



## Shetland Islands Council

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### MINUTE

**‘B’**

**Infrastructure Committee  
Council Chamber, Town Hall, Lerwick  
Tuesday 31 August 2004 at 10.30 a.m.**

**Present:**

J C Irvine      L Angus  
B J Cheyne      C B Eunson  
R G Feather      F B Grains  
B P Gregson      L G Groat  
I J Hawkins      J H Henry  
J A Inkster      W H Manson  
Capt G G Mitchell      F A Robertson  
J G Simpson      W N Stove  
T W Stove

**Apologies:**

A J Cluness      E J Knight  
J P Nicolson      W Tait

**In Attendance (Officers):**

G Spall, Executive Director, Infrastructure Services  
S Cooper, Head of Environment  
M Craigie, Projects Unit Manager  
D Macnae, Network Manager  
I Bruce, Service Manager, Transport Operations  
H Tait, Management Accountant  
D Haswell, Committee Officer

**Chairperson:**

Mr J C Irvine, Chairperson of the Committee, presided.

**Circular:**

The circular calling the meeting was held as read.

**Minutes:**

The minutes of meetings held on 15 June and 18 2004, having been circulated, were approved.

**Members' Attendance at External Meetings**

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### Agenda Item No. (c) - Public Report

The following Members provided a brief synopsis of their attendance at the following meetings:

J C Irvine      Association of Public Excellence seminar - Glasgow  
CoSLA Convention

With regard to his attendance at the CoSLA Convention meeting, the Chairperson advised that he had had discussions with Councillor Ian Yule of Aberdeen City Council. From the discussions, it was clear that Aberdeen City Council were also keen to open up discussions on the future of Aberdeen Harbour and the Executive Director would be arranging for a delegation to visit Aberdeen to take this forward.

I J Hawkins COWAM II – Berlin

J H Henry      CoSLA Environment Forum  
KIMO UK – Edinburgh

Capt G G Mitchell      HITRANS

Capt G G Mitchell advised that his attendance at the HITRANS meeting had been subsequent to the Council's response to the Transport White Paper indicating the Council's concerns in relation to establishing Regional Transport Partnerships. Prior to the HITRANS meeting, Capt Mitchell had met with Councillors from Orkney Islands Council and Western Isles Council to ensure that the 3 island authorities shared concerns in relation to the proposals in the Transport White Paper for requisitioning of money, the proposed voting system and management costs that may be accrued to local authorities. Capt Mitchell had stressed at the meeting that the Council would not take part in discussions on these issues until clarification was provided and assurances given. No decisions had been made on the proposals in the Transport White Paper and it would be discussed again at the next HITRANS meeting. The consultation period on the Transport White Paper had been extended by a period of 3 months to allow for discussions on the detail of the legislation. He reiterated the point that he had put the Council's case very strongly at the meeting, at which Scottish Executive Officials were present, and had said that the Council would welcome a meeting with the Minister for Transport to discuss matters in the very near future.

The Chairperson said that, in his view, because of the stance that had been taken on the Transport White Paper, not only by the Council but other local authorities and CoSLA, it was unlikely that the Bill would be implemented prior to the end of the term of this Council. He advised that a meeting had been arranged between Tavish Scott, MSP, Jim Wallace, MSP and the Chairperson of the Environment and Transport Forum, Mr J A Inkster to be held on 7 September 2004. Unfortunately, this meeting had been postponed but would take place in the near future. The Chairperson continued to say that Members would recall from the Special Infrastructure Committee meeting on 3 August 2004, Members had agreed to request that Shetland should be represented on the CoSLA Transport Bill Task Group. The Chairperson said he was pleased to report that CoSLA had agreed to this request and, accordingly, he would be attending the first meeting of the Task Group on 14 September 2004 where he would put the Council's views across.

The Chairperson advised that he was meeting with Mr Scott Grier and another representative of Loganair this week to discuss various issues that had arisen with

Scottish air services. Also, a Special Environment and Transport Forum had been arranged for 23 September 2004 at which Mr Grier and another representative of Loganair would be present.

J A Inkster      RoSPA Seminar – Motherwell

Mr J A Inkster advised that the main themes discussed at the seminar had been road safety for children travelling to and from school and the 20 MPH speed restrictions adjacent to schools. A brief discussion ensued during which the Network Manager explained that there were Government Guidelines to apply 20 MPH speed restrictions adjacent to schools. The restrictions were only applied at certain times, e.g. at times when children were going into school in the morning and when leaving in the afternoon. All schools in Shetland were being examined and it may be that the 20 MPH speed restriction may be appropriate for some areas but not for others. He said that the Police were often present at schools where they were aware that drivers were not adhering to the speed restrictions.

47/04      **Islands Links – Update and Proposal for Future Development of Strategy**

The Committee considered a report by the Projects Unit Manager (Appendix 1) and, on the motion of Mr B P Gregson, seconded by Mrs I J Hawkins, approved the recommendations contained therein and further agreed to include Mr E J Knight in the membership of the Links Strategy Member/Officer Working Group.

48/04      **Proposed 30 MPH Speed Limit at Levenwick**

The Committee considered a report by the Network Manager (Appendix 2).

Mr T W Stove said he agreed with the views of Dunrossness Community Council and, in this regard, moved that the Committee approve the recommendations in the report with the proviso that the speed limit is extended to include from the North Levenwick Junction to the South limit. Mrs I J Hawkins seconded.

In response to questions from Members, the Executive Director and the Network Manager clarified the position and the timescale involved of re-advertising the Order if the motion was approved and Members noted the information provided.

Mr J A Inkster said that it was critical that when Members were considering imposing speed limits that they got it right and, in this case, should listen to the advice of Officers.

Accordingly, Mr J A Inkster moved as an amendment that the Committee approve the recommendations in the report. Mr C B Eunson seconded.

(Mr B P Gregson gave notice of a further amendment).

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The Executive Director advised that if Members agreed, it would be possible for the speed limit to be applied immediately but that an extension could separately be consulted on. Only if objections were received would the issue be reported back to the Committee.

After summing-up, voting followed by a show of hands and the result was as follows:

Amendment (Mr J A Inkster)	6
Motion (Mr T W Stove)	7

Mr B P Gregson moved as an amendment that the common sense approach should be taken that the Committee approve the recommendations in the report resulting in the speed limit being applied without delay. Further, the due process should be commenced to ask for an extension of the speed limit as requested by the Community Council. Mr L Angus seconded.

After summing up, voting followed by a show of hands and the result was as follows:

Amendment (Mr B P Gregson)	9
Motion (Mr T W Stove)	5

49/04

**SIC (Various Roads) (Prohibition and Restriction of Waiting) (Variation No. 3) Order 2004**

The Committee considered a report by the Network Manager (Appendix 3).

Referring to paragraph 2.2 of the report, Mr C B Eunson said that the traffic flow was only affected for a short period of time and, in his view, the proposal for double yellow lines to be placed on the whole length of Knab Road was ridiculous. He said that there were a number of vehicles that required to use Knab Road to drop people off at Annsbrae House on a daily basis. Also, a lot of people parked on Knab Road to attend funerals at St Columbas Church.

Accordingly, Mr C B Eunson moved that the Committee agree that the recommendations in the report should be rejected. Mr L Angus seconded.

Mr L Angus said that for a number of years, Lerwick Community Council had tried to get the tarred area at the Coastguard Station to be designated a drop-off point for school buses because it would help solve traffic problems in the area. Mr Angus suggested that the Committee should recommend to the Council that this should be investigated as a matter of urgency.

The Chairperson proposed that this should be the subject of a further report to Committee as Officers from the Roads Section would have to have discussions with Officers from Education Services. The Committee agreed.

In response to a suggestion from Mr W N Stove and, in receiving the consent of his seconder, Mr C B Eunson agreed to alter his motion such that the Variation Order would only apply to that length of Lover's Loan from its junction 20m north east of Breiwick Road to its junction with Mansefield. Members noted that this proposal would not require to be advertised because it was a reduction and could be implemented immediately.

50/04     **Review of Grounds Maintenance Services**

The Committee considered a report by the Head of Environment (Appendix 4).

The Head of Environment took Members through the report following which some discussion ensued. A Member complimented the Infrastructure Services Department for planting daffodils in certain areas and said it brightened up those areas. In response to questions, the Head of Environment said that bulb planting would be included in the review. He advised that as part of the review, a database would be established which would identify open spaces and who was responsible for those areas.

In relation to the proposal that a more detailed report on the review would be presented to the Community Planning Board for consideration, a Member pointed out that meetings of the Community Planning Board were held in private. The Chairperson advised that the Environment and Transport Forum would be discussing roads issues in the future, which would include items on verge cutting and grass cutting. Stakeholders would be invited to the meeting and, therefore, this would provide an opportunity for community involvement. If anything tangible came out of the Forum meeting, this would be reported back to the Committee.

With regard to the proposal for 5 area teams, the Head of Environment explained that the boundaries for the area teams had not yet been decided and would have to be developed. The teams would be multi-functional. In response to a question regarding section 2.1 of the report seeking assurance that this would not result in nationalisation, the Head of Environment said that at this stage, nothing was included or excluded. The intention was that there should be a review that would identify the best service provider.

In response to a comment from a Member that he was aware of a gardening group that were being charged an extortionate amount for insurance, the Head of Environment confirmed that the issue of insurance for groups maintaining public spaces could be examined.

The Committee approved the recommendations in the report, on the motion of Mr B P Gregson, seconded by Capt G G Mitchell.

**Mr J C Irvine moved that the Committee exclude the public during consideration of the following item of business in terms of the relevant legislation. Mr B P Gregson seconded.**

**Mr T W Stove moved as an amendment that the Committee agree to consider the report in public. Mr C B Eunson seconded.**

**Voting followed by a show of hands and the result was as follows:**

<b>Amendment (Mr T W Stove)</b>	<b>2</b>
<b>Motion (Mr J C Irvine)</b>	<b>13</b>

(Representatives of the media left the meeting).

51/04 **Inter Island Air Service Contract**

The Committee considered a report by the Service Manager, Transport Operations and, on the motion of Mr L Angus, seconded by Mr B P Gregson, approved the recommendations contained therein.

The Executive Director advised that a Press Release would be issued following the meeting today.

A brief discussion ensued on the Air Ambulance Contract and the announcement that Gama Aviation had been the preferred bidder.

The Service Manager, Transport Operations advised that Gama Aviation had agreed to bring the aircraft they proposed to use on the Air Ambulance Service to Tingwall Airport to allow people to view the aircraft.

In response to a suggestion from the Chairperson, the Committee agreed that a Special Environment and Transport Forum meeting should be arranged when Gama Aviation representatives are in Shetland.

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J C Irvine  
CHAIRPERSON



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## REPORT

To: Infrastructure Committee

19 October 2004

From: Projects Unit Manager  
Infrastructure Services Department

### BRESSAY BRIDGE – PROGRESS REPORT

#### 1. Introduction

- ~~1.1~~ 1.1 In this report I give information on progress to date on the Bressay Bridge project, especially with regard to obtaining statutory consents and land for the proposed Bressay Bridge.
- ~~1.2~~ 1.2 It also outlines the ~~likely~~likely impact on the programme and the ~~consequences~~consequences for starting construction.

#### ~~2.2~~ Background

- ~~2.1~~ 2.1 The Bressay Bridge has been an aspiration of the Council since the mid seventies and two corridors are safeguarded in the Shetland Local Plan.
- ~~2.2~~ 2.2 In February 2001 the Council approved, in principle, the construction of the Bressay Bridge following detailed technical and socio-economic studies.
- ~~2.3~~ 2.3 The initial bridge design was developed, in one of the corridors identified in the Local Plan, by consultant engineers Halcrow, with environmental consultants Environmental Resources Management (ERM), and bridge architects Dissing and Weitling, working closely with the Council. AWG Construction Services Ltd. (AWG) joined the team after their appointment in September 2003 as contractor. Following publication of the NID, Natural Capital Ltd, working as part of the Halcrow team, provides environmental advice to the team.
- ~~2.4~~ 2.4 The procedures and statutory processes being progressed as part of the project development are summarised in sections 3 to 10.

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**3.3. Notice of Intention to Develop (NID) (Bridge) and Environmental Statement (ES)**

- ~~3.1.~~ 3.1 I reported to Committee on progress of the NID and ES (Report No. IFSD-CPU-02-04-F including Appendix 1) on 4<sup>th</sup> May 2004 (copy available in the Members Room).
- ~~3.2.~~ 3.2 Following submission of the NID and ES to the Scottish Executive, it granted approval of the NID on 22nd June 2004.
- ~~3.3.~~ 3.3 The Lerwick Port Authority (LPA) has subsequently lodged a petition with the Court of Session for a Judicial Review of the approval by the Scottish Executive.
- ~~3.4.~~ 3.4 A hearing date of 20th and 21st January 2005 has initially been set aside to determine that application.
- ~~3.5.~~ 3.5 The Judicial Review is the LPA's challenge to the decision by the Scottish Executive not to call in the NID from the Council. Although the Council, as an interested party has the right to be heard, until it knows the Scottish Executive's position on this matter, a decision on whether or not the Council should be ~~represented~~represented cannot be taken.
- ~~3.6.~~ 3.6 The Scottish Executive is currently considering its position with respect to the Judicial Review petition.

**4.4. Notice of Intention to Develop (NID) – Gremista Road Improvements**

- ~~4.1.~~ 4.1 This proposal was drawn up to deal with several of the concerns of the objectors to the NID for the bridge, and to address some longstanding problems of the existing road network in this area.
- ~~4.2.~~ 4.2 Notwithstanding point 4.1 above, 6 objections were received and to date have not been withdrawn.
- ~~4.3.~~ 4.3 The Shetland Islands Council Planning sub-committee agreed on the 11th August 2004 to forward the NID to the Scottish Executive for consideration. The NID was submitted to the Scottish Executive on 20th August 2004. The Scottish Executive initially had 28 days to determine whether to "call in" the NID or to grant approval. However, the Scottish Executive has subsequently advised that it will require a further 28 days to consider this application. This expires on the 18th October 2004.
- ~~4.4.~~ 4.4 A separate project for these works is currently under development.

**5.5. Works Licence Application**

- ~~5.1.~~ 5.1 A Works Licence Application was formally submitted to the LPA on 4<sup>th</sup> June 2004 and was refused on 27<sup>th</sup> August 2004. In terms of the Lerwick Harbour Order Confirmation Act 1974, the Council had 28 days from the date of refusal to appeal against the decision and did so on 21<sup>st</sup> September 2004



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(copy available in the Members room).

- ~~5.2.~~ 5.2 The LPA has 28 days from the date of the appeal to furnish the Scottish Executive with its observations on the appeal.
- ~~5.3.~~ 5.3 The Scottish Executive may confirm, vary or revoke the decision appealed against.
- ~~5.4.~~ 5.4 There is no prescribed timescale for the Scottish Executive to deal with this appeal.

**~~6.6.~~ Road Scheme**

- ~~6.1.~~ 6.1 Before a bridge can be constructed over navigable waters a local roads authority must prepare and advertise a “Scheme” in accordance with the Roads (Scotland) Act 1984. The “Scheme” must then be submitted to the Scottish Executive who, taking into account any objections received and where necessary holding a local inquiry, may then confirm or refuse to confirm the “Scheme”.
- ~~6.2.~~ 6.2 The “Scheme” for Bressay Bridge was published on 2<sup>nd</sup> July 2004 and the six-week period for objections expired on 16th August 2004. Six letters of objections were received. The Project Team compiled a report (copy available in the Members room) in response to those objections and this was forwarded to the Scottish Executive on 9th September 2004 for their consideration.
- ~~6.3.~~ 6.3 The relevant legislation (1984 Act) states that if an objection is made by a navigation authority or by Scottish Water and such objection is not withdrawn the Scottish Executive shall cause a local inquiry to be held. This is the case here as LPA (the navigation authority) are one of the objectors.
- 6.4 The Scottish Executive is currently considering the “Scheme” but the timescale of the response is not known.

**~~7.7.~~ Stopping Up and Side Road Order**

- ~~7.1.~~ 7.1 The new link road from Upper to Lower Gremista on the Lerwick side, once constructed, will make the existing link road unnecessary and therefore it will be stopped up. As the road that runs past the Shetland College will be connected to the new link road, the redundant section connecting to the old link road will also be stopped up.
- ~~7.2.~~ 7.2 A Stopping Up & Side Road Order was advertised in the Shetland Times on 13th August 2004 and allowed a six week period for objections.
- ~~7.3.~~ 7.3 The Council received two objections to that Order. At the time of writing this report the Project Team was preparing a response to the objections which will be submitted to the Scottish Executive (copy available in the Members room when completed).

**~~8.8.~~ Compulsory Purchase Order (CPO)**

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- ~~8.1.~~ 8.1 It is Council policy to acquire land required for all important roads and transport projects by CPO.
- ~~8.2.~~ 8.2 The CPO for all land required above Mean Low Water Springs, for the bridge and associated approach roads, is currently being prepared and formal procedures are scheduled to commence soon.
- ~~8.3.~~ 8.3 Once the CPO has been made it must be advertised and there follows a 21 day objection period after which it can be submitted to the Scottish Executive for its consideration together with objections (if any). If there are objections the Scottish Executive may call a public inquiry. The Scottish Executive may decide to confirm the CPO with or without modifications or refuse to confirm it. If confirmed, a notice of confirmation must be advertised and a period of two months must elapse before a general vesting declaration (the document that gives the Council the right to take entry to the land) may be executed.
- ~~8.4.~~ 8.4 Should there be no objections to the process, it could be concluded in time for an April 2005 start on site. However, given the objections to the other legal processes it is not unrealistic to assume that there will be objections to the CPO resulting in delays to the programme. Objections can be made at various stages of this process and ultimately a judicial challenge could arise.
- ~~8.5.~~ 8.5 It is difficult to predict the period that the Scottish Executive may take to consider the Order, any objections and also any judicial challenge. I would suggest it might therefore be expeditious for this project to retain the option to enter into voluntary acquisition with the landowners, occupiers and tenants, if their cooperation can be gained.

**~~9.9.~~ Acquisition from Crown Estate**

- ~~9.1.~~ 9.1 Land below Mean Low Water Springs (MLWS) necessary for the construction and operation of the bridge must be acquired from the Crown Estate. Plans and documentation are currently being drawn up and negotiations are planned to commence soon.
- ~~9.2.~~ 9.2 It is considered that this process does not represent a risk to the project programme.

**~~10.10.~~ Coast Protection Act**

- ~~10.1.~~ 10.1 Application was submitted to the Scottish Executive on 4th August 2004.
- ~~10.2.~~ 10.2 The application was advertised in the Shetland Times on 3<sup>rd</sup> September 2004 and there followed a 28 day period for objections.
- ~~10.3.~~ 10.3 LPA has lodged an objection to the Scottish Executive to this application. There have been no other objections.
- ~~10.4.~~ 10.4 There are no prescribed statutory timescales associated with this consent. The actual time taken to consider the objection is dependent on the Scottish Executive.

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**~~11.11.~~ Discussion**

~~11.1.~~ 11.1 The Project Team has considered the implications of the progress of the consents processes to the project delivery in relation to a site start date of April 2005 and would offer the following commentary.

~~11.2.~~ 11.2 The LPA has, on a number of occasions, stated that it is not against the principle of a bridge between Lerwick and Bressay, yet despite this, has made application for judicial review of the Scottish Executive's decision not to call in the NID for the main scheme, has refused the Council's application for a Works Licence without giving sufficiently detailed reason for doing so and, together with other objectors, objected to the Road Scheme, NID for Gremista road improvements, and the Stopping Up and Side Road Order. LPA has also objected to the Coast Protection Act application. It is not unreasonable to assume that the LPA will object to the CPO.

~~11.3.~~ 11.3 The current proposal meets and exceeds the LPA's previously stated basic requirements for the bridge (i.e. existing and proposed navigation channel widths and air draft). Given the lack of information on the precise nature of the LPA's remaining concerns the Project Team made repeated written requests to meet with LPA representatives to seek such information. As no formal responses were received, the LPA was requested, in a letter from the Executive Director of Infrastructure Services dated 2<sup>nd</sup> September 2004, to confirm its requirements, in particular with regard to the parameters of the bridge. To date the Council has received no formal response and the Project Team is therefore unable to consider these and thus unable to report here on the implications of accommodating LPA's current specific requirements, if any.

~~11.4.~~ 11.4 In an attempt to address the concerns of the LPA and those of other objectors, the Project Team undertook and contributed to further consultations, studies and research. In addition, independent studies have been commissioned by the LPA and the Council to test the conclusions of the Project Team. The findings of this additional work have not indicated a need for any major changes from the original proposals apart from a realignment of the roads on the Lerwick side.

~~11.5.~~ 11.5 Key findings of the research and studies mentioned in Section 11.4 are:

- The bridge remains socially and economically desirable for Shetland.
- The bridge, despite the current estimate exceeding the approved budget (see Section 12.3), remains financially viable and value for money.
- The current parameters of the bridge satisfy reasonable navigation requirements.
- The chosen alignment has been confirmed, on balance, to be that of least overall impact to local businesses.
- The bridge poses no major threats to the viability of any of the businesses within the port.
- The bridge piers and temporary causeways will not have a significant impact on the use of the current navigation channel or on tidal flows or water quality.

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- Environmental impacts can be mitigated by implementation of best management practices on site.
- The bridge will be an iconic structure in the Shetland landscape.

Copies of all relevant reports are available in the Members room.

~~11.6.~~ 11.6 Given that these findings confirm the Project Team's view that the bridge currently being developed is the most appropriate, and that all objectors continue to state their support in principle for a bridge, it would not be unreasonable to expect the objections to be withdrawn. This would enable the Scottish Executive to determine the legal processes within the time period necessary to start on site in April 2005.

~~11.7.~~ 11.7 However, there is no indication to date that the LPA and some other objectors will withdraw their objections or co-operate with the Project Team. Despite the positive conclusions reached from these further studies, the Project Team believe that some of the objectors ~~and the LPA in particular~~ are intent on opposing the bridge at every stage.

~~11.8.~~ 11.8 Without full cooperation and the immediate withdrawal of all objections, the only option available to the Council is to continue to address the challenges through the various consent processes including a public inquiry.

~~11.9.~~ 11.9 Given 11.7 and 11.8 above, the progression of the consent processes is likely to be hindered and a start on site of April 2005 will not be achievable. As a consequence it may be that work will be delayed until late 2005/early 2006.

~~11.10.~~ 11.10 It is possible that serious delays to the project could jeopardise all or part of the ERDF funding. ~~The Project Team intend to further explore this issue in greater detail and report with more information as it becomes available.~~ It should be noted, however, that due to the project's status as strategically significant the Programme Executive will call a special meeting to consider the project when appropriate.

~~12.12.~~ **Financial Implications**

~~12.1.~~ 12.1 There are no direct financial implications arising from this report. However, the following is the current financial information.

~~12.2.~~ 12.2 The current approved budget for the bridge is £18.4M (including inflation) with the major expenditure planned for financial years 05/06 and 06/07. It is expected that the Council will receive funding from the ERDF amounting to approximately 25% of this amount.

~~12.3.~~ 12.3 A firm cost estimate will be available following detailed design and after the consent processes are concluded. The current estimate for the bridge is £20.1 million (comprising £19.5 million base cost plus £0.6 million contingency). The Project Team continues to work on identifying cost saving opportunities with a goal of bringing the cost down to or below the £19 million cap.

12.4 The effect of any delay will need to be taken into account of in the next

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review of the Capital Programme.

**~~13.13.~~ Policy and Delegated Authority**

~~13.1.~~ 13.1 The Infrastructure Committee has full delegated authority to act on all matters within its remit (Mins Refs SIC 19/03 and 70/03) and for which the overall objectives have been approved by the Council, in addition to appropriate budget provision.

~~13.2.~~ 13.2 Construction of the Bressay Bridge was approved in principle by the Council in February 2001 and is in the Local Plan.

~~13.3.~~ 13.3 It is Council policy to acquire land required for all important roads and transport projects by CPO.

**~~14.14.~~ Conclusion**

~~14.1.~~ 14.1 The proposals have been subject to rigorous examination by the Project Team and external bodies.

~~14.2.~~ 14.2 The Project Team believes that the proposal continues to meet and exceed fundamental requirements and is confident that, if necessary, it will withstand the scrutiny of a public inquiry.

~~14.3.~~ 14.3 The programmed April 2005 construction start date requires the immediate withdrawal of all objections and legal challenges and cooperation of all objectors and in particular the LPA. It would also require the voluntary acquisition of land.

~~14.4.~~ 14.4 Without the immediate withdrawal of objections and legal challenges a construction start date of April 2005 is not achievable but a construction start date of late 2005 / early 2006 is considered achievable.

**~~15.15.~~ Recommendation**

15.1 I recommend that the Committee:

- (a) note that the Project Team will continue to progress all statutory consents, etc. required for the project and to liaise with all stakeholders; and
- (b) approve that the existing policy on land acquisition should be followed, that is by CPO, unless the Project Team consider that it would be more expeditious to acquire land by voluntary means, in which case the Committee is recommended to authorise the Executive Director Infrastructure Services, or his nominee, to acquire land either by CPO or by voluntary means or by any combination of the two.

15.2 I further recommend that the Committee recommend to the Council that the Executive Director Infrastructure Services, or his nominee, is given delegated authority to:

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- (a) approach LPA and other objectors as soon as possible to discuss the immediate withdrawal of all objections and legal challenges and/or to determine the LPA's current specific requirements; and
- (b) continue to seek to cooperate with all stakeholders.

Report Number : IFSD-CPU-04-04-F



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## **REPORT**

**To: Infrastructure Committee**

**19 October 2004**

**From: Network Manager  
Roads Service  
Infrastructure Services Department**

### **Winter Service Proposed Changes to Gritting Routes and Times**

#### **1 Introduction**

- 1.1 In this report I address the need to consider altering Council policy with regard to when gritting and snow clearing starts each morning. This would constitute an increase in the service provided. There may, in addition, be a need to alter other features of the service, such as the routes for each gritter, and how they are manned.
- 1.2 This need has arisen partly due to the introduction on 1<sup>st</sup> November 2004 of an earlier departure from Sumburgh Airport (to Edinburgh) along with an earlier departure of the bus service from Lerwick (at 6 am).
- 1.3 In addition, the existing gritter routes and timetables struggle at times in bad conditions to meet the requirements of school transport on a number of side roads throughout Shetland.

#### **2 Existing Policy and Procedures**

- 2.1 In outline, the Council's current policy is that icy roads are gritted and snow is cleared as required between 6.30 am and 6 pm (8 am and 6 pm on Sundays and Public Holidays). Roads are categorized as priority 1, 2 or 3, and are generally treated in that order by each of the 24 gritters used.
- 2.2 In general, almost all gritting is done in the first few hours of each morning. Work stops once all roads are treated or when the ice thaws, and the crews then return to general road maintenance. Occasionally, gritting is done later in the day, and of course snow clearing may need to continue all day. When precautionary salting ("a presalt") is required, that is done over 7 routes in the late afternoon, using different drivers.

### **3 Proposed Changes**

- 3.1 The first option to consider would be to start each of the 3 South Mainland gritters half an hour earlier. The crews would sign on at 5.30 am to load up, etc for a 6 am start on the road. The northernmost one would be prioritised to ensure it was at work well ahead of the new bus service.
- 3.2 A second option would be to start a greater number of gritters half an hour earlier. This could help in areas where school transport routes are not always treated before the school bus arrives. It could also deal with a request from the bus operator to assist in “positioning” moves of vehicles for early morning services, especially that from Mossbank.
- 3.3 A third option would be to start all 24 road gritters at the earlier time. The usefulness of this would be that the public would be aware of a single standard start throughout the County. It would also be simpler to operate.
- 3.4 There would also be an option to start gritting at the earlier time, ie. 6 am, on Sundays and Public Holidays. It is clear that, although the level of traffic is much less than during the rest of the week, a certain number of important journeys are made early on these mornings; for example for shift changes in the hospital, care homes, etc.
- 3.5 I intend to assess the option of allocating some gritters to main roads only, while some of the others concentrated on side roads. The former could start earlier, but the latter might not need to. It would require some months to fully investigate this option, including the involvement of stakeholders such as Community Councils.

### **4 Implications of Changes**

- 4.1 On those mornings when the crews work until they have treated all of each route, the increase in service provision proposed above would result in some additional costs. These would be partly offset by the crews being available earlier for general road maintenance duties.
- 4.2 On those mornings when they work only until the ice or snow thaws, the additional costs would not be offset. This would be especially so on Sundays and Public Holidays if they were included in the changes.
- 4.3 On those days when work, especially snow clearing, is required all day, an earlier stopping time may be necessary due to restrictions on drivers` hours and requirements for overnight rest periods of a certain length. It may be possible to make greater use of the pre-salt drivers on main roads in late afternoon/early evening, but this could also incur additional costs.
- 4.4 There will be occasions when the earlier start results in snow falling after the gritter has passed, but before the main morning usage of a particular route or



location, say at a school or other busy work place. These occasions should be far less frequent than those when the earlier start gives a significant advantage.

- 4.5 Current policy would require us, where possible, to reduce general roads maintenance work to cover any additional costs on the Winter Service. Such a reduction would not be desirable from a technical point of view.

## **5 Personnel Issues**

- 5.1 These have been outlined in sections 3 and 4 above, and discussions are now taking place with those members of the workforce who may be affected by any changes.

## **6 Financial Implications**

- 6.1 The estimated additional costs of option one in an “average” Winter are well under £10,000. The second and third options above may cost about £20,000 and £40,000 respectively. As discussed in 4.5 above, it may be possible to offset these costs by reducing general roads maintenance work towards the end of the financial year.

## **7 Policy and Delegated Authority**

- 7.1 The Infrastructure Committee has full delegated authority to act on all matters within its remit (Min Refs SIC 19/03 and 70/03) and for which the overall objectives have been approved by the Council, in addition to appropriate budget provision. This report proposes an increase in service and, albeit the service falls within overall objectives approved by the Council, the possibility that it will give rise to increased unbudgeted expenditure requires a decision of the Council based on a recommendation as to the appropriate option, from the Committee.
- 7.2 The most recent significant Review of policy on Winter Maintenance was done in September 2000. I intend to complete the next review by September 2005, and I would expect all of the above issues to be addressed in full by then, including experience gained this Winter of any initial changes.

## **8 Conclusion**

- 8.1 I believe that it is essential to increase the Winter Service provision by treating the A970 through the South Mainland ahead of the revised bus service connecting with the new Edinburgh flight.
- 8.2 It is desirable to advance the start of gritting, etc. elsewhere to provide greater reliability of service ahead of school transport on side roads.
- 8.3 At very short notice, I have not been able to produce a full set of procedures for the various options for revising the Winter Service. It may be appropriate for the Committee to give guidance on a preferred

option, and delegate authority to the Executive Director, Infrastructure Services, or his nominee to assess the full requirements and implications, and to implement the most appropriate changes.

## **9 Recommendations**

I recommend that the Committee recommend that the Council:

9.1 approve that the current Winter Maintenance policy be amended to include a 6 am start (5.30 am “sign on”) for the 3 South Mainland gritters with road maintenance reduced to meet the additional costs that will be incurred.

9.2 give guidance on whether no other, some other, or all other gritters should start earlier, as discussed in 3.2, 3.3 and 3.4 above and

9.3 delegate authority to the Executive Director or his nominee to decide on all detailed procedures required to implement the above.

Report Number: RD-10-04-F

File Ref: DJM/SMS/R/L8



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## **REPORT**

**To: Infrastructure Committee**

**19 October 2004**

**From: Service Manager – Transport Operations**  
**Infrastructure Services Department**

### **TINGWALL AIRPORT**

#### **1 Introduction**

1.1 The purpose of this report is to advise Members of imminent changes to the Civil Aviation Authority (CAA) regulatory and licensing requirements at Tingwall Airport.

#### **2 Background**

2.1 We were instructed in 2001 to implement a Flight Information Service Operation (FISO). Up until that time the CAA had permitted the use of air to ground (A/G) radio communication between pilots and airport staff to relay information on weather conditions.

2.2 We did some exploratory work with regard to this instruction, but with the publication of the Government's consultation document "The Future Development of Air Transport in United Kingdom – Scotland", it was considered prudent not to proceed any further as this document included a number of relevant points. Eg. Chapter 8 of this document referred to the role of aviation in the Highlands & Islands of Scotland and covered such issues as airport operating standards.

2.3 Comparisons are referenced in this chapter to the contrasting standards required by the CAA in the UK against those provided in other countries, USA and Norway for example, which are acceptable to their respective governments for operation of scheduled services to peripheral areas.

2.4 The Council submitted a comprehensive response to the consultation document covering these specific points, however, as expected no consideration of the Council's response was evident in the resultant White Paper, The Future of Air Transport published in December 2003.

2.5 In tandem with this consultation exercise I enlisted the assistance of Alistair Carmichael MP who fully supports our efforts to resist the imposition of a FISO service at Tingwall Airport. Following a meeting

with both the Chairman and Group Director Safety Regulation of the CAA in May 2004 we are now in receipt of a letter requiring the Council to provide a FISO Service at Tingwall by 1 August 2005.

2.6 In addition to the above imposition I am aware that further changes to regulatory standards are imminent which will have an adverse effect on costs.

2.7 The CAA have decided to remove the RFF Remission Factor which enables smaller airports with less than 700 aircraft movements in the busiest three months of any year to reduce the scale of RFF facilities (Rescue and Fire Fighting) to that determined by the size of aircraft using the airport. This is to be effective as from 01 January 2005 for Categories 3 – 10 inclusive, but the removal of remission for airports currently licensed as Categories 1 and 2 is delayed pending further consideration. Realistically this is merely an interim delay in forcing through more unnecessary standards onto smaller airports. Their rationale for these changes is “to ensure consistency and interoperability between International and UK standards of RFFS”

2.8 Tingwall Airport is licensed as CAT 2 but utilises this remission factor and operates as a CAT 1 airport.

### **3 Discussion**

The CAA have adopted a broad brush approach to regulation requirements with no regard to smaller airports which support peripheral regions.

At its peak, Tingwall Airport handled over 15,000 passengers per annum supporting flights to/from Edinburgh in addition to inter-island services. Current operations support approximately 5,500 passengers and 2,400 aircraft movements.

To comply with the CAA directive re FISO operation at Tingwall, will require the two full time firemen/attendants to obtain FISO qualification, operating procedures and associated administration will constantly be subject to CAA inspection, validation and comment.

However, the removal of the remission factor will have a serious impact on the future viability of operations at Tingwall. Currently we comply with the minimum staffing level for CAT 1 airports ie. 2 full time firemen/attendants, this will increase to 3 full time staff if the remission factor is removed. (During out of hours operations we will require 4 staff in attendance).

### **4 Conclusion**

4.1 It is now abundantly clear that the status quo is not an option and that the imminent and ongoing directives from the CAA will have a fairly adverse effect on the cost and viability of sustaining the facility in the long term. Additionally any increase in staff numbers will inevitably impact on the actual productive output of staff time, at present on some days there are four scheduled movements ( 2 take offs and 2 landings ) involving at most 2

hours of staff output, there is limited scope for increasing duties to avoid staff becoming bored and inactive.

## **5 Proposal**

5.1 I propose that this Committee consider this report and agree that a Sub Group be established to carry out a full in depth review of internal air service provision including infrastructure requirements. The Sub Group to comprise of the Chairman and Vice Chairman of this Committee, the Members representing Foula, Fair Isle, Papa Stour and Skerries together with the Executive Director of Infrastructure Services and Service Manager – Transport Operations. The proposed remit and representation of the group is attached as Appendix 1.

## **6 Financial Implications**

6.1 Approved budget in 2004/2005 for operating of Tingwall Airport is some £96K of which £86K are employee costs. Approximately £43K is received from landing fees and lease income.

**6.2 Employee costs can be expected to increase to in excess of £100K per annum to comply with the imminent directives outlined in this report.**

## **7 Policy and Delegated Authority**

7.1 The Infrastructure Committee has full delegated authority to act on all matters for which the overall objectives have been approved by the Council, in addition to appropriate budget provision (SIC Min Ref 19/03 and 70/03).

## **8 Recommendation**

8.1 I recommend that the Infrastructure Committee consider this report and approve the proposals as set out in Section 5 above.

Report Number: TR-24-04-F

Our Ref: IB/SMS



## INTERNAL AIR SERVICES WORKING GROUP

### **1. REMIT**

To advise and assist the Executive Director - Infrastructure Services on issues concerning the review of air services in Shetland, including infrastructure provision.

### **2. MEMBERSHIP**

Chair of Infrastructure Committee  
Vice Chair of Infrastructure Committee  
Members for Foula, Fair Isle, Papa Sour and Skerries  
Executive Director - Infrastructure Services  
Service Manager – Transport Operations

### **3. AUTHORITY AND REPORTING**

The Group is purely advisory and has no executive powers. Any proposals arising from the work of the group must be referred by report from the Executive Director - Infrastructure Services to the Infrastructure Committee for decision.

### **4. ADMINISTRATION**

Administration will be provided by the Infrastructure Services Department.

### **5. GENERAL**

Meetings will be held as required and the Group will report the outcome of the review by 30 September 2005.







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## **REPORT**

**To: Infrastructure Committee**

**19 October 2004**

**From: Energy Manager  
Planning  
Infrastructure Services Department**

### **SITING OF WIND TURBINE AT SKELD PRIMARY SCHOOL**

#### **1 Introduction**

**1.1 The Energy Unit's remit covers assessing energy and cost saving opportunities for Council sites. With the availability of grants and the opportunity to claim Renewable Obligation Certificates (ROCs) the installation of renewable options is becoming more economically favourable.**

**1.2 As a result of grant funding, the Skeld wind turbine was installed in the grounds of the school in 2003. However, because of problems with the site, it is proposed that the turbine is relocated outside the school grounds. This means that a Notice of Intention to Develop (NID) needs to be submitted.**

#### **2 Background**

**2.1 To reduce electricity supply costs and to provide an educational facility Proven wind turbines were erected at three primary schools. In 2002 the first turbine was installed in the school grounds at Lunnasting with further turbines commissioned at Skeld and then Urafirth in 2003/04.**

**2.2 In March 2004 the Council received a complaint from a member of the public after part of the nacelle cover on the Urafirth turbine came loose. A meeting was convened of SIC officials and elected members where it was decided that, until necessary health and safety requirements were met, the three turbines be shut down and made safe. Shetland Windpower carried out this work before the start of 2004 summer term.**

**2.3 At the same meeting it was also requested that the Development Plans section produce a report on the background leading up to the three installations, and also a set of guidelines for potential future developments. The document, entitled 'Erection of Wind Turbines on Council Land', was completed in May.**

**2.4 In addition to the difficulty with the nacelle cover at Urafirth, there were also problems directly associated with the Skeld installation. Environmental Health received complaints about turbine noise from a neighbouring house and also - because the turbine was sited directly south west of the main classrooms - there was a problem with shadow flicker which caused teachers to move classes.**

**3** Current Situation

**3.1 A meeting was held, in September, with representatives from Planning Control, Development Plans, Safety and Risk, Proven Engineering and Shetland Windpower where a note of the necessary documentation, procedures and training requirements was made. Using this as a checklist and following the guidelines in the 'Erection of Wind Turbines on Council Land' document, the Energy Unit is now working towards putting in place all the requirements as well as carrying out necessary consultation.**

**3.2 The Energy Unit in conjunction with the landowner and Shetland Windpower Ltd have selected a potential new site for the Skeld turbine. The site is on the hill directly to the west of the school (see attached site plan).**

**3.3 Assuming that the Committee is satisfied with the proposal, the Energy Unit is proposing to submit a NID to the Planning Control section in due course.**

**3.4 Until formal procedures are finalised, the Energy Unit will keep in contact with the Safety and Risk Unit with regard to the proposal.**

**4 Financial Implications**

**4.1 The work involved in moving the turbine will be funded from existing budget GCY 9006 1002 and there are no additional budget implications.**

**5 Policy and Delegated Authority**

**5.1 The Infrastructure Committee has full delegated authority to act on all matters within its remit (Min Refs SIC 19/03 and 70/03) and for which the overall objectives have been approved by the Council, in addition to appropriate budget provision.**

**6** Recommendation

**I recommend that:**

**6.1 The Infrastructure Committee approves the site selection and agrees the submission of a NID.**

**Report Number : PL-31-04-F**





## REPORT

To: **Infrastructure Committee**

**19 October 2004**

From: **Head of Environmental Services  
Infrastructure Services Department**

## PUBLIC CONVENIENCE PROVISION

### 1 Introduction

- 1.1 The Infrastructure Committee on the 16 March 2004 approved a rolling programme of £100K per year to fund new toilets starting 2005/06. (Minute Ref 12/04).
- 1.2 The purpose of this report is to seek approval for the priority listing for new toilets as shown in Appendix 1, which will provide the basis for how the spend from the rolling programme will be allocated.

### 2 Background

- 2.1 **The priority list was drawn up by a steering group consisting of the following:**
  - **Spokesperson for the Environment**
  - **Spokesperson for Public Protection and Health**
  - **Head of Environmental Services**
  - **Head of Community Services**
  - **Development Officer**
  - **Manager of Shetland Amenity Trust**
  - **Chief Executive of Shetland Islands Tourism.**
- 2.2 **An aspirational list of 28 potential sites was drawn up after consultation with Community Councils, this was rationalised and prioritised by the steering group to create a manageable list using the following criteria:**
  - **Tourism**
  - **Community need**
  - **Beach use**
  - **Recreational use**
  - **Proximity to another toilet.**
- 2.3 It should be noted that some of the toilets are grouped to have the same priority.
- 2.4 In terms of Section 26 of the Local Government and Planning (Scotland) Act 1982, local authorities have the discretionary power to “provide, equip and maintain” public conveniences.

3. Proposals

- 3.1 As a general rule new build projects will start at the top of the list and work down. However this needs to be flexible to take into account consultation, availability and procurement of land, access to services etc... The principle being that if there is an issue which delays delivering a toilet at the top of the list, then this should not prevent the next toilet on the list not being built should it be available for construction.**
- 3.2 It would be expected that priority will be given to funding grant allocations before new build as this will represent better value for money for the Council and providing it fits in with the priority list and meets grant conditions then these will be funded before new build.**
- 3.3 It is proposed that grant funding for a community or economic project would not exceed the cost of a new build estimated to be in the region of £45,000 (to be confirmed by the Capital Projects Unit) for a standard male and female toilet suitable for disabled use.**
- 3.4 The rolling programme will either fund new build toilets or a grant allocation to community or economic development projects where a toilet can be made available for public use.
- 3.5 Distribution of grants will be subject to Community Services and Economic Development grant conditions as appropriate, which have already been established. However matching to the priority list and final approval will be delegated to the Executive Director of Infrastructure Services or his nominee.
- 3.6 Since approval of the report in March 2004 a number of expressions of interest have been received from community groups. These include making toilets available at Eshaness Community Centre, The Clubhouse at Collafirth and at Aith. Community Grant forms have been issued to these groups.
- 3.7 Economic Development are also looking into the potential of making toilets available to the public at proposed caravan parks, and the Burravoe Food Co-op.
- 3.8 While £100K has been approved as a rolling programme starting 2005/06, £40k is available this year and it is intended that if any applications are received, fit in with the priority list and meet grant conditions then this will be spent this financial year.
- 3.9 Consideration should be given to requesting capital contributions, and/or ongoing revenue funding from Shetland Islands Tourism or the Scottish Tourist Board, given that tourism is recognised as one of the main criteria used in the prioritisation of works.

**4 Financial Implications**

- 4.1 Capital funding has already been approved for the rolling programme.

- 4.2 Revenue costs for a toilet are estimated at £4,000 per year. This includes £2,500 for cleaning and materials, £1,000 for services and £500 for maintenance.
- 4.3 Where there is a direct benefit to the economic development project in having toilets, such as a caravan park, then it is not proposed to offer any revenue support for the ongoing maintenance. However if the proposal for making toilets available is purely to benefit the local community then assistance in cleaning and supplies would be offered either directly by the Council or by way of part funding.
- 4.4 All revenue costs would be regarded as new growth and would have to be taken into account when setting Council budgets for future years.
- 4.5 Members should be advised that the ongoing revenue costs need to be considered carefully before decisions to undertake the capital works are made. The level of priority awarded to a project may not be enough to guarantee ongoing funding, when considered against many other high priority projects, all of which are competing for new funding from a limited resource.

## **5 Policy and Delegated Authority**

- 5.1 The Infrastructure Committee has delegated authority to implement decisions within its remit for which the overall objectives have been approved by the Council, in addition to appropriate budget provision (Min. Ref. SIC 70/03).

## **6 Conclusion**

- 6.1 An annual capital-rolling programme of £100,000 aligned to an approved priority list will provide an effective and economic mechanism for the Council to deliver a programme of increased public toilet provision through a combination of new build and grant allocation.

## **7 Recommendation**

I recommend that the Infrastructure Committee: -

- 7.1 Gives delegated authority to the Executive Director or his nominee to approve capital spend for new build or grant funding, in line with the proposals contained in this report.

Report Number: ES-29-04-F

Community Council	Suggested Location	Priority listing
Dunrossness	Scousburgh Sands, Spiggie	1
Lerwick	Sands of Sound	2
Northmaven	North Roe & Lochend Hall	2
Northmaven	Eshaness	2
Burra & Trondra	Duncansclett, Papil	5
Dunrossness	Levenwick Beach	5
Unst	Baltasound Pier (possibility of using extension to Hotel)	5
Aithsting & Sandsting	Aith	8
Sandness & Walls	Showfield, bus layby	8
Sandwick	Sandwick Central/Park	8
Northmaven	Sullom Hall	11
Yell	New Burravoe Fishing Pier	11
Whiteness, Weisdale and Tingwall	To the North of Shetland Jewellery, Weisdale	11
Delting	Public Hall area, Mossbank	14
Delting	Public Hall, Muckle Roe	14
Fetlar	Loch of Funzie	14
Unst	Brookpoint	14
Bressay	Squarefield Playground	18
Bressay	Car Park at Noss Sound	18
Nesting & Lunnasting	Junction near Catfirth Shop	20
Whalsay	Kirkness, Brough	20





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## **REPORT**

**To: Infrastructure Committee**

**Date: 19 October 2004**

**From: Head of Planning  
Infrastructure Services Department**

### **INVESTING IN WATER SERVICES 2006-2014 – THE QUALITY & STANDARDS III PROJECT - A CONSULTATION PAPER**

#### **1. Introduction**

- 1.1 The purpose of this report is to inform members of the Planning Service's response to the above consultation paper that was published by the Scottish Executive in July 2004. As the consultation period has now passed, this report is for information only. A copy of the document is available in the Members' Room.**

#### **2. Background**

- 2.1 The provision of good quality drinking water in homes and workplaces, the proper management of wastewater, appropriately treated, before discharging back into the environment is a vital service provided by Scottish Water. However, such a service needs maintaining and improving which requires continuous investment.**
- 2.2 The current water industry investment programme (Quality and Standards II) is due to end in March 2006. Investing in Water Services 2006-2014 seeks views on the scale and content of future investment in Scotland's water and sewerage services in the period from 1 April 2006 to 31 March 2014.**
- 2.3 The Scottish Executive is also carrying out a parallel consultation on the principle of charging for water services. This document entitled 'Paying for Water Services 2006-2010', aims to develop a consensus on how customers should pay for water services. Both of these papers outline plans for enabling stakeholders to discuss the issues raised in them with the Executive and other stakeholders.**

#### **3. Discussion**

- 3.1 The consultation document contains 18 points of consultation. Of most relevance to the Planning Service are questions referring to:**
- The key aims of Quality & Standards III**

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- Investment in the deeper elements of connection. This relates to elements of the network which are remote from the connection point but may still require uprated e.g. developing water resources, or increasing the capacity of sewage treatment works.
- New connections where costs to customers exceed those that are currently considered reasonable.
- The top environmental priorities.
- Sewer flooding.

3.2 Our response to the consultation questions is outlined in appendix 1 to this report. It has been formulated to take account of the key issues facing a rural local authority, in regards to the maintenance and improvement of the water industry.

4. Financial implications

**4.1 There are no direct financial implications arising from this report.**

5. Policy and Delegated Authority

**5.1 The Infrastructure committee has full delegated authority to act on all matters within its remit (Min Refs. SIC 19/03 and 70/03) and for which the overall objectives have been approved by the Council, in addition to appropriate budget provision.**

6. Conclusion

6.1 This consultation document seeks the Planning Service's views on investing in water services from the period of 2006-2014.

7. Recommendation

**7.1 I recommend that the Infrastructure Committee:**

- a) Note the report and the response to the consultation questions contained in the appendix of this report.**

**Report No: PL-32-04-F**

### **3 APPENDIX 1**

**2**

### **3 RESPONSE TO CONSULTATION QUESTIONS**

#### **Consultation point 1**

**The key aim is to produce a cost-effective, deliverable, affordable and sustainable water industry investment programme. Do you think these are the right criteria?**

We agree with these criteria. However, due to the high level of investment required, there may be instances where cost-effectiveness will be difficult to demonstrate. This is especially the case in a rural area such as Shetland where investment is necessary, but (in relative terms) may not appear cost-effective due to the relatively low densities of population. However, the need for a high-quality water supply is universal and we do not believe it is acceptable for customers in fragile rural areas to suffer either lower quality or higher costs.

#### **Consultation point 2**

**Do you agree that these are the correct questions each working group should use to assess each individual investment option?**

Yes

#### **Consultation point 3**

**Do you agree that maintaining serviceability levels (as defined above) should be an essential objective for Quality and Standards III?**

Yes. It is essential that standards be maintained during Q&SIII. The consultation clearly indicates the fundamental importance of maintaining levels. We agree with this and have no reasons to believe otherwise.

#### **Consultation point 4**

**What are the most important serviceability standards?**

Arguably, all the serviceability standards should be viewed as being of equal importance, as each standard will be of particular importance when viewed through individual perspectives i.e. customers, businesses, environmental bodies etc. However, it is probably sensible to give highest priority to those events that are most likely to have immediate and serious consequences for people and the environment. On that basis, the more serious events would include internal flooding, pollution incidents, total collapses, failing treatment plants and coliform failures.

**If you wish to see a higher level of serviceability, do you wish this benefit secured from a) higher charges or b) lower spend on other areas of capital investment?**

We believe that further investment in Capital Maintenance, as mentioned within the consultation is the most rational way forward for Q&SIII, leading to an improved quality of service. The capital maintenance expenditure should be directed in the first instance at the serviceability problems that have most immediate and serious impact on people and the environment. If satisfactory serviceability cannot be secured within existing budgets, we recognise that it may be necessary to increase charges. However, given the universal need for a satisfactory water service, there may also be justification for an injection of investment from general taxation.

**Consultation point 6**

**We hope to be able to include provision with the forthcoming investment programme to fund deeper elements of connection. Should this element be paid for by a) higher charges b) lower investment in other areas?**

We believe this to be a key issue, which affects planning authorities throughout the whole of Scotland, and it is essential that deeper elements of connection receive considerable investment throughout Q&SIII. Such improvements will lead to long-term, sustainable benefits for customers and the environment.

However, the question itself implies that a comprehensive solution may not be achievable. It may be that savings in other investment areas can contribute to achieving more widespread connection, but if higher charges are necessary the costs should be paid by all consumers, not attributed only to those who are not currently connected. Otherwise, there's a risk that remoter rural areas will be penalised.

**Consultation point 7**

**Where there is a requirement made by local authorities for detailed modelling work to inform the viability of strategic sites in structure and local plan processes, who do you think should fund this work?**

Shetland Islands Council is in a unique position, as we do not have allocated sites for housing. In order to reflect the Islands' crofting tradition, we use a zoning policy which identifies very extensive areas of land that may be suitable for housing, subject to certain technical requirements being met. Although this policy is under review, it seems unlikely that future development will occur only in a very limited number of tightly-defined areas, as is the case in most other parts of the UK. Accordingly, it may be best, in our circumstances, to come to a view about those areas in which the pace and extent of development is likely to be greatest, so that any detailed modelling work can be focused on those areas. If agreement in those terms can be reached, we believe that detailed modelling work should be funded by Scottish Water. If the Council was to make any contribution, we believe that it could only be justified on the basis that the necessary water infrastructure would be forthcoming within an agreed timescale.

**Consultation point 8**

**Do you think that the forthcoming investment programme should include provision for new connection where the costs to customers exceed those that are currently considered 'reasonable'?**

We believe that in rural areas, the issue of first time connections is a significant issue. As a Planning Authority, this Council deals with applications for housing in areas subject to development pressure where connections to wastewater provision does not exist. This situation is exacerbated by the fact that some of these areas are adjacent to bodies of water covered by the Shellfish Directive. The Council seeks through its planning powers to require connection to public sewers where they exist, but there will continue to be a legitimate demand for housing development in rural areas where there are no connections. Accordingly, there will be cases in which provision for new development will need to be made and in some of these cases costs will exceed those that are currently considered 'reasonable'. Provision for those costs should be made.

#### **Consultation point 9**

**If so, should the inclusion of such an element be paid for by a) higher charges or b) lower investment in other areas?**

In the context of Scottish Water's expenditure, the instances where such a contribution is needed will be few in number and the aggregate cost is likely to be small. We believe that it would be desirable to pay for this element through lower investment in other areas, but would not expect the impact to be substantial.

#### **Consultation point 10**

**What should the top environmental priorities be?**

There is no simple way to answer this question. Once again individual perspectives will influence priorities. The consultation points out that there are mandatory standards and guideline standards, and that flexibility will be a key factor in deciding the level and pace of investment. From our perspective we believe that priorities should centre around improving shellfish waters, protecting ecology and ensuring that there are satisfactory wastewater treatment plants. This is because Shetland relies on a high standard of water quality for a number of its industries, particularly marine aquaculture.

#### **Consultation point 11**

**Should the inclusion of these priorities be paid for by a) higher charges, or b) lower investment in other areas?**

We recognise that, due to the amount of investment required and the environmental benefits, there may be a justification for higher charges. However, we would point out that a clean environment is as universal a need as a satisfactory water supply, and there is therefore a case for some injection of funds from general taxation.

#### **Consultation point 12**

**What should the top drinking water quality and water resource priorities be?**

We believe that the top drinking water quality priorities should be improvements in taste and odour (aesthetic quality) and compliance with the Cryptosporidium Directions, as both have a major impact upon customers and their perception of the performance of Scottish Water.

In relation to water resources we believe that statutory minimum compliance, not beyond, should be sought, as these should be considered under Quality and Standards IV.

**Consultation point 13**

**Should the inclusion of these priorities be paid for by a) higher charges or b) lower investment in other areas?**

Lower investment in other areas would be the desirable solution, but higher charges may be the only feasible option.

**Consultation point 14**

Do you think the forthcoming investment programme should include provision for odour control at wastewater treatment works?

**Yes. We believe that it is desirable to include provision for odour control, as it can have a detrimental impact upon nearby houses, communities and in some cases possibly tourism.**

**Consultation point 15**

**If so, should the inclusion of such an element be paid for by a) higher charges or b) lower investment in other areas?**

We believe that having lower investment in other areas could pay for the budget for odour control, but higher charges may be justifiable.

**Consultation point 16**

**Do you think that the forthcoming investment programme should include provision to improve water pressure for those properties suffering from low water pressure?**

Yes, but the implication of our response to Question 4 is that low water pressure – however inconvenient it may be for those affected – is a less urgent priority than those serviceability issues that may have serious health or environmental consequences.

**Consultation point 17**

**If so, should the inclusion of such an element be paid for by a) higher charges or b) lower investment in other areas?**

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A significant investment is required for improving water pressure but, in view of what we say above, the investment can presumably be spread over a number of years. It may be possible to meet these costs by some combination of savings and price increases and we would hope that the impact on consumers would be manageable.

**Consultation point 18**

**Do you think that the forthcoming investment programme should include provision to address sewer flooding in addition to that contained under capital maintenance?**

Yes. Flooding is likely to cause great inconvenience and distress to the public and should accordingly be given a high priority. An integrated approach to drainage within catchments, as opposed to treating the symptoms in isolation, is to be preferred and is likely to offer best value.

**Consultation point 19**

**If so, should the inclusion of such an element be paid for by a) higher charges or b) lower investment in other areas?**

We believe that this is an area deserving high priority and that some increase in charges is justified.







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## **REPORT**

**To: Infrastructure Committee**

**19 October 2004**

**From: Head of Planning**

### **Infrastructure Services Department**

#### **INTERIM PLANNING POLICY GUIDANCE – DOMESTIC AND COMMUNITY AEROGENERATORS AND SOLAR ENERGY**

##### **1. Introduction**

- 1.1 The purpose of this report is to gain Members' approval of the proposed Interim Planning Policy Guidance and to seek authority to enable the document to be adopted as Supplementary Planning Guidance to The Shetland Local Plan, which is reviewed every five years.**

##### **2. Background**

- 2.1 Since the Local Plan Policy on Domestic Scale Aerogenerators was devised (Policy LP ENG 9) there have been considerable developments in the design of and demand for domestic-scale aerogenerators. It was therefore felt that it would be beneficial to both prospective applicants and their agents if interim policy guidance was produced which addressed these changes. The interim planning policy guidance has been attached as Appendix 1 to this report.
- 2.2 The interim policy guidance has been prepared in response to the above developments and will be used to supplement the policies contained within the Shetland Structure Plan and the Shetland Local Plan. It is consistent with national planning policy guidance and advice notes.
- 2.3 *Scottish Planning Policy 1 – The Planning System* states that “Supplementary guidance is useful where: there is a need for an urgent policy response to an emerging issue” (Paragraph 41). Provided the interim policy guidance is adopted by members it will be used as a material consideration when determining planning applications. In the longer-term it is the intention of the Planning Service to include these policies within the Shetland Local Plan once it is amended and to replace the existing Policy LP ENG9.
- 2.4 The interim policy guidance has been subject to a rigorous consultation procedure, including all Community Councils, environmental bodies and the Shetland Renewable Energy Forum. The full list of consultees can be found on page 15 of the Interim Planning Policy Guidance. The consultation responses

and the individual replies by Planning to these consultations have been attached as Appendix 2 to this report.

### 3. Discussion

**3.1 The interim policy guidance contains a policy on what the Council believes to be appropriate development when assessing planning applications for domestic aerogenerators. In addition to domestic aerogenerators, a policy has also been devised to take account of community aerogenerators for non-commercial/non-profit organisations and aerogenerators serving non-domestic properties such as small businesses.**

**3.2 In order to provide an assessment of the possible adverse effects upon landscapes and nearby residents/landowners a set of guidelines has been incorporated into the policy guidance. These guidelines, which are contained within chapter 4, also provide advice on safety considerations. Their purpose is to complement the policies and to provide an indication of what should be taken into account when locating and choosing an aerogenerator.**

**3.3 In addition to the two policies on aerogenerators, a policy on solar energy has been incorporated into the policy guidance. The purpose of this policy is to provide a mechanism for the assessment of future applications for solar panels and units.**

### 4. Financial Implications

**4.1 There are no direct financial implications arising from this report.**

### 5 Policy and Delegated Authority

5.1 The Infrastructure Committee has full delegated authority to act within its remit (Min Refs 19/03 and 07/03) and for which the overall objectives have been approved by the Council, in addition to appropriate budget provision. However, since the adoption of the proposed policy guidance amounts to a variation in policy, the Council will need to endorse the new Guidance.

### 6. Conclusion

6.1 The finalised draft of 'Interim Planning Policy Guidance for Domestic and Community Aerogenerators and Solar Energy' is now complete and the consultation comments have been incorporated into the document.

**7. Recommendation**

**7.1 I recommend that the Infrastructure Committee recommends to Council that:**

**7.1.1 the finalised draft of 'Interim Planning Policy Guidance for Domestic and Community Aerogenerators and Solar Energy' is approved and that it is adopted as supplementary planning guidance.**

**Report Number : PL-33-04-F**



# INTERIM PLANNING POLICY GUIDANCE

## DOMESTIC & COMMUNITY AEROGENERATORS AND SOLAR ENERGY



SHETLAND ISLANDS COUNCIL

November 2004

## **1. Background**

The need for the production of electricity through non-polluting sources of renewable energy has become more apparent than ever due to the threat of global warming, which is caused in part by the burning of fossil fuels for power generation. For example one quarter of all the UK's carbon dioxide emissions come from the household use of fossil fuels.

The UK's climate change programme, published in 2000, brought about a commitment from the UK government to increase the amount of energy generated from renewable sources, and to cut levels of greenhouse gases. Under the Utilities Act 2000, the Scottish Ministers were granted devolved powers to set a separate renewables obligation for Scotland. It was decided to set a target of 18% of power to be produced by renewable sources by 2010 and 40% by 2020. At present, approximately 11% of Scotland's electricity is generated from existing hydro schemes and it is envisaged that the remaining 7% will be generated principally through the use of on-shore wind power, until alternatives such as wave and tidal power or biomass realise their full potential.

The production of renewable energy through devices such as domestic aerogenerators and solar panels/photovoltaics can play a worthwhile role in contributing to a reduction in greenhouse gases. In addition to this, domestic scale aerogenerators and solar energy can lead to increased public awareness of the possibilities of small-scale renewables as an alternative, environmentally friendly, source of energy.

Shetland is no stranger to harnessing the power of the wind to produce electricity. The first experimental wind turbine to be used in Shetland dates back to the early 1900s. Further developments occurred in the 1930s when turbines were used to charge batteries in order to supply lighting for houses.

At present a variety of domestic turbines is manufactured by a relatively small number of suppliers in the UK. Depending upon their size, they can be utilised to supply heating and meet the electricity needs of a dwellinghouse.

There is less history of the use of solar energy in Shetland. However, houses in Shetland have traditionally been positioned to face south to maximise solar gain. Advances in solar energy, and in particular the development of photovoltaic panels, have resulted in this becoming an important renewable energy technology.

## **2. Introduction**

**In the time since the Local Plan Policy on Domestic Scale Aerogenerators was drawn up (Policy LP ENG 9) there have been considerable developments in the design of and demand for domestic-scale aerogenerators. It was therefore felt that it would be beneficial to both prospective applicants and their agents if interim policy guidance was produced which addressed these changes.**

**This policy guidance has been prepared in response to these developments and will be used to supplement the policies contained within the Shetland**

**Structure Plan and the Shetland Local Plan. The guidance is consistent with national planning policy and advice.**

**Scottish Planning Policy 1 – The Planning System states that “Supplementary guidance is useful where: there is a need for an urgent policy response to an emerging issue” (Paragraph 41). Following consultation and adoption by the Council this guidance will be used as a material consideration when determining planning applications. In the longer-term the intention of the Planning Authority is to include these policies within the Local Plan once it is amended and to replace the existing Policy LP ENG9**

## **2.1 Existing Development Plan Policy**

### **Policy LP ENG 9**

**This policy, which is contained within the Shetland Local Plan, is currently used when assessing planning applications for domestic scale aerogenerators, which are not connected to the grid. The policy was formulated to encourage the use of domestic renewable energy for aerogenerators serving individual crofts or houses, where they can be readily accommodated within the landscape. It was created with the intention of assessing domestic aerogenerators that provide heating and power to a dwelling where connections to the national grid do not exist. An aerogenerator not connected to the grid is referred to as a “stand-alone” system.**

### **Policy LP ENG7**

**Policy LP ENG 7 of the Local Plan was formulated to control potential nuisance from energy generators. It conforms to the guidance contained within NPPG6 (Renewable Energy) and PAN 45 (Renewable Energy Technologies).**

### **Policy LP NE10**

**Policy LP NE10 of the Local Plan is concerned with ‘Development and the Environment’. It states that applications for planning permission for the exploitation of natural resources will normally be permitted provided the proposal by virtue of its location, scale or duration of operation would not have an unacceptably significant adverse effect on the natural or built environment.**

### **Policy SP ENG3**

**This policy, which is contained within the Structure Plan, encourages proposals for the generation of power from renewable sources subject to other relevant policies in the Structure and Local Plans. Appendix A provides a list of relevant policies.**

## **2.2 National Planning Guidance and Advice**

**Scottish Executive planning guidance for renewable energy is covered by the following guidance:**

- **National Planning Policy Guideline (NPPG) 6: Renewable Energy Developments (Revised 2000)**
- **PAN 45 – Renewable Energy Technologies (Revised 2002)**

Although both documents have essentially been drawn up with large-scale projects in mind, reference is made to stand-alone and small scale developments such as individual wind turbines and where appropriate, they should be considered against the principles set out in the NPPG (Para 6). These same principles apply to PAN45.

### 2.3 Scottish Natural Heritage Policy on Renewable Energy

SNH's policy statement on renewable energy (01/02) makes reference to accommodating small-scale aerogenerators. "Small-scale developments serving individual farms or houses can usually be accommodated in most landscapes with sensitive siting. Developments of any scale may not be easily accommodated within undeveloped landscapes valued for their wildness or other intrinsic qualities".

### 2.4 Shetland Renewable Energy Forum

The principal aim of the Shetland Renewable Energy Forum is "To ensure that Shetland maximises the economic and community benefit of developing its renewable energy resources while minimising the impact on the environmental, social and visual amenity of the islands."

### 2.5 Shetland College

It is the aim of Shetland College to develop a renewable energy skills unit, that will be utilised to provide courses and training in the installation and maintenance of small-scale renewable systems. The College intends to meet the growing demand in domestic renewable energy systems by training a work base of engineers who can offer renewable packages for households, community projects and small businesses.

## 3. Proposed Policy - Domestic & Community Aerogenerators

The policies set out in this chapter will be applied to all proposals for domestic and community aerogenerators.

The type and size of aerogenerator will usually depend upon available resources and the energy requirements of a dwellinghouse, for example whether the user requires the aerogenerator to meet all of the dwelling's electricity demands, or whether they require the aerogenerator to supplement power supply and reduce electricity bills.

The aerogenerator's height and design may also be influenced by wind speed, topography, land availability and the character of the surrounding area.



**The choice may also depend upon the lifestyle and values, or social responsibility, of the user. For example, the user may wish, as a matter of principle, to reduce CO2 emissions and his or her reliance on fossil fuels as a source of heat and power.**

An understanding of energy efficiency will help the user decide whether to install some form of renewable energy generation and how best to use it. It should not be forgotten that it may be much more cost effective to conserve energy than to generate it. This can be achieved through such measures as increased insulation, draught-proofing, buying more efficient appliances or simply using less energy. However, once the decision to install an aerogenerator has been taken, it will make sense to use more power when the weather is windy and less when it is calm.

Whilst it is recognised that the impacts of smaller developments, such as domestic aerogenerators, will not be as significant as a large-scale commercial wind farm, these policies have been devised to provide guidance of what the Council believes to be appropriate development for domestic and community aerogenerators.

<b>Local Plan Interim Policy – LP ENG 12 Domestic Aerogenerators</b>
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**Proposals for domestic aerogenerators will be permitted provided that the following criteria are met:**

- |  |
|--|
| <ul style="list-style-type: none"><li><b>a) the development does not have an unacceptable impact on the character and appearance of the landscape;</b></li><li><b>b) the development does not have a demonstrable adverse effect upon local residents or occupiers of neighbouring land by reason of visual impact, noise, shadow flicker or safety;</b></li><li><b>c) if electromagnetic disturbance is likely to be caused to any existing transmitting or receiving systems by the development, the proposal includes measures to remedy, or satisfactorily mitigate, any disturbance;</b></li><li><b>d) the development would not significantly increase the risk of driver distraction;</b></li><li><b>e) the development does not have an unacceptable impact upon biodiversity;</b></li><li><b>f) the development will not have a significant adverse effect on the underlying objectives and overall integrity of notified areas, including National Scenic Areas, Sites of Special Scientific Interest, Special Protection Areas and Special Areas of Conservation;</b></li><li><b>g) the development will not have an unacceptable impact on the integrity or character of Listed Buildings, Conservation Areas, Historic Gardens or Designed Landscapes;</b></li><li><b>h) the proposal does not conflict with any other Structure Plan or Local Plan policy.</b></li></ul> |
|--|

Justification:

The Council continues to encourage the use of domestic renewable energy because such developments contribute to lower CO<sub>2</sub> emissions and to the development of an island economy less dependent on fossil fuels.

The Council believes that a domestic aerogenerator should be the correct size for its proposed location and should not unnecessarily dominate nearby buildings or the landscape. For this reason domestic aerogenerators will be permitted provided they do not result in unacceptable harm to landscape, visual amenity and designated or protected sites, or interfere with the amenities enjoyed by neighbours or landowners

### Local Plan Interim Policy – LP ENG 13

#### Community and Non-Domestic Aerogenerators

Provided the Policy Requirements of LP ENG12 are met, the Council will support in principle aerogenerators that directly benefit a community or community resource, for example a housing association, a village hall or a school. The Council will also support in principle proposals for non-domestic aerogenerators, for example those serving businesses and non-domestic properties.

#### Justification:

The Council wishes to encourage aerogenerators that have a direct and measurable community benefit for non-commercial and non-profit organisations. The Council also encourages the use of renewables for business premises and non-domestic property. However, proposals should be sited and designed to have minimal impacts upon landscape, residents, landowners, notified sites and listed buildings.

This policy takes account of the current demand of applications for community aerogenerators that may be eligible to receive funding from the Scottish Community Renewables Initiative.

#### 4. Further Guidance to be Taken Into Consideration

**The following guidance elaborates Policy LP ENG 12 and explains what may constitute an adverse effect upon landscape or local residents/adjacent landowners, when the Council considers an application for a domestic/non-domestic or community aerogenerator:**

#### Guideline 1 Noise

**At present, the majority of applications for domestic aerogenerators are accompanied by a noise assessment. Noise is a material consideration when determining planning applications, so the proximity of a proposed aerogenerator to residential development and the possible noise impact upon residents will be carefully assessed.**

#### Noise

**In cases where it is considered that a proposal may give rise to a noise nuisance to local residents, applicants will be required to provide a noise assessment, which will be taken into consideration when processing the planning application. Applicants are advised to contact the Council's Environmental Health Service at an early stage when considering a development, to ascertain whether a noise assessment will be required.**

#### Guideline 2

##### Shadow Flicker

With a certain combination of geographical position, time of day and time of year, aerogenerators can cause a phenomenon known as 'shadow flicker'. This occurs when the sun passes behind the rotor blades of an aerogenerator and casts a shadow on neighbouring properties which flicks on and off.

Beyond a certain distance shadow flicker ceases to be a problem because the ratio of blade width to the sun's diameter becomes small. There is no generally accepted value for this minimum distance. Whilst each application will be determined on its own merits, the Council will take account of national planning advice (PAN 45), which recommends a separation of 10 blade diameters between the aerogenerator and neighbouring properties to ensure shadow flicker does not occur.

## Shadow Flicker

The Council will assess the potential effects of shadow flicker on properties within 10 blade diameters of proposed domestic, non-domestic and community aerogenerators. This assessment will take into account the position of the proposed turbine and the orientation of window openings of dwellings that fall within the criteria.

#### Guideline 3

##### Electromagnetic Interference

**Some aerogenerators produce electromagnetic radiation that can interfere with broadcast communications and signals, such as TV, radio and microwave. In addition to this the reflection or deflection of electromagnetic transmission from turbine blades can also cause interference.**

**Whilst such interference is normally only present with commercial-scale systems, the following guideline has been included for the avoidance of doubt:**

Electromagnetic Interference

**In order to safeguard against interference with communications and signals the Council will determine that:**

- **It has been demonstrated that there is no significant disturbance to television and radio reception or other broadcasting transmissions. If disturbance is likely to be caused the proposal must include measures to remedy or mitigate such disturbance;**
- **The proposed aerogenerator conforms to British Design Standards.**

**The Appropriate Design and Location of Aerogenerators**

**The Council will try to ensure that all domestic and community aerogenerators are appropriately designed and located so that they have minimum visual and landscape impact. Visual and landscape impact will therefore be a key factor when assessing planning applications.**

Guideline 4

Visual & Landscape Impact

All wind energy projects, large or small, are likely to have some visual or landscape impact. The reaction to the appearance of wind turbines is very much a personal matter. Some people perceive wind turbines as eyesores that harm the landscape. Others welcome turbines and value them as objects of interest and because they use a natural, environmentally friendly, resource to provide electricity.

Landscape and visual considerations that will be taken into account when assessing applications will be:

The height, blade diameter, colour and design of the turbine  
The topography of the site and its surroundings  
The proximity of the turbine to those who will see it  
The capacity of the landscape to accommodate aerogenerators  
The cumulative impact of aerogenerators

Domestic/non-domestic and community aerogenerators should be well sited within the landscape. When siting an aerogenerator beside an existing building the Council will consider how well the turbine relates to the building:

Visually	The size of hub height and blade diameter as well as the design and colour of the turbine determine the appearance of the turbine. The Council will seek to ensure that proposed aerogenerators have the minimum of visual impact, taking into account the building the aerogenerator will serve.
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<b>Proportionately</b>	<b>The aerogenerator should be the correct size and scale for its location and should not unnecessarily dominate nearby buildings or landscape features.</b>
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Functionally -	The proposed aerogenerator should be related to the energy requirements of dwellinghouse. The Council may seek justification of the choice of a particular aerogenerator.
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## **Guideline 5**

### **Safety Considerations**

Detailed consideration should be given to the safety implications when considering the location for a domestic/non-domestic or community aerogenerator, so that any possible consequences can be minimised in advance.

The safety issues surrounding domestic aerogenerators should be assessed in advance of an application being submitted and will be taken into consideration when an application is being determined. Damage to people, property or animals is unlikely but it is a potential risk and must be considered.
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Developers are required to contact their local electricity supply company, if the aerogenerator is to be constructed near live overhead lines (less than 9 metres away). They should also check for utilities or underground services prior to any excavation on the site.
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## **Guideline 6**

### **Road Safety**

There may be instances where the proposed location of a domestic aerogenerator could be a distraction to road users and cause a road safety issue.

<b>Road Safety</b>
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The Council's Roads Department will be consulted where the proposed siting of a domestic aerogenerator has the potential to distract drivers. Their technical advice will be used when assessing the application.
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## **5. Additional Guidance**

### **Hybrid Systems**

Some users will wish to consider hybrid systems as an alternative to reliance on a single source. Hybrid systems use several sources of power, such as solar, wind, and heat pumps, to provide renewable energy.

- |   |
|---|
| <ul style="list-style-type: none"><li>• The Council will encourage the use of hybrid systems to produce renewable energy.</li></ul> |
|---|

Justification: Hybrid systems, such as the combination of a small-scale aerogenerator with solar panels, can provide a back-up supply of electricity when

there is no wind. They can also provide an alternative method of providing energy to a dwelling or community resource.

## **Solar Energy**

No specific policy on solar energy is currently contained within the Shetland Local Plan. Solar energy provides heat and energy using active solar panels to heat water or photovoltaic cells can generate electricity. They can provide a useful addition or alternative to wind power and are generally a low-impact technology.

### **Local Plan Interim Policy – LP ENG 14**

#### **Solar Energy**

The use of solar or photovoltaic energy panels or units will be permitted, provided the following criteria are met:

- a) The installation does not unacceptably harm the setting or appearance of the associated building;
- b) the development will not have a significant adverse effect upon the integrity or character of Designated Sites, Listed Buildings, Conservation Areas, Scheduled Ancient Monuments, Historic gardens or Designed Landscapes;
- c) the proposal does not unacceptably affect local residential amenity;
- d) the installation does not have an unacceptable impact on the character or appearance of an area;
- e) the proposal does not conflict with any other Structure Plan or Local Plan Policy

Justification: The Council wishes to encourage the use of all types of domestic renewable energy. Accordingly, solar panels and photovoltaic tiles will be permitted on buildings, or on land adjacent to buildings, where there are no adverse effects upon the appearance or character of the building, residential amenity and designated sites.

## **6. Pre-Application Discussions and Advice**

It should be noted that some forms of renewable energy do not require planning permission. However, all proposals should be discussed with the planning department well in advance of any development. It is the intention of the Planning Authority to produce an Advice Note on renewable energy options for householders in the near future, which will provide information on permitted development for renewables and provide in-depth information on a range of renewable options.

It is recommended that all potential applications for domestic and community aerogenerators, and any other forms of domestic/non-domestic or community renewables, are discussed in detail with the Planning Service. If you would like advice, or application forms, please write or telephone the Section. Our address is:

Planning Service  
Shetland Islands Council

Infrastructure Committee - Tuesday 19 October 2004  
Agenda Item No. 07 - Public Appendix  
Infrastructure Services Department  
Grantfield  
Lerwick  
Shetland  
ZE1 0NT

Tel: 01595 744800  
Fax: 01595 695887

**Policy LP ENG9**

## **Domestic-Scale Aerogenerators**

**Proposals for small (<20kW) domestic-scale aerogenerators not connected to the electricity grid will normally be permitted provided that the proposal:**

- a) does not have an unacceptable adverse effect on local residents or occupiers of neighbouring land;**
- b) is appropriately designed and located, and is not sited on the skyline if other suitable locations are available;**
- c) is located as close to the associated dwelling house as is safely and technically possible;**
- d) does not conflict with any other Structure Plan or Local Plan policy.**

**Justification**

The Council wishes to encourage the use of domestic renewable energy. Accordingly, aerogenerators serving individual crofts or houses will normally be permitted where they can readily be accommodated within the landscape. However, hilltop and skyline sites should be avoided, and the aerogenerator should be located as close to the building being served as is safe and technically possible. A long transmission cable will cause power loss and so reduce the efficiency of the generating system.

**This policy conforms to:**

- NPPG6 (Renewable Energy)
- PAN 45 (Renewable Energy Technologies)
- Structure Plan policies GDS4, SP ENG3

**This policy supports:**

- Development Plan aim 3
- The Corporate Plan

**Background information:**

The Energy Working Paper



**Policy LP ENG7**

**Control of Potential Nuisance from Energy Generators**

Proposals for energy generation and its associated infrastructure will normally be approved if all the following criteria are met:

- a) Commercial aerogenerators are not located within 400 metres of occupied schools or permanently occupied houses;
- b) the development will not unacceptably affect the amenities of neighbouring occupiers by reason of noise emission, visual dominance, shadow flicker or reflected light;
- c) if electromagnetic disturbance is likely to be caused to any existing transmitting or receiving systems by the development, if disturbance is caused the proposal includes measures to remedy or mitigate any such disturbance;
- d) the proposal would not significantly increase the risk of driver distraction;
- e) the development would not interfere with aircraft activity;
- f) the development would not interfere with the migratory paths of wild birds and other animals;
- g) the development, including associated buildings and infrastructure, permanent access roads and tracks, is sensitively designed and sited to have minimum impact;
- h) aerogenerators are sited at least five times the diameter of the rotor blade away from the site boundary, public roads and well-used footpaths;
- i) the proposal does not conflict with current government guidance and any other Structure Plan or Local Plan policy.

Where appropriate, agreements under Section 75 of the Town and Country Planning (Scotland) Act 1997 and a financial bond will be entered into for the purpose of restricting or regulating the development or use of the land.

**Justification**

Experience has shown that noise is unlikely to be a significant problem for residents of property situated further than 350 to 400 metres from the nearest aerogenerator (see Planning Advice Note PAN 45 paragraph A27). Shorter separation distances may be acceptable depending on the particular aerogenerator(s) used and the specific conditions at the proposed site.

Turbines, because they are mechanical, cause a certain amount of noise. Aerogenerators generate mechanical noise from the gearbox and aerodynamic noise from the movement of the blades. The potential level of noise or vibration nuisance generated depends upon the location of the equipment and the local topography where landforms can absorb the sound. The sun passing behind the rotating blades and causes a flickering shadow effect and a similar effect may be experienced by television viewers as television signals are reflected by the moving blades, resulting in interference to the picture. Applicants should provide calculations to quantify this effect. In addition aerogenerators may cause electro-magnetic interference with communication systems e.g. air navigation, commercial communications and radio and television broadcasting. The Council expects applicants to demonstrate that their proposal will not give rise to any such problems, or to propose measures to alleviate any problems should they arise; agreements will be negotiated to achieve this. Wave and tidal power generation use relatively new technology and their potential problems are not as well documented as those of wind power. However, when considering any application the Council will have regard to the amenity of local residents and Shetland's natural environment. It is always advisable to discuss proposals with a Development Control officer prior to submission.

**This policy conforms to:**

- NPPG6 (Renewable Energy)
- PAN 45 (Renewable Energy Technologies)
- Structure Plan policy SP ENG3

**This policy supports:**

- Development Plan aim 3
- The Corporate Plan

**Background Information**

- The Energy Working Paper





**Policy LP NE10**

**Development and the Environment**

The Council will assess applications for planning permission for their impact on the environment. Applications for planning permission for the extraction and exploitation of natural resources will normally be permitted provided the proposal, by virtue of its location, scale or duration of operation, would not have an unacceptably significant adverse effect on the natural or built environment. When assessing development proposals, the following general considerations will be taken into account, namely:

- a) likely impacts, including cumulative impacts, on amenity and the environment as a whole;
- b) effects on nearby residents and the buildings they occupy;
- c) landscape character and visual amenity;
- d) water resources and the marine environment (particularly pollution of controlled waters by any contaminants associated with the land); biodiversity; archaeology and other land uses in the area;
- e) transport considerations, including the type and volume of traffic, including construction traffic, likely to be generated by the proposal;
- f) current Government guidance, other policies in the Shetland Structure and Local Plan and particularly those relating to the proposed type of development.

In particular the Council will refuse development proposals that would have a significant adverse effect on the integrity or character, as appropriate, of the following designated sites:

- g) Possible, candidate or designated Special Areas of Conservation, potential or classified Special Protection Areas, Ramsar sites, Sites of Special Scientific Interest, National Nature Reserves and Marine Consultation Areas and the National Scenic Area;
- h) Listed Buildings;
- i) Conservation Areas;
- j) Scheduled Ancient Monuments;
- k) Historic gardens or designed landscapes.

**Justification**

The Council wishes to encourage development, while at the same time protecting the natural and built environment, recognising the benefits development can bring locally and to the community as a whole. The aim of the planning system is to ensure that development and changes in land use occur in suitable locations and are sustainable. The system must also provide protection from inappropriate development. Its primary objectives are:

- to set the land use framework for promoting sustainable economic development;
- to encourage and support regeneration; and
- to maintain and enhance the quality of the natural heritage and built environment.

Development and conservation are not mutually exclusive objectives; the aim is to resolve conflicts between the objectives set out above and to manage change.

**This policy conforms to:**

- Scottish Planning Policy and National Planning Policy Guidelines
- The Shetland Structure Plan

**This policy supports:**

- The Corporate Plan
- Development Plan aims 1,2,3 and 4
- EU Water Framework Directive
- SIC Contaminated Land Strategy

**Background Information:**

- Distribution of Development Human Activity and Environment Supplements
- Aggregates Working Paper
- Energy Working Paper

**Policy SP ENG3**

Proposals for the generation of power from renewable energy sources will be encouraged subject to other relevant policies in the Structure and Local Plans

**APPENDIX B – LIST OF CONSULTEES**

All Shetland Community Councils  
AB Associates  
Atlantic Energy  
British Wind Energy Association  
Friends of the Earth (Scotland)  
Hjatlund Housing Association  
National Trust for Scotland  
RSPB  
Scottish Environment Protection Agency  
Shetland Enterprise  
Scottish Executive Development Department – Planning  
Scottish & Southern Energy  
Shetland Islands Council - Community Services Department  
Shetland Islands Council - Development Department  
Shetland Islands Council - Infrastructure Services Department  
Scottish Natural Heritage  
Shetland Renewable Energy Forum  
Shetland Wind Power Ltd  
Shetland Heat Energy and Power Ltd