needed to meet existing and future housing need (social housing) and demand (market housing). It also captures information on the operation of the housing system to assist local authorities to develop policies on new housing supply, management of existing stock, specialist housing provision and the provision of housing-related

services. HNDA's are undertaken by local authorities or groups of authorities every five years.

Infrastructure first – Approach that puts infrastructure considerations at the heart of development planning.

Island Communities Impact Assessment – The Islands (Scotland) Act 2018 placed new duties on public authorities to consider the effect of their policies, strategies and services on an 'island community'

Local place plan (LPP) - A LPP is a community-led plan setting out proposals for the development and use of land and a community's aspirations for its future development. Once registered they are to be taken into account in the preparation of the relevant LDP.

National Planning Framework four (NPF4) - is a long term plan looking to 2045 that guides spatial development, sets out national planning policies, designate national developments and highlight regional spatial priorities. It is part of the development plan.

Open Space Strategy (OSS) - An open space strategy is to set out a strategic framework of the planning authority's policies and proposals as to the development, maintenance and use of green infrastructure in their district, including open spaces and green networks. It must contain; an audit of existing open space provision, an assessment of current and future requirements, and any other matter which the planning authority consider appropriate.

Play Sufficiency Assessment (PSA) - A play sufficiency assessment is the assessment of the sufficiency of play opportunities for children in their area, carried out by a planning authority under the duty as set out in [Section 16D\(1\) of the Town and Country Planning Scotland Act 1997, as amended](#). Must be done by the planning authority in preparing an Evidence Report.

Strategic Environmental Assessment (SEA) - Strategic environmental assessment is a procedure to assess the environmental impact and sustainability of a proposed or existing policy, plan, or programme.