

Item: 1

Planning Committee: 7 October 2026.

Proposed Construction of Wastewater Pumping Station and Access Track Including Bridge Crossing and Creation of Access near Easdale Burn, New Scapa Road, Kirkwall.

Report by Director of Infrastructure and Organisational Development.

1. Overview

- 1.1. This report considers an application for the construction of a wastewater pumping station and access track, including a bridge crossing, and creation of an access, on land west of Easdale Burn, New Scapa Road, Kirkwall, to facilitate new infrastructure, namely a gravity sewer with an outfall to an existing manhole at Muddisdale Road. The sewer itself does not form part of this application as this will be carried out by Scottish Water.
- 1.2. Scottish Water has statutory undertaker permitted development rights under Schedule 1 paragraphs 38 (Water Undertakings) and 43A (Sewerage Undertakings) of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992.
- 1.3. Two representations have been received, both with concerns largely relating to impacts on quality and quantity of Highland Park Distillery's water supply from the Crantit borehole and Crantit lagoon which lie south of the proposal.
- 1.4. The application is supported by Hydrological and Hydrogeological Impact Assessments submitted in December 2024 and updated in March 2026; followed by the subsequent independent assessment of these reports commissioned by the Planning Service. The application has been subject to re-advertisement during consideration of these technical studies.
- 1.5. For the avoidance of doubt, this application is for the development as submitted only and is not an indication that any other future development of the site will achieve planning permission; any future proposal will be fully considered in its own right through the planning process.

- 1.6. It is considered that the development complies with relevant policies, and that objections and other material considerations do not merit refusal of the application.

Application Reference:	24/211/PP.
Application Type:	Planning Permission.
Proposal:	Construction of a wastewater pumping station and access track including bridge crossing, and create an access.
Location:	Land West of Easdale Burn, New Scapa Road, Kirkwall, Orkney.
Applicant:	Orkney Builders (Contractors) Ltd.

- 1.7. All application documents (including plans, consultation responses and valid representations) are available for members to view [here](#) (click on “Accept and Search” to confirm the Disclaimer and Copyright document has been read and understood, and then enter the application number given above).

2. Recommendation

- 2.1. It is recommended that members of the Committee:
- Approve the application for planning permission in respect of the proposed construction of a wastewater pumping station and access track, including a bridge crossing, and creation of an access near Easdale Burn, New Scapa Road, Kirkwall, subject to the conditions detailed in Appendix 1 to this report.

3. Consultations

Development and Marine Planning – Environment. 15 July 2024

3.1. European Protected Species – Otter

An otter survey has been carried out and a report provided (Otter survey Crantit Burn Kirkwall Orkney, by Anne Bignall and Tim Dean, dated 15 May 2024). The report suggests that a condition would be required to be attached to the Decision Notice of any approval.

Wider Biodiversity

Biodiversity measures proportionate to the nature and scale of the proposed development have been included, as described in the submitted Biodiversity form (dated 12 April 2024) and shown on the annotated 1:250 biodiversity plan drawing (reference 230338-000-CAM-DR-C-005 revision C dated 25 January 2024, published 24 May 2024). A condition is required to ensure the proposed biodiversity measures are carried out and therefore contribute to meeting the requirements of National Planning Framework 4 (NPF4) Policy 3 on biodiversity.

Development and Marine Planning – Environment. 9 December 2024

- 3.2. No changes to the previous comment by Development and Marine Planning.

Scottish Water. 22 July 2024 and 27 March 2026

- 3.3. “Scottish Water has no objection to this planning application. The applicant should be aware that this does not confirm that the proposed development can currently be serviced”.

Roads Services. 23 July 2024

- 3.4. “While Roads Services do not object to this development proposal there is no information provided in relation to the construction of the proposed access with New Scapa Road, the applicant must therefore provide full construction details for the proposed access with the public road for further comment”.

Roads Services. 17 December 2024

- 3.5. “Roads Services previous comments have not been addressed, however the matter of the access with New Scapa Road could be conditioned that information in relation to the construction details of the access are provided and approved prior to any works commencing on site”.

Development and Marine Planning – Access. 6 August 2024

- 3.6. “Core path K12, known as the Crantit Trail, will be crossed by the works access track during the construction phase and, thereafter once the site is completed. However, I note that a Construction and Access Management Plan for the Crantit Trail is included in your application documents. I understand that a scheme, which allows for uninterrupted access to the core path has been drawn up”.

Development and Marine Planning – Access. 12 December 2024 and 26 March 2026

- 3.7. Advised that “The matters raised in relation to core path etc can be addressed through planning condition”.

Development and Marine Planning – Policy. 28 August 2024

- 3.8. “We consider this proposal will help support an infrastructure first approach to the delivery of land allocated for development in the current Local Development Plan. NPF4 Policy 18 Infrastructure First seeks to encourage, promote, and facilitate an infrastructure first approach to land use planning. We have been engaged with the applicant through pre application discussions and have provided feedback on the proposals as they have been developed”.

Islands Archaeologist. 17 September 2024

- 3.9. “I am satisfied that the archaeological works conducted and the reports on these archaeological works commissioned by the applicant and uploaded to the OIC Planning Portal on 27th August 2024 fulfil the recommendations for an archaeological geophysical survey within the proposed site boundary, followed by a watching brief on geotechnical pits, and archaeological evaluation trenching to ground truth any geophysical anomalies, and to assess the potential for any significant remains not identified by the geophysics that may require further archaeological investigation.

I therefore have no further recommendations to make”.

Islands Archaeologist. 9 December 2024

- 3.10. “No further comments to add to the response dated 17 September 2024”.

Islands Archaeologist. 23 March 2026

- 3.11. “As per the response dated 17 September 2024, the potential historic environmental issues were satisfactorily addressed by the archaeological works conducted, and the reports on these archaeological works commissioned by the applicant dated 27 August 2024. No further comments”.

SEPA. 5 December 2024

- 3.12. “We have no objection to the proposed development on flood risk grounds, however, please note our advice provided below.

1. Flood risk

1.1 The proposals are for the construction of a wastewater pumping station. Useful information may be found in our flood risk standing advice which may be of use for this application. However, as there is also a new watercourse crossing proposed over the Easdale Burn, we provide site specific advice below.

1.2 We support the proposals to locate the pumping station on land outwith the flood risk area. The flood risk area is defined as the 1 in 200 year including climate change flood extent, and this has been determined by a site-specific Flood Risk Assessment (FRA) carried out for the application (Cameron & Ross, 230338-000 – June 2023). Existing ground levels are such that the development can be located outwith the flood risk area. We understand that land raising is not proposed for the pumping station or access track and as such we are satisfied that the development will not increase flood risk elsewhere.

1.3 The crossing of the Easdale Burn is to be designed keeping the natural profile of the burn and banks and will not require any land raising. The structure will be single span to reduce any impact on conveyance, and any exceedance flows will be able to overtop the structure and return to channel. We are satisfied that any impact on flood risk is being kept to a minimum and there is unlikely to be any increased risk to sensitive receptors as a result. We note from the associated application for housing (24/160/PPMAJ), that the highest design flood level for the site is determined by coastal flood levels, which will exceed the level of the bridge and therefore the structure itself will not impact on the design level used for the development and will not increase risk to the proposed dwellings.

2. Other planning matters

2.1 For all other planning matters, please see our triage framework and standing advice which are available on our website:

www.sepa.org.uk/environment/land/planning/

3. Regulatory advice for the applicant

3.1 Details of regulatory requirements and good practice advice, for example in relation to engineering works in the water environment, can be found on the regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the local compliance team at nhni@sepa.org.uk ”.

- 3.13. “We understand the reason for consultation is that you would like our technical advice on the hydrological study that has been submitted because of a requirement in the Kirkwall South Development Brief (2016) to demonstrate that there will be no unacceptable effects to the quality and quantity of the water supply to Highland Park Distillery. While impacts on water supplies is not a reason for consultation with SEPA, we appreciate that this historic developer requirement was agreed with us at the time of the brief’s publication and as a result we provide the following advice.

1. SEPA’s guidance-on-assessing-the-impacts-of-developments-on-groundwater-abstractions.docx requires assessment of impacts on groundwater abstractions within 250 m of development. Based on the information in the new Hydrological Impact Assessment that the coords of Crantit borehole are HY 44342 09711 (which is approximately 75m east of the location in the CAR/EASR licence we hold) the supply falls outwith this buffer. This means that based on our guidance the potential for impact on the borehole is very low and no assessment of impacts is required. In line with our guidance, we would generally not provide any further comment on assessments outwith 250 m, however, to be helpful we provide the following additional comments in this case on the assessments undertaken.

2. OGI’s original assessment (J24-1034-004R-Rev 1 dated 29 Nov 2024) of the potential impacts of the development proposals was essentially a qualitative risk assessment informed by published information and some limited site investigation (SI). We note that the operator’s consultant and the council highlighted the lack of groundwater level monitoring data available and quantitative assessment of flows and levels.

3. The updated assessment (J24-1034-012R-Rev0 dated 13 March 2026) is informed by further SI, groundwater level monitoring over the winter period 25/26, and quantitative modelling of flow paths and levels for the baseline and post development scenarios. The modelling results indicate very minor / negligible impacts from the proposed development on Crantit borehole and Crantit lagoon. We have not reviewed the model in detail however it appears to be a reasonable assessment with no obvious deficiencies, and we would consider the requirement of the Development Brief to have been met. We highlight that the Crantit borehole is actually more akin to a shallow well rather than a borehole as it is reportedly only 3m deep. It should therefore be noted that it is likely to be vulnerable during periods of water scarcity regardless of any additional risks due to development.

4. We also take this opportunity to highlight that the assessment does not consider potential impacts from housing development within development area K8, which does lie within the 250m buffer zone around Crantit borehole. It is possible development with the K8 area could impact on the supply and any assessment should be carried out in line with the guidance referred to above”.

Engineering Services. 25 March 2026

3.14. “Flood Risk

The site of the pumping station itself is not indicated to be at risk of coastal or surface water flooding on SEPA flood risk mapping though sections of the proposed access track are”.

In June 2023 OIC Engineering advised the developer that “Orkney Islands Council Engineering considers the minimum existing ground level considered suitable for development (structures and supporting infrastructure) for Scapa, including Site K9, to be 5.36m Above Ordnance Datum (AOD)”. This 5.36m level figure includes a freeboard allowance of 0.6m for wave action. The topographic data provided indicates that the footprint of the pumping station would be above this level.

The proposal would fall under ‘water compatible uses’ in SEPA’s Land Use Vulnerability Guidance which is one of the exemptions for development in a flood risk area in NPF4 Policy 22a. One of the qualifications for this exemption is that the development must remain ‘safe and operational during floods. It should be demonstrated that this is the case if the main access track is flooded”.

Engineering Services. 8 April 2026

- 3.15. “The drawing ‘WWPS Secondary Access Route Plan’ uploaded to the Planning system on 7th April 2026 is considered to address the point raised in our previous consultation response. We therefore do not object to this planning application on flood risk grounds”.

Environmental Health. 24 April 2026

- 3.16. “Having reviewed the information submitted in support of the application, specifically the two Hydrological and Hydrogeological Impact Assessments submitted in December 2024 and March 2026 that were undertaken by OGI Groundwater Specialist Ltd and the subsequent independent assessment of these reports by Stephen Buss Environmental Consulting Limited in April 2026, Environmental Health have nothing further to add”.

Flood Risk and Hydrology Consultant. 7 April 2026

- 3.17. “In response to your further information request for the planning submission 24/211/PP, dated 19 May 2025, OGI has provided an updated hydrological impact assessment (HIA) for the scheme. In May 2025 we identified that the planning application, required more certainty on the impacts of the scheme, namely:
- i. Longer term groundwater level monitoring to establish seasonal groundwater fluctuation hence the degree to which the proposed structures will intercept groundwater.
 - ii. Consideration of the catchments to the water sources during drought conditions, when access to groundwater is essential.
 - iii. Measures will need to be included within the design of the sewer mains to mitigate the creation of a rapid groundwater flow path around the sewer mains which could lower groundwater levels and truncate the groundwater catchment to the Highland Park abstractions.
- 3.18. This letter reviews the submission by OGI in the light of those requirements and presents my conclusions as to the suitability of the scheme mitigation for protection of the water environment and the Highland Park Distillery (HPD) abstraction.
- 3.19. In October 2025 a ground investigation was undertaken that included the construction of eleven boreholes, five trial pits and three soakaway boreholes. The locations covered the area of this application and the area of the accompanying application 24/160/PPMAJ.
- 3.20. Continuous groundwater level datasets have been collected for five of the boreholes from the end of October 2025 to early March 2026. These cover dry conditions at the end of the summer and periodically wet conditions through winter. Therefore, the likely full range of groundwater levels for the year has been experienced.
- 3.21. Section 3.2 of the HIA presents a summary of the hydrological and hydrogeological conditions of the site, including its relationship with the HPD abstraction. The conceptual findings support the results of the baseline numerical model, which are used to delineate persuasive catchments to the Crantit borehole and lagoon.
- 3.22. An important finding of the work is that during periods of low groundwater levels, the rising main is below the water table only at its south-eastern end, i.e. outside of the catchments of the abstraction sources. This is very reassuring.

- 3.23. Furthermore, to prevent migration of water out of the catchment at higher groundwater levels, low permeability plugs are to be added into the trench containing the rising main.
- 3.24. Altogether I am satisfied that the requirements of the further information request have been adequately met. I am satisfied that on development of the rising main there will be no more than an insignificant impact on the HPD abstraction”.

4. Representations

- 4.1. Two valid representations (objections) have been received from:

- Highland Distillers Ltd, c/o Brodies LLP, Brodies House, 31-33 Union Grove, Aberdeen, AB10 6SD.
- Graeme Sweeney, Global Supply Chain, Highland Park, Holm Road, Kirkwall, Orkney, KW15 1SU.

- 4.2. Representations are on the following grounds:

- Failure to demonstrate no unacceptable impact on the quantity and quality of the distillery water supply.
- Submission of an inadequate and unreliable hydrological and hydrogeological impact assessment.
- Failure to apply a clear and robust impact assessment methodology.
- Use of flawed and unreliable groundwater modelling.
- Inadequate monitoring.
- Failure to assess temporary construction phase impacts.
- Failure to adequately assess pollution risks, groundwater processes and residual risks associated with sewer leakage.
- Failure to address climate change, seasonal variation, and water scarcity.
- Failure to assess cumulative and in-combination impacts with associated and surrounding developments.
- Insufficient information to demonstrate compliance with the Local Development Plan and Kirkwall South Development Brief (2016).

5. Relevant Planning History

5.1. Planning applications

Reference	Proposal	Location	Decision	Date
26/153/PPMAJ.	Erect 28 houses and 36 flats with air source heat pumps, create an access, construct a road, surface water drainage basin, and associated services, infrastructure and landscaping.	New Scapa Road (Land Near) (K-9), Kirkwall, Orkney.	Pending Consideration.	
24/160/PPMAJ.	Erect 66 houses and flats with air source heat pumps, create an access, construct a road, surface water drainage basin, and associated services, infrastructure and landscaping.	New Scapa Road (Land Near) (K-9), Kirkwall.	Refused.	07.07.2025.
15/034/PP.	Construct a public road linking A964 Old Scapa Road to A963 New Scapa Road; create a junction at Old Scapa Road; create a	New Scapa Road, Kirkwall.	Grant Conditional consent.	23.03.2015.

Reference	Proposal	Location	Decision	Date
	roundabout at New Scapa Road, a footpath, landscaping and provide a surface water drainage system.			
14/100/PIPMAJ.	Erect a healthcare facility, associated infrastructure, landscaping and enabling works.	New Scapa Road, Kirkwall.	Grant Conditional consent.	04.06.2014.

6. Environmental Impact Assessment

Assessment Requirement	Decision of the Planning Authority
Screening Opinion.	EIA is not required – See Appendix 3.
Environmental Impact Assessment (EIA).	An assessment of interdependency of 24/211/PP with 26/153/PPMAJ has been undertaken which determined that there was inter dependency between these two applications. An assessment of the interdependency of 24/211/PP and Local Development Plan sites K8, K10 and K11 has also been undertaken and it was determined that these were not inter-dependant. A Screening of the combined projects 24/211/PP and 26/153/PPMAJ was carried out which, as interdependent, fall to be considered as a Schedule 2 Urban Development Infrastructure Project in terms of category 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact

Assessment Requirement	Decision of the Planning Authority
	Assessment) (Scotland) Regulations 2017. The conclusion was that the development is unlikely to have significant effects on the environment and consequently that EIA is not required.
Appropriate Assessment (AA) under Habitats Regulation.	AA not required as no significant effects on qualifying European site are anticipated.
Design Statement.	Not required for an infrastructure project of this type.

- 6.1. The proposed development has been assessed against the requirements of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (EIA Regulations). Following consideration of the Raeshaw Farms Ltd vs Scottish Ministers decision, it has been determined that the development falls within category 10(b) of an Urban Development Project under Schedule 2 of the EIA Regulations. A formal screening assessment was therefore undertaken to assess the potential environmental effects of the proposal with reference to the EIA Regulations. This is attached at Appendix 3. In undertaking this assessment, consideration was given to the application site and the potential for interdependency of impact when this site is considered together with other nearby development land. For the purposes of this assessment, this included LDP sites K8 to K11 including the fact that there is a valid planning application now registered for site K9 26/153/PPMAJ. Regard was also had to whether the proposal should be considered as part of a wider development project for EIA screening purposes.
- 6.2. An EIA Screening was undertaken which included amongst other factors consideration of the potential for interdependency of the proposal in relation to sites K8, K10 and K11. It was considered that there was interdependency with the land known as K9. However, it was considered that there was no interdependency with K8, K10 and K11. For the purposes of the EIA regulations, the current application and K9 were therefore treated as a single project. The Screening concluded that the proposed development would not be likely to give rise to significant environmental effects and therefore does not require an Environmental Impact Assessment.
- 6.3. On this basis, and having regard to the EIA Regulations, no Environmental Impact Assessment or Environmental Impact Assessment Report is required in support of the current application.

7. Relevant Planning Policy and Guidance

7.1. The full text of the Orkney Local Development Plan 2017 and supplementary guidance can be read on the Council website [here](#). National Planning Framework 4 can be read on the Scottish Government website [here](#).

7.2. NFP4 forms part of the statutory development plan and must be considered as a whole in the determination of planning applications. This proposal has been assessed against all relevant policies of the Development Plan. The policies, supplementary guidance and planning policy advice listed below are the principal policies relevant to this application:

- National Planning Framework 4:
 - o Policy 1. Tackling the climate and nature crises.
 - o Policy 2. Climate mitigation and adaptation.
 - o Policy 3. Biodiversity.
 - o Policy 4. Natural places.
 - o Policy 7. Historic Assets and Places.
 - o Policy 18. Infrastructure first.
 - o Policy 20. Blue and green infrastructure.
 - o Policy 22. Flood risk and water management.
 - o Policy 23. Health and safety.
 - o Policy 25. Community wealth building.
- Orkney Local Development Plan 2017:
 - o Policy 1: Criteria for All Development.
 - o Policy 2: Design.
 - o Policy 3: Settlements, Town Centres and Primary Retail Frontages.
 - o Policy 8: Historic Environment and Cultural Heritage.
 - o Policy 9: Natural Heritage and Landscape.
 - o Policy 10: Green Infrastructure.
 - o Policy 13: Flood Risk, SuDS and Waste Water Drainage.
 - o Policy 14: Transport, Travel and Road Network Infrastructure.
- Supplementary Guidance:
 - o Natural Environment (2017).
 - o Settlement Statements (2017).
 - o Kirkwall South Development Brief (2016).
- Planning Policy Advice:
 - o Development Briefs and Design Statements (2014).
 - o Planning for Open Space (2014).

- o Amenity and Minimising Obtrusive Lighting (2021).
- o The Orkney Core Path Plan (2018).
- Development Management Guidance:
 - o Considering and Including Biodiversity in Development (2023).

8. Legislative Position

- 8.1. Section 25 of the Town and Country Planning (Scotland) Act 1997 as amended (the Act) states, “Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise...to be made in accordance with that plan...”
- 8.2. Annex A of Planning Circular 3/2013: ‘development management procedures’ provides advice on defining a material consideration, and following a House of Lords’ judgement with regards the legislative requirement for decisions on planning applications to be made in accordance with the development plan, confirms the following interpretation: “If a proposal accords with the development plan and there are no material considerations indicating that it should be refused, permission should be granted. If the proposal does not accord with the development plan, it should be refused unless there are material considerations indicating that it should be granted.”
- 8.3. Annex A continues as follows:
 - The House of Lords’ judgement also set out the following approach to deciding an application:
 - Identify any provisions of the development plan which are relevant to the decision.
 - o Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies.
 - o Consider whether or not the proposal accords with the development plan.
 - o Identify and consider relevant material considerations for and against the proposal.
 - o Assess whether these considerations warrant a departure from the development plan.
 - There are two main tests in deciding whether a consideration is material and relevant:
 - It should serve or be related to the purpose of planning. It should therefore relate to the development and use of land.

- It should relate to the particular application.
- The decision maker will have to decide what considerations it considers are material to the determination of the application. However, the question of whether or not a consideration is a material consideration is a question of law and so something which is ultimately for the courts to determine. It is for the decision maker to assess both the weight to be attached to each material consideration and whether individually or together they are sufficient to outweigh the development plan. Where development plan policies are not directly relevant to the development proposal, material considerations will be of particular importance.
- The range of considerations which might be considered material in planning terms is very wide and can only be determined in the context of each case. Examples of possible material considerations include:
- Scottish Government policy and UK Government policy on reserved matters.
 - The National Planning Framework.
 - Designing Streets.
 - Scottish Government planning advice and circulars.
 - EU policy.
 - A proposed local development plan or proposed supplementary guidance.
 - Community plans.
 - The environmental impact of the proposal.
 - The design of the proposed development and its relationship to its surroundings.
 - Access, provision of infrastructure and planning history of the site.
 - Views of statutory and other consultees.
 - Legitimate public concern or support expressed on relevant planning matters.
- The planning system operates in the long term public interest. It does not exist to protect the interests of one person or business against the activities of another. In distinguishing between public and private interests, the basic question is whether the proposal would unacceptably affect the amenity and existing use of land and buildings which ought to be protected in the public interest, not whether owners or occupiers of neighbouring or other existing properties would experience financial or other loss from a particular development.

8.4. Where a decision to refuse an application is made, the applicant may appeal under section 47 of the Act. Scottish Ministers are empowered to make an award of expenses on appeal where one party's conduct is deemed to be unreasonable. Examples of such unreasonable conduct are given in Circular 6/1990 and include:

- Failing to give complete, precise and relevant reasons for refusal of an application.
- Reaching a decision without reasonable planning grounds for doing so.
- Not taking into account material considerations.
- Refusing an application because of local opposition, where that opposition is not founded upon valid planning grounds.

8.5. An award of expenses may be substantial where an appeal is conducted either by way of written submissions or a local inquiry.

Status of the Local Development Plan

8.6. Although the Orkney Local Development Plan 2017 is “out-of-date” and has been since April 2022, it is still a significant material consideration when considering planning applications. The primacy of the plan should be maintained until a new plan is adopted. However, the weight to be attached to the Plan will be diminished where policies within the plan are subsequently superseded.

Status of National Planning Framework 4

8.7. National Planning Framework 4 (NPF4) was adopted by Scottish Ministers on 13 February 2023, following approval by the Scottish Parliament in January 2023. The statutory development plan for Orkney consists of NPF4 and the Orkney Local Development Plan 2017 and its supplementary guidance. In the event of any incompatibility between a provision of NPF4 and a provision of the Orkney Local Development Plan 2017, NPF4 is to prevail as it was adopted later. It is important to note that NPF4 must be read and applied as a whole, and that the intent of each of the 33 policies is set out in NPF4 and can be used to guide decision-making.

8.8. In the current case, there is not considered to be any incompatibility between the provisions of NPF4 and the provisions of the Orkney Local Development Plan 2017, to merit any detailed assessment in relation to individual NPF4 policies.

Relevant Case Law

- 8.9. Raeshaw Farms Ltd v Scottish Ministers 12 February 2026 re-stated a principle of EIA law that interdependency between projects means they should be considered as a single project for the purposes of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.
- 8.10. Wingfield v Canterbury City Council [202] JPL 154. listed the following non-exhaustive list of relevant factors in considering whether there is interdependency between projects:
- Common ownership: Where two sites are owned or promoted by the same person, this may indicate that they constitute a single project.
 - Simultaneous determinations: Where two applications are considered and determined by the same committee on the same day and subject to reports which cross refer to one another, this may indicate that they constitute a single project.
 - Functional interdependence: Where one part of a development could not function without another, this may indicate that they constitute a single project.
 - Stand-alone projects: Where a development is justified on its own merits and would be pursued independently of another development, this may indicate that it constitutes a single individual project that is not an integral part of a more substantial scheme.

The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (EIA Regulations)

- 8.11. The proposed development has been assessed against the requirements of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (EIA Regulations).

9. Assessment

Proposal

- 9.1. The proposal is for the construction of a wastewater pumping station on hard standing with access track to site including bridge crossing. The wastewater pumping station is a metal cabinet 3m long x 1m wide x 2m high and green in colour. The compound area will be 18m x 14m; surfaced with permeable paving. The tanker hardstanding and the hardstanding around the wet wall manhole will

be impermeable. There will be a 1.15m high post and wire fence (rabbit proof) boundary treatment around the compound area.

- 9.2. The access track is 235m long running from New Scapa Road (B9148) across the bridged Crantit Burn then running up to the pumping station. The access track will be 3.5m wide, the construction of the track will be made up of 200mm Type 1A sub-base to Clause 601, 200mm Type 1B sub-base to Clause 601.
- 9.3. The bridge will be 9.23m long and 4.5m wide with 1.5m high Armco barriers creating the bridge parapets. Taking into account the status of this development as infrastructure development within the Kirkwall settlement boundary, it is considered that the proposal is satisfactory in terms of Orkney Local Development Plan (OLDP) 2017 Policy 2 Design and Policy 3 Settlements, Town Centres and Primary Retail Frontages.
- 9.4. For the avoidance of doubt this proposal is a standalone application for infrastructure works only and any future development in and around this area will require to be considered and assessed fully through planning applications. This is in line with NPF Policy 18 Infrastructure First. However, the proposed works are expected to ultimately form part of Scottish Water's wider infrastructure which would include a gravity sewer with an outfall to an existing manhole at Muddisdale Road. Installation of a sewer will be carried out by Scottish Water which generally falls under delegated permitted development rights. Scottish Water has statutory undertaker permitted development rights under Schedule 1 paragraphs 38 (Water Undertakings) and 43A (Sewerage Undertakings) of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992. Scottish Water carry out work in accordance with their own specifications and requirements. The proposed works are part of a strategic upgrade of the area in line with NPF4 Policy 18 Infrastructure First; however, it should be noted that this proposal does not assume any future development in the immediate or wider area will achieve planning permission. Scottish Water has confirmed that the proposed rising main and pumping station is designed to facilitate the development of LDP sites K8, K9, K10 and K11 and that this new infrastructure will have wider benefits to the Kirkwall South region with the potential to provide further capacity in an area where the surface and foul water systems are under particular strain. In this regard the proposal is considered to comply with NPF4 Policy 25 Productive Places.

Access

- 9.5. The access track is 235m long running from New Scapa Road (B9148) across the Crantit Burn then running up to pumping station. Roads Services advise that a condition would be required providing construction details of the access with New Scapa Road prior to any works commencing on site.
- 9.6. A Construction Environmental Management Document (CEMD), including site-specific environmental management procedure measures, to ensure that potential sources of pollution on site can be effectively managed throughout construction and in turn during operation, is required. The CEMD can be secured by condition and would specify the measures necessary to be deployed to safeguard specific local environmental and water resources. The proposal is therefore in accordance with Orkney Local Development Plan (OLDP) 2017 Policy 14 Transport, Travel and Road Network Infrastructure.

Historic Environment

- 9.7. The Islands Archaeologist advised potential historic environment issues were satisfactorily addressed by the archaeological works conducted as part of the planning application process and the subsequent reports provided as part of this application. The proposal is therefore in accordance with NPF Policy 7 Historic Assets and Places, and Orkney Local Development Plan (OLDP) 2017 Policy 8 Historic Environment and Cultural Heritage.

Core Path

- 9.8. The proposed bridge crosses the Crantit Burn, with the associated access road extending to New Scapa Road. In doing so, the access road would cross Core Path K12 (Crantit Trail), which runs alongside the Crantit Burn. The proposal has been assessed against Policy 10A (Core Paths and Access) of the Orkney Local Development Plan 2017, which states that "Development should have no unacceptable adverse impact on statutory access rights, core paths, other public footpaths or rights of way."
- 9.9. The Environmental/Rural Planner (Access) advises that the core path will be crossed, however as a Construction and Access Management Plan has been included as part of this application, the scheme allows for uninterrupted access to the core path, any issues arising from the development could be addressed through planning condition – allowing the conclusion that the application would comply with OLDP 2017 Policy 10A, NPF4 Policy 20 – Blue and Green Infrastructure and the Amended Orkney Core Path Plan (2018).

Residential Amenity

- 9.10. The location of the pumping station is situated fairly remote from any third-party residential properties, with the closest premises being the Balfour Hospital. It is therefore unlikely that there will be any impact on residential amenity to an unacceptable level. As such the proposal would meet the requirements of Policy 1 'Criteria for All Development' of the Orkney Local Development Plan 2017. The proposal has also been considered in terms of NPF4 Policy 23 Health and Safety, with no significant risks identified for this development.

Biodiversity

- 9.11. The submitted biodiversity plan, dated 25 January 2024, shows Balfour willow planted around the substation hardstanding and along the burn adjacent to the bridge. This proposal has been reviewed and is considered acceptable in demonstrating how the proposal will incorporate measures to support and enhance biodiversity in line with national and local policy requirements including NPF4 Policy 3 -Biodiversity and Orkney Local Development Plan 2017 Policy 9 - Natural Heritage and Landscape. This matter could be secured through appropriate planning condition.

Natural Heritage

- 9.12. An otter survey was undertaken as part of this application. This identifies that there is otter active on the coastline of Scapa Bay and that otters use the Crantit Burn as a freshwater source and potentially as a transit route to other areas. However minimal evidence of otter activity was found in the survey area and whilst there are large freshwater pools and extensive wetland vegetation which may be used by otters, these are located over 100m from the proposed development. It is therefore considered unlikely that the development or the works to create it, will cause significant disturbance to any otters using this area. The proposal is therefore in line with the requirements of NPF4 Policy 1 Tackling Climate and nature crises and Policy 4 Natural Places and Orkney Local Development Plan 2017 Policy 9 Natural Heritage and Landscape. Should planning permission be granted, a planning condition should be attached which would address necessary measures to minimise and mitigate the risk to otters which are a protected species.

Infrastructure/Location

- 9.13. NPF4 Policy 18 encourages an infrastructure first approach to land use planning, ensuring the potential impacts on infrastructure and infrastructure needs are understood early in the development. This proposal is to establish infrastructure

which could support future development and as such is in line with the infrastructure first approach. This matter has been supported by the Development and Marine Planning Service in that it will support an infrastructure first approach to the potential future delivery of land currently allocated for development in the Orkney Local Development Plan 2017. However, for the avoidance of doubt, support for the principle of the infrastructure first approach does not in itself provide any assurance or indication that the future development of Orkney Local Development Plan 2017 sites will achieve planning permission. Any future development proposals for these sites will require to be considered on their own merit and will require to go through the full planning process and consideration.

Flood Risk

- 9.14. A Flood Risk Assessment has been included as part of this application. The location of the proposed pumping station itself is not identified as to be at risk of coastal or surface water flooding on SEPA flood risk mapping. However, some parts of the proposed access track are.
- 9.15. However, the nature of the proposal would fall under 'water compatible uses' in SEPA's Land Use Vulnerability Guidance which is one of the exemptions for development in a flood risk area in NPF4 Policy 22a. One of the qualifications for this exemption is that the development must remain 'safe and operational during floods'. It was therefore required to demonstrate that this was achievable. Due to the identified risk for the main access track to flood, a secondary emergency access route has been provided as part of the development proposal which is via the A964. This proposal can satisfactorily address the identified flood risk issues; therefore, no concerns were raised in respect of flooding from Engineering Services or SEPA.
- 9.16. NPF4 Policy 2 Climate mitigation and adaptation requires that development proposals are sited and designed to adapt to current and future risks from climate change and NPF4 Policy 22 seeks to ensure development would not be at significant risk of flooding from any source or would materially increase the possibility of flooding elsewhere. The final proposal therefore satisfies this Policy requirement and also Orkney Local Development Plan 2017 Policy 13 Flood Risk, SuDS and Waste Water Management.

Kirkwall South Development Brief - Environmental Management and Pollution Prevention

- 9.17. The Kirkwall South Development Brief (2016) covers land to the south edge of Kirkwall. This land includes housing allocations K8, K9, K10 and K11 of the Orkney Local Development Plan (OLDP) 2017, including various smaller sites near the hospital.
- 9.18. The Kirkwall South Development Brief (2016) highlights water features and watercourses present within the development brief area. This is noted to include “a network of lagoons” and highlights that “Highland Park Distillery abstract water from a borehole within this land”. The Brief also records that “Crantit is a critical factor in the continued operation of Highland Park Distillery, with its main water supply being taken from the Crantit Burn and Crantit Lagoons, and [that] potential developers must set out their proposals to deal with any potential contamination of or disturbance to the water supplies as part of their planning application”. The Brief further requires that “Applicants for relevant sites must therefore design and carry out a Hydrological Study which will include a site and receptor specific detailed risk assessment and site investigation”. The Brief also states that “No Planning Permission will be granted unless it can be demonstrated to the Planning Authority in consultation with SEPA, that there will be no unacceptable effects to the quantity and quality of the water supply to Highland Park Distillery”.
- 9.19. The developer has submitted a Hydrological Impact Assessment (HIA), which has been assessed and updated following reviews and further monitoring required by an independent environmental consultant appointed by the Council. It has also been the subject of review by SEPA.
- 9.20. As part of their assessment, the independent environmental consultant (Hydrogeologist) required further information from the developer to understand any potential risk of impacts of the scheme, namely:
- Longer term groundwater level monitoring to establish seasonal groundwater fluctuation hence the degree to which the proposed structures will intercept groundwater.
 - Consideration of the catchments to the water sources during drought conditions, when access to groundwater is essential.
 - Measures will need to be included within the design of the sewer mains to mitigate the creation of a rapid groundwater flow path around the sewer mains which could lower groundwater levels and truncate the groundwater catchment to the Highland Park abstractions.

- 9.21. In October 2025, a ground investigation was undertaken that included the construction of 11 boreholes, five trial pits and three soakaway boreholes. The locations covered the area of this application and the area of the separate application 24/160/PPMAJ.
- 9.22. Continuous groundwater level datasets were collected for five of the boreholes from the end of October 2025 to early March 2026. These covered dry conditions at the end of the summer and periodically wet conditions through winter. The proposition was that this would ensure that the likely full range of groundwater levels for the year has been experienced.
- 9.23. Section 3.2 of the HIA presents a summary of the hydrological and hydrogeological conditions of the site, including its relationship with the Highland Park Distillery abstraction. The conceptual findings support the results of the baseline numerical model, which are used to delineate persuasive catchments to the Crantit borehole and lagoon.
- 9.24. An important finding of the work was that, during periods of low groundwater levels, the rising main is below the water table only at its south-eastern end, i.e. outside of the catchments of the abstraction sources. This was considered by the independent environmental consultant to be “very reassuring”. Furthermore, to prevent migration of water out of the catchment at higher groundwater levels, low permeability plugs could be added into the trench containing the rising main.
- 9.25. The independent environmental consultant concluded that “Altogether I am satisfied that the requirements of the further information request have been adequately met. I am satisfied that on development of the rising main there will be no more than an insignificant impact on the HPD abstraction”.
- 9.26. SEPA was also consulted on the Hydrological studies and advised:
- “We understand the reason for consultation is that you would like our technical advice on the hydrological study that has been submitted because of a requirement in the Kirkwall South Development Brief (2016) to demonstrate that there will be no unacceptable effects to the quality and quantity of the water supply to Highland Park Distillery. While impacts on water supplies is not a reason for consultation with SEPA, we appreciate that this historic developer requirement was agreed with us at the time of the brief’s publication and as a result we provide the following advice”.

- 9.27. SEPA has advised that the guidance on assessing the impacts of developments on groundwater abstractions requires assessment of impacts on groundwater abstractions within 250m of development.
- 9.28. “In this instance based on the information in the Hydrological Impact Assessment report, SEPA state that the Crantit borehole is located at coordinate HY 44342 09711 (which is approximately 75m east of the location in the CAR/EASR licence held by SEPA). Therefore, SEPA states that “the supply falls out with this buffer”. SEPA then state that "this means that based on our guidance the potential for impact on the borehole is very low and no assessment of impacts is required. In line with our guidance, we would generally not provide any further comment on assessments outwith 250m, however, to be helpful we provide the following additional comments in this case on the assessments undertaken”.
- 9.29. “OGI’s original assessment (J24-1034-004R-Rev 1 dated 29 Nov 2024) of the potential impacts of the development proposals was essentially a qualitative risk assessment informed by published information and some limited site investigation (SI). We note that the operator’s consultant and the council highlighted the lack of groundwater level monitoring data available and quantitative assessment of flows and levels.
- 9.30. The updated assessment (J24-1034-012R-Rev0 dated 13 March 2026) is informed by further SI, groundwater level monitoring over the winter period 25/26, and quantitative modelling of flow paths and levels for the baseline and post development scenarios. The modelling results indicate very minor / negligible impacts from the proposed development on Crantit borehole and Crantit lagoon. We have not reviewed the model in detail however it appears to be a reasonable assessment with no obvious deficiencies, and we would consider the requirement of the Development Brief to have been met. We highlight that the Crantit borehole is actually more akin to a shallow well rather than a borehole as it is reportedly only 3m deep. It should therefore be noted that it is likely to be vulnerable during periods of water scarcity regardless of any additional risks due to development.
- 9.31. We also take this opportunity to highlight that the assessment does not consider potential impacts from housing development within development area K8, which does lie within the 250m buffer zone around Crantit borehole. It is possible development with the K8 area could impact on the supply and any assessment should be carried out in line with the guidance referred to above”.

Pollution

- 9.32. It is important to ensure that new developments do not create pollution which could adversely affect the environment or local amenity. Pollution can take various forms including run off into watercourses. A Construction Environment Management Plan (CEMP) should be provided to ensure that the proposal does not adversely affect the environment or local amenity. This matter could be secured through appropriate planning condition.

Representations

- 9.33. Highland Distillers Limited (HDL) who own and operate the Highland Park Distillery have raised objection to the development and appointed their own consultants to review the submitted Hydrological and Hydrogeological Impact Assessments (“HIA”). The objection considers that there are still a number of shortcomings in the work undertaken so far principally:

- the HIA does not provide a clear, standardised impact and risk assessment methodology (including how receptor sensitivity, impact magnitude and significance are determined).
- the HIA does not include an assessment of temporary (construction) phase impacts, nor does it include other potentially impacted water features in the catchment.
- there is an insufficient monitoring baseline: the groundwater level data covers only October 2025 – March 2026, with no full-year dataset to characterise seasonal variation or low-water (summer) conditions.
- there are a number of concerns with the groundwater modelling approach and validity of results.
- the residual leakage risk from foul sewer has not been robustly assessed and there is a reliance on operator inspection and maintenance to control that risk (which is outside HDL’s control).
- hydrological extremes and climate change have not been addressed to demonstrate no unacceptable effects under drought and future conditions.
- cumulative and in-combination impacts with linked and surrounding developments within the catchment are not assessed (including associated K8 – K11 development and related infrastructure).
- failure to adequately assess pollution risks, groundwater processes and residual risks associated with sewer leakage.
- insufficient information to demonstrate compliance with the Orkney Local Development Plan 2017 and Kirkwall South Development Brief (2016).

- it is submitted that the applicant's decision to restrict the HIA to the impact of the pumping station only (and only its operation and not its construction) is a fundamental flaw.
- 9.34. It is the objector's conclusion that the latest HIA still fails to demonstrate that there will be no unacceptable impacts on the quality and quantity of the Distillery's water supply.
- 9.35. The points raised by the objections have been considered as part of the planning assessment of this case. As noted above, a Hydrological Impact Assessment, which included ground survey work, was prepared by the applicant to support the application, in line with the requirements of the Kirkwall South Development Brief. This HIA report was the subject of review by an independent specialist consultant, and also by SEPA. SEPA is the key consultee for the Planning Authority on pollution and flood risk assessment matters.
- 9.36. The findings of the independent specialist are detailed at paragraphs 3.17-3.24 above. This includes the statement from the specialist consultant that "Altogether I am satisfied that the requirements of the further information request have been adequately met. I am satisfied that on development of the rising main there will be no more than an insignificant impact on the HPD abstraction".
- 9.37. In addition to this, the consultation response from SEPA is summarised at paragraphs 3.12-3.13 above. This includes the statement that "The modelling results indicate very minor / negligible impacts from the proposed development on Crantit borehole and Crantit lagoon. We have not reviewed the model in detail however it appears to be a reasonable assessment with no obvious deficiencies, and we would consider the requirement of the Development Brief to have been met".
- 9.38. Based on the specialist independent advice that the Planning Authority has received it is considered that the matters raised by the objectors have been explored and addressed in terms of the requirements of the Kirkwall South Development Brief, and therefore that in planning policy terms it is reasonable to conclude that the matters raised by the objectors have been satisfactorily addressed.
- 9.39. For further clarification, the objectors have also raised the question of a requirement for assessment of the cumulative and in combination effects of the proposed developments linked with surrounding developments within the catchment and within the surrounding area – including those associated with sites K8 to K11 and their associated infrastructure. There is no such requirement

established in the Kirkwall South Development Brief. As noted at paragraph 1.5 above, this application is for the development as submitted only and is not an indication that any other future development of the site will achieve planning permission; any future proposal will be fully considered in its own right through the planning process.

- 9.40. Paragraph 6 of this report outlines that in terms the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, a formal screening was carried out which considered the associated development land, including Sites K8 to K11. The screening considered whether K8, K9, K10 and K11 were interdependent. It was considered that only K9 was interdependent and fell to be considered along with the current application as a single project for the purposes of the EIA regulations.
- 9.41. Therefore, with regard to the nature and scale of the current development, and the fact that any future development proposals within the wider area, including sites K8 to K11, would be subject to separate assessment through the planning process, it is considered that there is no requirement to undertake further assessment to enable determination of this application.

10. Conclusion

- 10.1. There is general policy support within the Development Plan for the development proposal which is to be built on land that is identified in Orkney Local Development Plan 2017 for housing development and provides (or contributes to) an infrastructure first approach. Whilst for the avoidance of doubt, approval of this development does not indicate that any future application for further development of the site will achieve planning permission, the principle of this proposed infrastructure development is therefore considered acceptable on this site.
- 10.2. There have been objections to the application, including from Highland Park, regarding potential risk of contamination to the water supply which supplies the Highland Park Distillery. These are critical and material matters to address, with the Kirkwall South Development Brief stating clearly that “No planning permission will be granted unless it can be demonstrated to the Planning Authority, in consultation with SEPA, that there will be no unacceptable effects to the quantity and quality of the water supply to Highland Park Distillery”.
- 10.3. In order to address these matters, as part of the planning process the applicant has undertaken a range of specialist studies, including Hydrological and Hydrogeological Impact Assessments which were to evaluate the potential effects of the proposed development on the local water environment and water supplies.

These studies have provided information which responds directly to the matters raised by the objectors.

- 10.4. The hydrogeological assessments have been reviewed by both SEPA and an independent environmental consultant who was acting on behalf of the Planning Authority. The applicant's assessments, together with the findings of these independent reviews and advice received from SEPA, provide a satisfactory level of assurance that the surveys and methodologies employed represent a reasonable assessment of the site conditions and contain no significant deficiencies. An assessment of the proposal in terms of environmental impact has also been undertaken in line with the EIA Regulations, with the decision that the proposed development does not constitute EIA development.
- 10.5. On this basis, it is considered that there is sufficient information regarding the understanding the risk of impact of the development on water supply for Highland Park Distillery to conclude that the proposed development is unlikely to result in any significant adverse impact on the water supply serving Highland Park Distillery. Therefore, based on the evidence presented by the applicant, and which has been subject to independent specialist review and comment from SEPA, the risk of impact of the development on the water supply for Highland Park Distillery is considered to be insignificant.
- 10.6. In terms of other technical and design matters regarding potential impacts there were no significant material concerns raised through the planning assessment process, with any possible impacts which may arise from either construction or operational stages of the development being possible to be controlled by planning conditions.
- 10.7. It is important that planning decisions are made in line with Development Plan policies and on the basis of evidence. A critical factor in the determination of this application is the fact that the site is allocated in the Local Development Plan as a site for housing development and will also deliver upon development plan policy support for the NPF 4 Infrastructure First Policy principle. Thus whilst it is recognised in this planning assessment that there are material objections to this application, which identify potential risks, it is concluded sufficient evidence has been provided by the applicant in line with the policy requirements set out in the Kirkwall South Development Brief and which have then been the subject of independent review, including by SEPA and an independent environmental consultant, which concludes that there would be “no more than an insignificant impact on the HPD abstraction”. As such in planning terms, the objections cannot be considered sufficiently material in planning terms to outweigh other factors

including key development plan land allocation and policy provisions which favour approval of this planning application.

- 10.8. The development is therefore considered in planning terms to be acceptable with regard to the relevant policies of National Planning Framework 4 and the Orkney Local Development Plan 2017. There are no material considerations including those raised in the objections that based on the evidence presented can be considered reasonable to outweigh this policy based planning conclusion. The application is therefore recommended for approval, subject to the conditions set out in Appendix 1.

For Further Information please contact:

Margaret Gillon, Senior Planner (Development Management), Email
margaret.gillon@orkney.gov.uk

Implications of Report

1. **Financial:** None.
2. **Legal:** Detailed in section 8 above.
3. **Corporate Governance:** In accordance with the Scheme of Administration, determination of this application is delegated to the Planning Committee.
4. **Human Resources:** None.
5. **Equalities:** Not relevant.
6. **Island Communities Impact:** Not relevant.
7. **Links to Council Plan:** Not relevant.
8. **Links to Local Outcomes Improvement Plan:** Not relevant.
9. **Environmental and Climate Risk:** None.
10. **Risk:** If Members are minded to refuse the application, it is imperative that clear reasons for proposing the refusal of planning permission on the basis of the proposal being contrary to the development plan policy and the officer's recommendation be given and minuted. This is in order to provide clarity in the case of a subsequent planning appeal or judicial review against the Planning Committee's decision. Failure to give clear planning reasons for the decision could lead to the decision being overturned or quashed. In addition, an award of costs could be made against the Council. This could be on the basis that it is not possible to mount a reasonable defence of the Council's decision.
11. **Procurement:** None.
12. **Health and Safety:** None.
13. **Property and Assets:** None.
14. **Information Technology:** None.
15. **Cost of Living:** None.

List of Background Papers

Orkney Local Development Plan 2017, available [here](#).

National Planning Framework 4, available [here](#).

[Kirkwall South Development Brief](#)

Appendices

Appendix 1 – Planning Conditions.

Appendix 2 – Location Plan.

Appendix 3 – Screening Opinion.

Appendix 1

01. The development hereby approved to which this planning permission relates must be begun not later than the expiration of three years, beginning with the date on which the permission is granted, which is the date of this decision notice. If development has not commenced within this period, this planning permission shall lapse.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended, which limits the duration of planning permission.

02. Due to the proximity of the site to the water features/courses/burn Otter activity has been detected in the area. Otters are classed as an European Protected Species (EPS) therefore afforded a strict level of protection under UK legislation. Further information on otters and the law is available from the NatureScots website at: <https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/protected-species/protected-species-z-guide/protected-species-otters> .

Throughout the construction phase of the development the following shall be complied with:

- If otters enter the site all work/activities should cease until the animal has moved off the site.
- Access to open-water habitats shall be safeguarded at all times and impacts to traditional routes between such areas (such as drainage ditches) during the construction phase shall be minimised.
- Any temporarily exposed open pipe system shall be capped in such a way as to prevent otters gaining access, outwith working hours.
- Open pits shall be covered outwith working hours, and exit ramps provided in steep-sided trenches. All excavations shall be checked daily to ensure that no wildlife has become trapped.
- Hazardous materials (e.g. chemicals, fuel and waste products) shall be stored safely and not be accessible to otters.
- No exterior construction work shall take place outwith the following working hours 07:30 to 18:00 March to October, 08:00 to 17:00 November to February.
- There shall be no dumping of spoil, building tools or materials outwith the site area, shown red on the site plan.
- All personnel involved in the development shall be made aware that otters may be present in the area, and of the requirement to follow the measures listed above to avoid disturbance to the species.
- The construction of the bridge crossing the Crantit Burn should allow for adequate access for otters to pass underneath safely, including in times of higher waterflow – for further information see Design Manual for Roads and Bridges Volume 10 Nature Conservation Advice in Relation to Otters (Highways Agency 1999).

- As a cautionary measure, it is advised that an additional check of the access pipe at HY 44669 09903 is made, by an experienced otter surveyor, prior to the work commencing. This should include checking vegetation within the burn for evidence of regular transit by otters.

Reason: In the interests of the protection of otters, an European Protected Species afforded a strict level of protection under UK legislation.

03. The biodiversity measures set out in approved site plan, dated 25 January 2024) shall be implemented in full, with planting being implemented no later than the first planting season following commencement. Thereafter the biodiversity measures shall be permanently retained in accordance with the approved details, including replacement of any planting that does not survive, is removed, or is damaged, unless otherwise agreed, in writing, with the Planning Authority.

Reason: To ensure biodiversity measures are implemented as required by National Planning Framework 4 Policy 3.

04. The scheme proposed in the Construction and Access Management Plan – Crantit Trail, submitted as a supporting document for planning application 24/211/PP, will be followed. Prior to these works taking place details of signage proposed including that to show route of diversion shall be submitted to and agreed, in writing, by the Planning Authority in conjunction with the Access Officer.

Reason: To create the temporary diversion to ensure that the right of responsible access along Crantit Trail remains unobstructed. Core Path K12, the Crantit Trail, should remain open and free from obstruction at all times; before, during and after any construction works.

05. No development shall commence until a Construction Environment Management Document (CEMD) has been submitted to and approved, in writing, by the Planning Authority. The development shall then proceed in accordance with the approved CEMD unless otherwise agreed, in writing, by the Planning Authority. The CEMD shall include details of:

- Habitat and Species Protection, including Species Protection Plans for otters.
- Pollution Prevention and Control.
- Dust Management, covering construction activity, including vehicle movements.
- Construction Noise.
- Hours of works.
- Site Waste Management.
- Surface and Ground Water Management including: drainage and sediment management measures from all construction areas including access tracks; mechanisms to ensure that construction will not take place during periods of high flow or high rainfall; and a programme of water quality monitoring of the Crantit Burn.

- Soil Management, with details of soil placement and measures to utilise the soil's existing seed base in the finalised landscaping plan.
- Public and Private Water Supply Protection Measures.
- Details of location and set up of construction compound.
- Timetable for post construction restoration/reinstatement of the temporary working areas and construction compound.

Reason: To ensure protection of surrounding environmental interests and general amenities.

06. Full details of the surfacing and maintenance of the compound including the permeable and impermeable surfaces and measures to ensure there will be no seepage from the impermeable surface to the surrounding area shall be submitted to, and agreed in writing by, the Planning Authority prior to work commencing on site.

Reason: To ensure protection of surrounding environmental interests and general amenity.

07. No work shall commence on site until full details of the construction of the proposed access with New Scapa Road, have been submitted and agreed, in writing, by the Planning Authority, in conjunction with Road Services. Thereafter the access shall be implemented in accordance with the approved details prior to work commencing on site.

Reason: To ensure that adequate and safe vehicle access is available to serve the development and surrounding area.

08. Throughout the lifetime of the development hereby approved, any exterior lighting employed shall be so positioned, angled and controlled to prevent any direct illumination, glare or light spillage outwith the site boundary. The use of automatic cut-out or sensor operated external lighting of limited timed illumination is advocated.

Reason: In order to ensure that any lighting installed within the application site does not spill beyond the intended target area, does not impact adversely upon the amenity of adjacent properties and does not result in 'sky glow' and to accord with Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (2021).

09. Surface water shall be managed in accordance with the principles of Sustainable Drainage Systems (SuDS) and the guidance set out in CIRIA's SuDS Manual C753 throughout the lifetime of the development hereby approved.

Requisite surface water drainage measures shall be operational prior to the development being brought into use and shall be maintained as operational thereafter and throughout the lifetime of the development.

All surface water shall be contained within the application site and shall be managed to avoid flow into any adjacent road or other land.

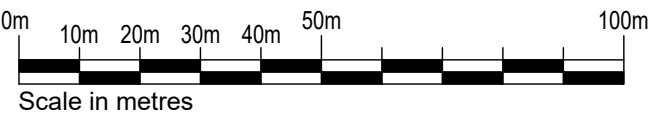
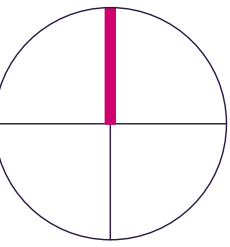
Reason: to ensure appropriate management of surface water drainage, in accordance with Policy 13B Sustainable Drainage Systems (SuDS) of the Orkney Local Development Plan 2017 and to protect road safety.

FIGURED DIMENSIONS ONLY TO BE USED

Drawing Legend:

Planning boundary.
Approximate area = 2.525m²

North



Issue	Revision	Initial	Date
D	Proposed route of rising main removed from drawing.	JMA	03/07/24
C	Planning boundary updated to incorporate area associated with foul gravity sewer from site K9.	JMA	25/06/24
B	OS mapping updated to remove coloured hatching.	JMA	13/03/24
A	Planning boundary linetype changed from dashed to continuous.	JMA	28/01/24

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Client:
Orkney Builders Ltd.

Project:
Kirkwall South Rising Main

Drawing Title:
WWPS Access Track
Location Plan

Status:
Planning

Scale: 1:1250 @ A1 Date: 25/01/24
By: JMA Checked: JMA Approved: RAG

Dwg. No. 230338-000-CAM-DR-C-002 Rev. D



The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017

Screening Opinion

Regulation 9 (1)

Application reference:	26/153/PPMAJ 24/211/PP
Type of Application:	Screening Request
Complete application received:	26/153/PPMAJ - 21 May 2026 24/211/PP - 08 July 2024
Development description:	Erect 28 houses and 36 flats with air source heat pumps, create an access, construct a road, surface water drainage basin, and associated services, infrastructure and landscaping (K-9). Construction of a wastewater pumping station and access track including bridge crossing, and create an access (WWPS)
Location of development:	New Scapa Road (Land Near), Kirkwall, Orkney
Applicant:	Orkney Builders (Contractors) Ltd
Agent:	Lisa Middleton

In screening the proposed developments for EIA, the Council having regard to the Raeshaw¹ judgement considers there to be functional interdependency between the WPPS and Residential K-9 development projects. The scale and nature of the WPPS development is such that alone, it is not EIA development under either Schedule 1 or Schedule 2 of the Regulations. However, in view of its interdependency with the Residential K-9 development the project as a whole (the Proposed Development) falls to be screened for EIA within the context of Schedule 2 of the Regulations being urban development under 10(b) of Schedule 2 and exceeding the threshold of 0.5 hectare.

¹ RAESHAW FARMS LTD v SCOTTISH MINISTERS & ENERGIEKONTOR UK LTD [2026] CSIH 10

The Council's reasoning for reaching this decision in terms of inter-dependency between the WWPS and K9 is as follows:

Common Ownership: Orkney Builders (Contractors) Ltd is the applicant for both applications are identified as an owner of both sites, together with others.

Simultaneous determination: whilst there are two planning applications submitted for determination, for the WWPS and for the development of K9, only the WWPS application is to be determined at this time. However, the K9 development is the subject of a live planning application which it is reasonable to conclude will be determined within the next 6-12 months.

Functional Interdependence: Whilst, site K9 is expected to be functionally dependant on the WWPS, the approval of the WWPS does not determine that this application will be granted planning permission, with K9 requiring to progress through an independent planning application process. Notwithstanding, the WWPS could exist and function without K9. However, and with reference to the Kirkwall South Development Brief it is reasonable to conclude that the reason that the WWPS is being advanced at a similar timescale to K9, and by the same applicant who is also a common landowner is that there is a level of inter-dependence between the development of the WWPS to support the development of K9.

Stand Alone project: Scottish Water has confirmed that the primary purpose of the WWPS is to facilitate the development of sites K-8, K-9, K-10 and K-11 (identified in the OIC Local Development Plan 2017). Scottish Water has further confirmed that the new infrastructure will have wider benefits to the Kirkwall South region with the potential to provide further capacity in an area where the surface and foul water systems are under particular strain. There is clear evidence therefore that the WWPS is to serve a wider area than the immediate area of the future development of site K9 and could function without the development of K9. This position is further corroborated by the policy provisions within the Kirkwall South Development Brief.

However, the fact that there is common ownership and the applicant to both planning applications is Orkney Builders (Contractors) Ltd who have also been awarded the Design and Build contract to deliver the WWPS on behalf of Scottish Water points towards a level of interdependence between the two projects.

As noted, the WWPS will service a wider area beyond site K9, and will ultimately be adopted by Scottish Water. It is therefore considered that the development of the WWPS could expected to be justified on its own merits and pursued independently of K9. However, as noted above, the common ownership and live planning application status of the WWPS and K9 submitted by the same applicant point towards a level of inter-dependence.

Based on these factors, it is considered that the WWPS and K9 applications should be considered as functionally inter-dependant for the purposes of assessment under the EIA Regulations.

In relation to consideration of interdependency between the WWPS, K9 and Local Development Plan sites K8, K10 and K11 factors which have been taken into account include:

Common Ownership: It is not known that sites K8, K10 or K11 are owned by the same applicant.

Simultaneous determination: There is no current advanced development proposals that the Council is aware of for sites K8, K10 or K11.

Functional Interdependence: The WWPS could exist and function without K8, K10 or K11. Whilst, sites K8, K10 and K11 are expected to be functionally dependant on the WWPS, the approval of the WWPS does not determine that these applications will be developed or that they will be granted planning permission, with each proposal requiring to progress through an independent planning application process.

Stand Alone project: Scottish Water has confirmed that the primary purpose of the WWPS is to facilitate the development of sites K8, K9, K10 and K11 (identified in the OIC Local Development Plan 2017). Scottish Water has further confirmed that the new infrastructure will have wider benefits to the Kirkwall South region with the potential to provide further capacity in an area where the surface and foul water systems are under particular strain. The WWPS is therefore to serve a wide area, and is not specifically linked to the coordinated or simultaneous development of K8, K9, K10 or K11. Unlike K9, sites K8, K10 and K11 are not known to be owned by the same applicant as the WWPS. They are also not currently the subject of advanced development/planning application submissions.

It is therefore considered, that for the purposes of assessment under the EIA Regulations, there is not interdependency between the development of the WWPS and K9; and the future development of Local Development Plan sites K8, K10 or K11.

Screening Opinion: Orkney Islands Council hereby give notice, in accordance with the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (hereafter referred to as the 'EIA Regulations') that the WWPS and K9 developments referred to above are functionally interdependent and as so constitute an Urban Development Infrastructure Project in terms of description 10(b) of Schedule 2 of the 2017 Regulations.

Having regard to potential for environmental impacts it is determined that the development is **unlikely** to have significant effects on the environment. The Council's reasons for reaching this conclusion are set out in the table below.

The response of consultees is available by following the Online Planning link on the Council's website and then entering either the application address or the planning application number.

Date: 21/09/2026

A handwritten signature in blue ink, appearing to be 'GB' with a long horizontal stroke extending to the right.

Signed:

Gavin Barr MRTPI

Head of Planning and Regulatory Services and Chief Planning Officer

The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017

EIA Screening Opinion

Identifying the Development

1. Does the development fall with Schedule 1 or Schedule 2 of the Regulations?

Details of Development		Yes	No
Is the development of a type described in Schedule 1	The Proposed Development is not described in Schedule 1		X
Is the development of a type described in Column 1 Schedule 2	Schedule 2 Part 10 (b) Urban development projects, including the construction of shopping centres and car parks, sport stadiums, leisure centres and multiplex cinemas;	X	
Is the development located in a sensitive area' <u>or</u> ;	Regulation 2(1) defines sensitive areas as Sites of Special Scientific Interest Land subject to Nature Conservation Orders; European Sites; National Scenic Areas; World Heritage Sites; Scheduled Monuments; National Parks; Marine Protected Areas.		X
Does the development meet any of the relevant thresholds and / or criteria in Column 2 of Schedule 2.	The area of Proposed Development is circa 3.7ha therefore exceeds the 0.5 ha threshold	X	

If No, Proceed to Declaration

If Yes, Proceed to 2. Consideration of EIA (below).

Consideration of EIA

2. Is the Development likely to have a significant effect on the environment taking into account the following aspects?

Selection Criteria for Screening Schedule 2 Development	
In accordance with Schedule 3 of the Regulations the following selection criteria are used to inform the screening opinion	
1. Characteristics of Development	
The characteristics of development must be considered having regard, in particular to:	
The size and design of the whole development;	The residential K9 development relates to the erection of 28 houses and 36 flats with air source heat pumps, create an access, construct a road, surface water drainage basin, and associated services, infrastructure and landscaping. The proposed WWPS development overlaps and is located some 50m to the west will serve the K9 development and will also service other future sites K8, K10 and K11 identified in the Orkney Local Development Plan 2017. The proposed K9 residential development is dependent upon the WWPS. Scottish Water has confirmed that the primary purpose of the WWPS is to facilitate the development of sites K8, K9, K10 and K11 (identified in the OIC Local Development Plan 2017). Scottish Water has further confirmed that the new infrastructure will have wider benefits to the Kirkwall South region with the potential to provide further capacity in an area where the surface and foul water systems are under particular strain. The residential K9 development is screened together with the proposed WWPS and access track on the basis that for the purposes of EIA screening they are considered to be interdependent and functionally linked.

	K8, K10 and K11 are not considered to be interdependent for the reasons outlined above.
The cumulation with other existing development and / or approved development;	Existing established development in the near vicinity includes: the Balfour hospital located 100m to the north, residential housing some 100m and beyond to the east. The proposed functionally linked development is not considered in cumulation with other existing development and or approved development.
The use of natural resources, in particular land, soil, water and biodiversity;	The Proposed Development comprises undeveloped agricultural land. Land will be utilised, soils will be displaced and associated biodiversity will be affected in preparing the whole site for development.
The production of waste;	Wastes will be generated by the Proposed Development. These are anticipated to be both excavation and construction wastes produced as part of the site developments (site preparation). Once operational, the residential development will require a means of disposing of foul waste waters.
Pollution and nuisances;	The residential K9 development will produce foul waters to be managed through the proposed WWPS. Both the proposed residential site and WWPS site are located on land outwith areas of flood risk. Hydrological and hydrogeological impact assessments have been provided as part of planning applications 24/211/PP and 26/153/PPMAJ. For the K9 residential development this concludes that the modelled impact on the existing hydrological regime is negligible. With respect to the proposed WWPS, a quantitative hydrological impact assessment prepared highlights that the scheme design with embedded mitigation in place will have no more than a very minor/ insignificant impact upon on Crantit borehole and Crantit lagoon. SEPA advises in its consultation response to planning application 24/211/PP of 31 March 2026 that <i>'it has not reviewed the model in detail however it appears to be a reasonable assessment with no obvious deficiencies, and we would consider the requirement of the Development Brief to have been met'</i>. In relation to existing

	groundwater abstractions, SEPA's consultation response to planning application 26/153/PPMAJ of 20 July 2026 states: <i>'The site is more than 250 m from the nearest groundwater abstraction, the Crantit borehole, and as a result we have no site-specific comments to make on this aspect of the application'</i>. OIC Engineering Services in its consultation response to planning application 26/153/PPMAJ received 31 July 2026 states: <i>'Questions regarding the possible effect of ground water on both flood risk and the drainage system proposed were answered following conclusion of the hydrogeological study undertaken by the developer and the OIC commissioned external review of that'</i>. The technical review prepared by Stephen Buss Environmental Consulting, Document Reference: 2025-089-011-004 dated 20/7/ 2026 concludes <i>'I am satisfied that on development of the K9 development there will be no more than an insignificant impact on the HPD [Highland Park Distillery] abstraction'</i>. [Note that planning application 24/160/PPMAJ for residential development at the K9 site was refused principally due to principally hydrogeological and hydrological information not being submitted with the application].
The risk of major accidents and/ or disasters relevant to the development concerned; including those caused by climate change, in accordance with scientific knowledge; and	There is no likely risk of major accident and/ or disasters relevant to the developments concerned.
The risks to human health (for example due to water contamination or air pollution.	Technical reporting which informs the planning applications do not anticipate a rise in risks to human health including in relation to water contamination or air pollution. SEPA advises in its consultation response to planning application 24/211/PP of 31 March 2026 that <i>'it has not reviewed the model in detail however it appears to be a reasonable assessment with no obvious deficiencies, and we would consider the requirement of the Development Brief to have been met'</i> .

	OIC Engineering Services in its consultation response to planning application 26/153/PPMAJ received 31 July 2026 states: <i>'Questions regarding the possible effect of ground water on both flood risk and the drainage system proposed were answered following conclusion of the hydrogeological study undertaken by the developer and the OIC commissioned external review of that.</i> The technical review prepared by Stephen Buss Environmental Consulting, Document Reference: 2025-089-011-004 dated 20/7/2026 concludes <i>'I am satisfied that on development of the K9 development there will be no more than an insignificant impact on the HPD [Highland Park Distillery] abstraction'.</i>
2. Location of Development The environmental sensitivity of geographical areas likely to be affected by development must be considered having regard in particular to:	
The existing and approved land use;	The existing land use is undeveloped agricultural land which is defined by regular field boundaries and hedgerows. The implementation of the proposed development will lead to the loss of all the agricultural land due to the presence of built form including access track.
The relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground;	The Proposed Development site is located within the southern fringe of Kirkwall. To the west and south, the immediate area is broadly agricultural in character. A further 1km to the south is the Scapa coastal area. The scale of the Proposed Development, in the context of the surrounding environment, is such that there will be no material impact on the relative abundance, availability, quality and regenerative capacity of natural resources.
The absorption capacity of the natural environment, paying particular attention to the following areas:	
i. Wetlands, riparian areas, river mouths;	The site is not located in a wetland, riparian area or river mouth.

ii. Coastal zones and the marine environment;	The site is not located adjacent to the marine environment.
iii. Mountain and forest areas;	The site is not in a mountain or forest area.
iv. Nature reserves and parks;	The site is not located in a nature reserve or park.
v. European sites and other areas classified or protected under national legislation;	The site is not located within a European site or other area classified or protected under national legislation.
vi. Areas in which there has already been a failure to meet the environmental quality standards, laid down in Community legislation and relevant to the development, or in which it is considered that there is such a failure;	The Proposed Development site is not within an area in which there has already been a failure to meet the environmental quality standards, laid down in Community legislation and relevant to the development, or in which it is considered that there is such a failure; In this respect, no likely impact.
vii. Densely populated areas; and	The Proposed Development is located on the southern fringe of Kirkwall, which whilst not densely populated, it is an urban populated environment.
viii. Landscapes and sites of historical, cultural or archaeological significance.	The Proposed Development is not located in a landscape or sites of historical, cultural or archaeological significance.
3. Types and characteristics of the potential impact Consideration of the likely significant effects of the development on the environment must be considered in relation to criteria set out in paragraphs 1 and 2 above with regard to the impact of the development on the factors specified in regulation 4(2) taking into account: - the magnitude and spatial extent of the impact (geographical area and size of the population likely to be affected); - the nature of the impact;	

- the transboundary nature of the impact;
- the intensity and complexity of the impact;
- the probability of impact;
- the expected onset, duration, frequency and reversibility of the impact;
- the cumulation of the impact of other existing and/or approved development; and
- the possibility of effectively reducing the impact.

Aspect	Question	Answer	Is a significant effect likely
Transport and Access	Are there any routes on or around the location which are used by the public for access to recreation or other facilities, which could be affected by the development?	The Proposed Development is located in close proximity to Foreland Road to the north and New Scapa Road (B9148). The roads themselves would not be physically affected by the development but would be accessible from it.	No, the Proposed Development is considered unlikely to result in a significant effect on the transport and access provision of the area and its surroundings. OIC Road Services provide no commentary to indicate otherwise.
Landscape and Visual	Are there any areas or features on or around the location which are protected for their landscape and scenic value, and/or any non-designated / non-classified areas or features of high landscape or scenic value on or around the location which could be affected by the development? Where designated indicate level of designation	There are no areas or features on or surrounding the location which are protected for their landscape or scenic value. There are no international or nationally recognised landscape designations within 5km of the Proposed Development.	No significant effects are likely.

	(international, national, regional or local).		
	Is the development in a location where it is likely to be highly visible to many people? (If so, from where, what direction, and what distance?)	The location is unlikely to be highly visible to many people, though it will be visible from the immediate neighbouring area including the adjacent hospital and higher ground to the east from where views of the Proposed Development are afforded from residential properties and land, public highway and commercial property.	In view of the nature of the proposed development and its proximity to existing built form on the southern urban fringe of Kirkwall, is not considered to result in likely significant effects.
Ecology	Are there any protected areas which are designated or classified for their terrestrial, avian and marine ecological value, or any non-designated / non-classified areas which are important or sensitive for reasons of their terrestrial, avian and marine ecological value, located on or around the location and which could be affected by the development? (e.g. wetlands, watercourses or other water-bodies, the coastal zone, mountains,	Planning application 26/156/PPMAJ confirms ' <i>The development at K9 Kirkwall is located on a site which is noted to be of low ecological value with existing grassland habitat considered to be relatively species poor. The existing site comprises of predominantly low distinctiveness habitats in terms of biodiversity. There is a limited variety of plant species due to it being an agricultural field of mainly grass, there is also no existing trees or shrubs noted to be present on site.</i> ' The proposal embeds mitigation in line with the mitigation hierarchy (avoidance, minimisation, restoration	Given the nature of the Proposed Development, the distance between the sites and sensitive ecological receptors, and the mitigation measures proposed, there is no indication that there would be likely significant adverse effects in relation to ecology.

	forests or woodlands, undesignated nature reserves or parks. (Where designated indicate level of designation (international, national, regional or local)).	and compensatory measures) and biodiversity enhancement. Planning application 24/211/PP confirms <i>'The field to the east of the Crantit Trail and Burn is gently sloping pasture, and the field to the west of the trail is short crop stubble with an area of tussocky vegetation towards the burn.'</i> The banks of the burn are vegetated with rough grass and clusters of occasional willow'.	
Water Resources	Are there any water resources including surface waters, e.g. rivers, lakes/ponds, coastal or underground waters on or around the location which could be affected by the development, particularly in terms of their volume and flood risk?	Ecological reporting within planning application 26/156/PPMAJ notes: <i>'The existing 'Easdale Burn' runs north to south immediately adjacent to the western boundary of the site. A significant offset between this and the proposed residential development has been provided to ensure any existing habitat connected to the existing watercourse is protected. The foul water pumping station site is situated near to the northeast of water features including Easdale Burn, Crantit Lagoon, Crantit Borehole and Crantit Pond'.</i>	There may be potential for interaction with the water environment by way of potential for pollutants to enter the ground water or surface water through run off during construction works on both projects. However, it is considered that potential impacts can be controlled by way of adherence to good construction practices, which can be secured by way of an appropriate planning condition which provides for the approval and application of a construction and environmental management plan. With respect to groundwater in respect of planning application 24/211/PP, SEPA (31 March 2026) comments <i>'it has not reviewed the model [submitted hydrological</i>

			<i>hydrogeological assessment (J24-1034-012R-Rev0 dated 13 March 2026)] in detail however it appears to be a reasonable assessment with no obvious deficiencies, and we would consider the requirement of the Development Brief to have been met’.</i> SEPA further comments on planning application 26/153/PPMAJ, (2 July 2026) <i>‘The (K9) site is more than 250 m from the nearest groundwater abstraction, the Crantit borehole, and as a result we have no site-specific comments to make on this aspect of the application’.</i> OIC Engineering Services in its consultation response to planning application 24/211/PP raise no grounds for objection noting the proposal would fall under ‘water compatible uses’ in SEPA’s Land Use Vulnerability Guidance. OIC Engineering Services in its consultation response to planning application 26/153/PPMAJ received 31 July 2026 states: <i>‘Questions regarding the possible effect of ground water on both flood risk and the drainage system proposed were answered following conclusion of the hydrogeological study undertaken by the developer and the</i>
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			<i>OIC commissioned external review of that</i>. The technical review prepared by Stephen Buss Environmental Consulting, Document Reference: 2025-089-011-004 dated 20/7/2026 concludes <i>'I am satisfied that on development of the K9 development there will be no more than an insignificant impact on the HPD [Highland Park Distillery] abstraction'</i>. This assumes the inclusion of oil interceptors on storm water drainage. Having regard to the evaluation undertaken including the application of mitigation as described, the Proposed Development is considered unlikely to result in a significant effect on the environment.
Population and Health	Are there existing land uses or community facilities on or around the location which could be affected by the development? E.g. housing, densely populated areas, industry / commerce, farm/agricultural holdings, forestry, tourism, mining, quarrying, facilities relating to health, education, places of	The Proposed Development is located next to an existing recently constructed hospital; it is not considered likely that this would be impacted by the proposed development. At its closest point, an existing distillery is located approximately 250m from the Proposed Development. This relies upon surface and groundwaters for its water supply. The distillery has objected to the Proposed Development with respect to potential impact of development upon this natural resource,	Whilst objections are raised by interested parties with respect to potential effects of the Proposed Development upon natural water resources, and the findings of associated technical reporting, this is a matter which may be addressed through requests for information as required, the consideration and determination of the extant planning applications 26/153/PPMAJ and 24/211/PP. Having regard to feedback from technical consultees, it is not considered that the potential for significant effects has been demonstrated such that it is necessary to

	worship, leisure /sports / recreation.	highlighting significant concerns with the hydrological and hydrogeological impact assessments (HIAs) submitted in support of each of the applications [24/211/PP, 24/160/PPMAJ, 26/153/PPMAJ] and the likelihood of the development detrimentally impacting on the quality and quantity of the Distillery's water supply.	screen in for Environmental Impact Assessment.
	Are there any plans for future land uses on or around the location which could be affected by the development?	There are two live planning applications for proposed development nearby including the proposed provision of car parking at the Balfour (25/385/PP), and a proposal to extend a funeral home located on Old Scapa Road. (26/112/PP).	Whilst there are live planning applications for other proposed developments nearby, no future plans or land uses have been identified on or in proximity of the sites which could be affected by the Proposed Development to the extent that there would be likely significant effects.
Heritage and Conservation	Are there any areas or features which are protected for their cultural heritage or archaeological value, or any non-designated / classified areas and/or features of cultural heritage or archaeological importance on or around the location which could be affected by the development (including potential	The archaeological reporting submitted provides that with an archaeological geophysical survey across the Proposed Development area (during the works for the proposed WWPS, and subsequently as part of the pre-planning investigations for the proposed K9 residential development site, with ground truthing of the geophysical results and evaluation), and with a watching brief in place,	Significant effects are not considered likely.

	impacts on setting, and views to, from and within)? Where designated indicate level of designation (international, national, regional or local).	archaeological potential is considered to be extremely low.	
Land Stability and Climate	Is the location susceptible to earthquakes, subsidence, landslides, erosion, or extreme /adverse climatic conditions, e.g. temperature inversions, fogs, severe winds, which could cause the development to present environmental problems.	The Proposed Development sites are not susceptible to earthquakes, subsidence, landslides, erosion, or extreme /adverse climatic conditions, such as temperature inversions, fogs, severe winds, which could cause the proposed development to present environmental problems	No Significant effects are likely.
Cumulative Effect	Could this development together with existing and/or approved development result in cumulation of impacts together during the construction/operation phase?	The Proposed Development when considered in combination with existing and other proposed development is not anticipated to result in cumulative effects which would be considered significant	No Significant effects are likely.
Conclusion			
The primary purpose of the WPPS confirmed by Scottish Water is to establish a strategic upgrade for the south part of Kirkwall which will include the servicing of the future development for the K8, K9, K10 and K11 land development parcels (identified in the OIC			

Local Development Plan 2017). It will also have wider benefits to the Kirkwall south area, providing further capacity in an area where the surface and foul water systems are under particular strain. The WWPS proposal is located on land which is in the same ownership as site K9, shares geographical location with K9 and will have functional interdependence with K9. Thus whilst there is not to be simultaneous determination of the WWPS application and the K9 application, for the purpose of consideration of the EIA Regulations these applications are considered to be inter-dependant. On the contrary, sites K8, K10 and K11 are not known to be in the same ownership as the applicant, nor are these being concurrently developed. The WWPS is also being commissioned by Scottish Water and will as such also serve a wider strategic area of Kirkwall which will be inclusive but not exclusively serve sites K8, K9, K10 and K11. The Council is therefore of the view that in the light of the extant planning applications for development, there is interdependency between the proposed WWPS and the development of the K9 site, but not an interdependency with sites K8, K10 or K11.

Having considered the provisions of the Regulations, the thresholds for categories of development proposed (Schedule 1 and Schedule 2 development) and the potential for significant effects of the WWPS and the development of K9, it is concluded that the Proposed Development will not have a significant effect (in the context of the Regulations) on the environment by virtue of its nature, size or location and therefore **an EIA is not required**. Under the powers delegated to the Head of Planning Services, this letter confirms that the Council is of the opinion that the proposed development is **not an EIA development** and there is **no requirement for an Environmental Impact Assessment Report** to be prepared.

It is noted that the planning applications for development have attracted objection with respect to the potential for pollution of the water environment. As noted above an EIA is not required. However OIC has the power under Regulation 24 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 to request the submission of further information from the applicant in respect of this matter.

EIA Report Required?	No
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Opinion

On the basis of the information provided and the above assessment which has been carried out of the EIA development comprising the WWPS and K9 development in accordance with the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 and Circular 1/2017; it is concluded that an EIA will not be required for the proposed developments.

Appendix 1

Location of Proposed Development.

Proposal Site Edged Red

