

## 6. THE COAST



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## 6.1 COASTAL ZONE

### Structure Plan Context

Key Objective	Relevant Policy or Proposal
To protect Orkney's coastline from inappropriate development.	Policy SP/C2 - Coastal Development

### Local Plan Policy

<b>POLICY LP/C1</b>
<b>DEVELOPMENT WITHIN THE COASTAL ZONE</b>
<p>The nature and extent of Orkney's coastal zone is identified on the Proposals Maps and, subject to the other policies of this plan, the following will apply:</p>
<p>a) <b><u>Isolated Coast</u></b></p> <p>Development within the 'isolated coast' will not normally be permitted, unless the development is minor in nature and is dependent on the characteristics of the isolated coast. If development is permitted the highest possible standards of design will apply to minimise the impact of the development on the character of the coast.</p>
<p>b) <b><u>Undeveloped Coast</u></b></p> <p>Development will be permitted in areas defined as 'undeveloped coast' provided that:</p> <ol style="list-style-type: none"><li>the development is of a minor nature which cannot be expected to have an adverse impact on the character of the coast; or,</li><li>the economic and social benefits of the development outweigh any potential detrimental effect on the environment;</li><li>it cannot be reasonably expected to suffer from coastal erosion or tidal inundation (Policy LP/C4); and,</li><li>there is no feasible alternative site within the 'developed' coast.</li></ol>
<p>c) <b><u>Developed Coast</u></b></p> <p>Development in areas classified as 'developed' coast will generally be permitted. Proposals, which do not require a coastal location, may be refused if it is considered that the development site has strategic value and should be reserved as a waterfront development site.</p>
<p>d) <b><u>Water Quality</u></b></p> <p>Development in the coastal zone should not result in a reduction in any of the coastal water quality designations.</p>

### Background and Issues

6.1.1 National planning guidance requires Local Plans to identify the extent of the coastal zone, distinguishing between developed, undeveloped and isolated coast, and also set out policies for the protection of the environment on the coast.

6.1.2 The coastal zone comprises three main elements: the land, the inter-tidal zone and the sea. Planning control does not extend below the Mean Low Water Mark. The landward extent of the coastal zone varies considerably, but in general is determined by the extent to which it is affected by coastal processes.

6.1.3 The purpose of this policy is to protect the character of the coastal zone from inappropriate development and to direct development requiring a coastal location to areas

with existing development, or sites where the character of the coastal zone could accommodate such development.

6.1.4 It is important that the character of Orkney's coastline is protected from inappropriate development, and that proposals requiring a coastal location are designed and sited in locations which do not prejudice that character. The coastal zone is divided into isolated, undeveloped and developed coast, reflecting its appropriateness for development. Specific development types, which may require a coastal location include:

- tourism and recreation developments may be appropriate for any of the three coastal zone types depending on the scale and potential impact. Formal facilities such as visitor centres or marinas are most appropriately sited within the developed coast, while there may be scope for very informal facilities such as carefully designed and managed coastal footpaths in both the undeveloped and isolated coast where the impact on the coastal environment is minimised;
- mineral extraction, particularly sand extraction is often focused on the coastal zone. The designation of coastal zone type will be a factor in appraising applications of this nature, together with any social and economic benefits which may accrue, the impacts on the environment generally, and other issues such as transportation and reinstatement;
- marine aquaculture proposals are presently outwith the scope of the planning system but may have a land based component. The planning authority is also a consultee on individual applications for sea bed leases, and the character of the coast will be one influence on the appraisal of such developments; and,
- the establishment of navigation lights or developments to enhance marine safety are also considered to be developments requiring a coastal location.

6.1.5 In general it is expected that the scale of development and its potential impacts on the coast will determine whether it should be directed to the developed coast or permitted on the undeveloped coast. Only in exceptional circumstances would development on the isolated coast be deemed appropriate.

### **Implementation and Monitoring**

6.1.6 All planning applications and Agricultural Prior Notifications will be assessed to determine their impact on the defined coastal zone. Proposals will be appraised to assess whether they constitute major development and whether they are appropriate for the coastal zone type in which they are to be located.

6.1.7 Monitoring of this policy will be undertaken by recording the number of applications approved in each of the three coastal zones and assessing their need for a coastal location.

## 6.2 PIERS AND HARBOURS

### Structure Plan Context

Key Objective	Relevant Policy or Proposal
<p>To protect Orkney's coastline from inappropriate development.</p> <p>To promote integrated management of the coastline.</p>	<p>Proposal SP/C1 - Coastal Zone Management</p> <p>Policy SP/C2 - Coastal Development</p>

### Local Plan Policy

<b>POLICY LP/C2</b>
<b>PIERS AND HARBOURS</b>
<p>Development within harbour areas is to be encouraged provided that such development promotes the retention of the harbour for commercial marine related uses whilst other developments remain secondary to the commercial viability of the harbour.</p> <p><b>a) <u>Commercial Harbours</u></b></p> <p>Proposals for development within areas designated for harbour related uses will be permitted provided that:</p> <ol style="list-style-type: none"> <li>the proposal requires a harbour-side location or is ancillary to activities taking place within the harbour itself;</li> <li>the proposal would not compromise the efficient working of the harbour;</li> <li>the design, scale and siting of the new development respects, as much as is reasonably possible in an industrial area, the character or appearance of the adjacent areas; and,</li> <li>the improvement of existing properties and their redevelopment is considered before the development of new buildings.</li> </ol> <p><b>b) <u>Other Piers and Harbours</u></b></p> <p>The development of other piers and harbours for marine leisure and recreational purposes will be supported. Developments associated with the inshore fishing fleet will also be considered favourably in such areas.</p> <p><b>c) <u>Fishing</u></b></p> <p>The enhancement and upgrading of piers, landing facilities and other facilities associated with the fishing industry will be supported.</p>

### Background and Issues

6.2.1 The purpose of this policy is to assist in maintaining viable, thriving and stable harbour areas. To ensure working harbours are not constrained by neighbouring development, land must be allocated for development adjacent to the harbour to help increase trade and competitiveness, and to support the needs of fishing and other harbour based industries.

6.2.2 To support the inshore fishing fleet there is a need for onshore working and storage space for nets, creels and other gear, within a reasonable distance of berthing facilities. In addition, the available space for handling and processing of fish and shellfish is becoming limited in all areas and there may be demand for the development of small onshore refrigerated units for the handling of shellfish. Such developments are supported where they sustain this sector of the economy.

### **Implementation and Monitoring**

6.2.3 Development briefs should be prepared for all major harbour works, following consultation between the relevant Council departments, users of the facilities, and the community. Surveys of harbour areas should also be conducted to assess the most efficient and effective use of space and the most appropriate development suited to each area.

6.2.4 Monitoring of planning permissions for development within areas identified for harbour related uses should be reviewed to assess the impact made on the harbours as working commercial areas.



## 6.3 FISH FARMS

### Structure Plan Context

Key Objective	Relevant Policy or Proposal
<p>To protect Orkney's coastline from inappropriate development.</p> <p>To promote integrated management of the coastline.</p>	<p>Proposal SP/C1 - Coastal Zone Management</p> <p>Policy SP/C2 - Coastal Development</p> <p>Proposal SP/C3 - Fish Farming</p>

### Local Plan Policy

<b>POLICY LP/C3</b>
<b>FISH FARMS</b>
<p>The Council will produce a Fish Farming Framework Plan to provide policy background for determining applications for marine fish farms and to assist the industry in submitting acceptable proposals. Pending the publication of such guidance, the Council will approve proposals for land based fish farm developments where all of the following criteria are met:</p> <ul style="list-style-type: none"> <li>a) the proposal would result in the generation of additional local employment;</li> <li>b) there would be no significant adverse effects on residential amenity, natural and built heritage, landscape or environmental quality, including wild fish populations;</li> <li>c) an adequate supply of water is readily available;</li> <li>d) adequate arrangements are made for the containment of stock;</li> <li>e) settlement tanks are provided and adequate arrangements made for the disposal of waste material;</li> <li>f) adequate anti-predator provisions are used, where appropriate;</li> <li>g) all necessary consents have been obtained for the marine operations of the fish farm, including, where necessary, fallowing sites;</li> <li>h) the proposal complies with other relevant policies of the Local Plan, and,</li> <li>i) Section 75 agreements and financial bonds may be used to secure the restoration of the land to an acceptable level at the end of the farm's life.</li> </ul> <p>Formal environmental assessment will be required where the development would be likely to have significant effect on the environment by virtue of it's nature, size or location.</p>

### Background and Issues

6.3.1 In general terms most pressure on the coastline of Orkney in the last decade has been through the development of fish farming, an industry which has brought significant economic benefits to the County. Due to the powers granted to it under the 1974 County Council Act, Orkney Islands Council has had more control over the development of aquaculture than any other local authority in Scotland apart from Shetland, who have similar powers. The Council may accept, reject, seek amendment or postpone any application it receives for a "works licence" which covers all developments within the "Harbours Area" including fish farms. Guidelines for Works Licences for Fish Farms have been issued by the Council but these are neither binding nor prescriptive. Despite having this control, fish farming developments have modified a number of coastal landscapes and in a number of locations such sites are visually intrusive.

6.3.2 At a national level, the Scottish Parliament are to introduce legislation placing planning responsibilities for marine aquaculture with local authorities. A consultation paper on the extension of planning controls to marine fish and shellfish farming was issued by the Scottish Executive in July 2000 extending offshore (for marine fish farms including shellfish farms) responsibilities already exercised by local authorities on land, and giving local communities the opportunity to have an input into the decision process. In Orkney, the new controls proposed will replace the existing works licence procedures operated by the Council. It is envisaged that development plans will eventually form the statutory basis for aquaculture developments, and that following introduction of the proposed legislation, relevant policies will be incorporated in plans. Pending this change in legislation the Council will prepare a non-statutory Fish Farming Framework Plan to provide the industry with locational guidance.

6.3.3 The purpose of this policy is to control land-based activities associated with fish farms. Fish farms are becoming an increasingly important element of Orkney's economy and can provide an important source of local employment in remote areas. However, precautions are necessary to ensure that the operation of fish farms does not have a detrimental effect on the environment and that sites are returned to an acceptable condition once the fish farm operation has ceased.

6.3.4 Measures are also required to ensure that land based facilities do not have a detrimental effect on wild fish populations. The inclusion of fish passes or ladders and similar mitigation measures in such developments is considered best practice.

6.3.5 Developers should consult with SEPA to ensure that any application for planning permission for an aquaculture development takes into consideration any requirements that SEPA as the regulatory authority will have under the Control of Pollution Act 1974.

#### **Implementation and Monitoring**

6.3.6 Pending new legislation, in areas where new fish farming activity is likely, Councils are asked by the Government to consider the preparation of non-statutory Fish Farming Framework Plans, to guide the location of new off and onshore facilities. The Structure Plan commits the Council to the production of such a document. In the meantime conditions can be attached to planning approvals for onshore facilities.

6.3.7 Monitoring will be achieved through the assessment of applications for fish farm related developments, particularly those which are approved with conditions attached relating to the restoration of land after the farm has ceased production.

## 6.4 COASTAL EROSION

### Structure Plan Context

Key Objective	Relevant Policy or Proposal
<p>To protect Orkney's coastline from inappropriate development.</p> <p>To promote integrated management of the coastline.</p>	<p>Proposal SP/C1 - Coastal Zone Management</p> <p>Policy SP/C2 - Coastal Development</p> <p>Policy SP/C5 - Coastal Erosion</p>

### Local Plan Policy

<p><b>POLICY LP/C4</b></p> <p><b>COASTAL EROSION</b></p> <p><b>a) <u>Areas at Risk</u></b></p> <p>No development will be permitted in areas defined on the Proposals Maps as strategically at risk from coastal erosion. These areas are:</p> <p>Dingieshowe, Deerness; Rothiesholm, Stronsay; Bay of London, Eday; Russness, Sanday; Swartmill, Westray; and, Aith Hope, South Walls.</p> <p><b>b) <u>Undeveloped Coast</u></b></p> <p>Other than in exceptional circumstances, any development within the undeveloped coastal zone as identified on the Proposals Maps will only be permitted if it can be demonstrated that the site cannot be reasonably expected to suffer from either coastal erosion or tidal inundation within the expected life of the development and will not itself contribute to coastal erosion processes.</p> <p>There will be a presumption against development where doubt exists as to whether erosion will occur as a result of a given proposal.</p> <p><b>c) <u>Coastal Protection</u></b></p> <p>There will be a presumption in favour of flood defence and coastal protection works provided that the works:</p> <ol style="list-style-type: none"> <li>do not exacerbate flooding or coastal erosion processes elsewhere;</li> <li>are designed to retain or enhance the ecological characteristics of the area;</li> <li>are sustainable and have a reasonable life expectancy;</li> <li>do not have an unacceptable adverse impact on landscape character or popular coastal views;</li> <li>allow for archaeological investigation and recording in areas known or suspected to contain significant archaeological deposits;</li> <li>do not have an unacceptable adverse impact on the amenity of visitors to popular tourist sites in the area; and,</li> <li>do not impede traditional rights of access to the shore.</li> </ol> <p>The Council will only consider the installation of flood defences and coastal protection works if coastal erosion or flooding threatens public infrastructure, and if protection of that infrastructure is more cost effective than relocating it.</p>
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### Background and Issues

6.4.1 Certain parts of the Orkney coastline have been identified as being at risk in the long term from coastal erosion processes, which could have major implications for the communities living in these areas. These areas are primarily 'land bridges' comprised of very



low-lying soft substrate (commonly sand) linking peninsulas to island masses. The purpose of this policy is to ensure that new development does not accelerate coastal erosion processes in areas where such erosion could have strategic implications in terms of the Council's ability to provide services. A presumption against development suggests that the greatest care must be taken to ensure new development is not permitted in these areas and the natural processes, which maintain these areas, are not disturbed. Mineral extraction in such areas causes greatest concern, although even small developments such as the creation of visitor car parking facilities can have a very serious impact through disturbance of vegetation cover and the formation of a rapidly developing "blowout".

6.4.2 The policy also ensures new development is sited and designed to avoid long term risk from coastal erosion. Anticipated climate change is likely to increase the incidence of storm surge generated coastal erosion. A policy of planned retreat from areas where coastal erosion is likely to occur avoids the need for potentially environmentally damaging, expensive, and unsustainable coastal defence works to safeguard such developments in the future. Due to the uncertainty of the impacts of climate change, it is important that the policy invokes a precautionary approach.

6.4.3 Proposals within the developed coastal zone will not be considered under this programme of planned retreat. It is acknowledged that tidal flooding problems during storm surges exist in many villages and coastal settlements but it is anticipated that the solution for these areas will be associated with engineering works rather than abandonment or retreat. There is a need for 'worst case scenario' planning of the likely impacts of climatic instability, together with investigations into possible engineering responses required in these areas.

#### **Implementation and Monitoring**

6.4.4 Strategically important areas that may be subject to erosion have been identified on the Proposals Maps. Development should not be permitted in these areas.

6.4.5 All new developments within the undeveloped coastal zone will require assessment of the likely risk from coastal erosion and tidal flooding. In general, this will only apply to proposals sited below the 5m contour. The nature of the substrate, aspect, history of flooding or erosion, proximity to the coast and any intervening land uses must be taken into account in considering any risk. The developer may be asked to provide additional expert information to ascertain whether or not there is reasonable risk.

6.4.6 The potential scope for implementation of flood defence and coastal protection works in Orkney is extensive due to the considerable length of coastline prone to erosion forces, the nature of the underlying geology, and existence of infrastructure on the coast itself. As the majority of settlements in Orkney have been built on the coast there are significant risks from tidal flooding, especially in relation to storm surge events. There are also features on the coast, such as ancient monuments, which may generate demand for coastal defence works. Care must be taken to ensure that where coastal defence works are proposed, they are designed to minimise adverse impacts including visual impact, impact on landscape character and natural heritage, archaeology and loss of amenity for shore users. Other considerations include the sustainability of works, use of resources during construction and maintenance, and interruption of traditional and common law rights during engineering works. Such considerations must however be balanced against the need to carry out priority repairs in the case of a true emergency e.g. the sole access road to a village being washed away.

6.4.7 Budgetary commitments for coastal defence works in Orkney is small and as such, works must be prioritised. There is no scope for the Council to assist others in providing coastal defence works other than through provision of advice.

6.4.8 This policy will be monitored by measuring the number of new developments built in areas with a risk of coastal erosion. Any development permitted within areas defined as at risk from coastal erosion represents a failure of the policy.

