



Guidance on Local Review under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) to be considered by the Planning Board sitting as Local Review Body: 2010/428/PCD – LR8: Erect two 5Kw wind turbines on 12 m high (ground to hub) masts: Grindins, Wester Skeld, Skeld

1 Introduction

- 1.1 The Planning Scheme of Delegations that has been approved by the Council, as well as that which has been approved by the Scottish Ministers, identifies the appropriate level of decision making to ensure compliance with the 1997 Planning Act.
- 1.2 The Scheme of Delegations, following the hierarchy of development introduced by the Planning etc. (Scotland) Act 2006 which is at the heart of the modernised planning system, provides that where a decision on an application for planning permission for a local development (as defined in the Hierarchy of Development) is to be taken it may, subject to certain exceptions, be so by officers as have been appointed by the planning authority.
- 1.3 A decision on an application for planning permission for a local development that is taken by an officer (the appointed person) under the Scheme of Delegations has the same status as other decisions taken by the planning authority other than arrangements for reviewing the decision. Sections 43A(8) to (16) of the 1997 Act remove the right of appeal to the Scottish Ministers, and put in place arrangements for the planning authority reviewing these decisions instead.
- 1.4 The Full Council resolved on 12 May 2011 (Minute Ref: 57/11) that the remit of the Planning Committee be extended to include the functions of the Local Review Body, who would review the decision taken.

2 Process

- 2.1 The procedures for requiring a review and the process that should then be followed are set out in regulations, and these have been followed in the administrative arrangements that have been carried out for support of this review in accordance with its being the intention that decision making by the Local Review Body will follow a public hearing. This however should be confirmed by the Review Body in each case before proceeding.
- 2.2 The Review Body is, where a decision has been taken that the review is to follow the public hearing procedure, required to follow Hearing Session Rules under Schedule 1 of The Town and Country Planning (Schemes of

Delegation and Local Review Procedure) (Scotland) Regulations 2008. In doing so they are to confirm the matters to be considered and the order in which persons entitled to appear are to be heard.

- 2.3 It has been the intention that such hearing sessions will be held in a similar manner to the current Planning Committee, with the Planning Service Case Officer presenting on the matters to be considered, followed by those persons entitled to appear other than the applicant, followed by the applicant, with its being the case that Members of the Review Body can ask questions throughout the process. The hearing session can similarly proceed in the absence of any person entitled to appear at it. The Review Body should confirm this order and confirm the time each person entitled to appear is to be afforded beforehand.
- 2.4 The Hearing Session Rules prescribe that the hearing shall take the form of a discussion led by the local review body and cross-examination shall not be permitted unless the local review body consider that this is required to ensure a thorough examination of the issues. Persons entitled to appear are entitled to call evidence unless the local review body consider it to be irrelevant or repetitious. The local review body may also refuse to permit the cross-examination of persons giving evidence, or the presentation of any matter where they similarly consider them to be irrelevant or repetitious.
- 2.5 The matters that are attached for the purposes of consideration by the Review Body in this case comprise: the decision in respect of the application to which the review relates, the Report on Handling and any documents referred to in that Report (including: the planning application form, and any supporting statement and additional information submitted, and consultation responses received prior to the refusal by an appointed officer of permission; the refused plans); the notice of review given in accordance with Regulation 9; all documents accompanying the notice of review in accordance with Regulation 9(4); any representations or comments made under Regulation 10(4) or (6); and any 'hearing statement' served in relation to the review.
- 2.6 In order to be able to give notice of their decision in accordance with the regulations, the local review body must be clear on the details of the development plan and any other material considerations to which it had regard in determining the application, and, where relevant, specify any conditions to which the decision is to be subject.

planning board.doc
J R Holden
Planning Board: 26/7/2011

Town and Country Planning (Scheme of Delegation and Local Review Procedure) (Scotland) Regulations 2008

Local Review Under Section 43A(8) of the Town and Country Planning (Scotland) Act 1997 (As Amended)

Regarding Planning Application reference: 2010/428/PCD
To
Erect two 5kw wind turbines on 12m high (ground to hub) masts:
Gindins, Wester Skeld, Skeld
By
Mr M. Boyes

Tuesday 26 July 2011

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Section 1. Planning Submission – 2010/428/PCD

Tuesday 26 July 2011



Shetland Islands Council

Planning Department

Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 000014852-001

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

Description of Proposal

Please describe accurately the work proposed: * (Max 500 characters)

Two 5kW Evance wind turbines on 12m masts to enable a reduction in carbon emissions and energy bills for the property.

Has the work already been started and/or completed? *

☒ No ☐ Yes - Started ☐ Yes - Completed

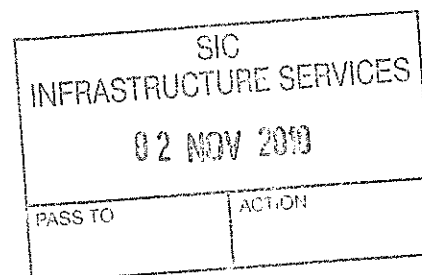
Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *

Please explain why work has taken place in advance of making this application: * (Max 500 characters)

Applicant or Agent Details

Are you an applicant, or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent



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Agent Details

Agent Company Name:

Solarventus Ltd

Agent's Ref. Number:

Agent First Name: *

jonathan

Agent Last Name: *

colverson

Telephone Number: *

07787 393251

Extension Number:

Mobile Number:

Fax Number:

Email Address: *

jonathan@solarventus-
energy.co.uk

You must enter a Building Name or Number, or both:*

Building Name:

The Stables

Building Number:

Address 1 (Street): *

London Road

Address 2:

Town/City: *

Billericay

Country: *

UK

Postcode: *

CM12 9HS

Applicant Details

Applicant's Title: *

Mr

Other Title:

Applicant's First Name: *

Michael

Applicant's Last Name: *

Boyes

Company Name:

Telephone Number:

01595 860223

Extension Number:

Mobile Number:

Fax Number:

Email Address:

info@grindins.co.uk

You must enter a Building Name or Number, or both:*

Building Name:

Building Number:

Address 1 (Street):

Address 2:

Town/City:

Country:

Postcode:

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Site Address Details

Full postal address of the site (including postcode where available):

Address 1:	GRINDINS	Address 5:	
Address 2:	WESTER SKELD	Town/City/Settlement:	SHETLAND
Address 3:		Post Code:	ZE2 9NL
Address 4:			

Please identify/describe the location of the site or sites.

Northing	1143677	Easting	429930
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Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Pre-Application Discussion Details

In what format was the feedback given? *

☐ Meeting ☐ Telephone ☐ Letter ☐ Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (Max 500 characters)

Title:	Please Select One	Other title:	
First Name:		Last Name:	
Correspondence Reference Number:		Date (dd/mm/yyyy):	

Note 1. A processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Trees

Are there any trees on or adjacent to the application site? *

☐ Yes ☒ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? *

☐ Yes ☒ No

If Yes please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Planning Service Employee/Elected Member Interest

Are you or is the applicant, or the applicant's spouse/partner, a member of staff within the planning service or an elected member of the planning authority?

Or are you/the applicant/the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority? *

☐ Yes ☒ No

Please provide further details: * (Max 500 characters)

Certificates and Notices

Certificate and Notice under regulation 15 8 – Town and Country planning (General Development Management Procedure) (Scotland) Order 1992 (GDPO 1992) Regulations 2008

One Certificate must be completed and submitted along with this application form. This is most usually Certificate A, Form 1 or Certificate Form B or Certificate C, but if this is a Minerals application, you will need Certificate Form D.

Are you/the applicant the sole owner of ALL the land ? *

☒ Yes ☐ No

Is any of the land part of an agricultural holding? *

☒ Yes ☐ No

Are you able to identify and give appropriate notice to ALL the other owners or to the agricultural tenants? *

☒ Yes ☐ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate B

Certificates

The certificate you have selected requires you to distribute copies of the Notice 1 document below to all of the Owners/Agricultural tenants that you have provided before you can complete your certificates.

Notice 1 is Required

☒ I understand my obligations to provide the above notice(s) before I can complete the certificates

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

I hereby certify that -

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application, was owner [Note 1] of any part of the land to which the application relates. These persons are:

Name:

Address:

Date of Service of Notice: *

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding;

or -

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name: Mr Michael Boyes

Address: Grindins Wester Skeld Shetland ZE2 9NL

Date of Service of Notice: * 01/11/10

Signed: jonathan colverson

On behalf of: Mr Michael Boyes

Date: 02/11/2010

Checklist - Application for Householder Application

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

- a) Have you provided a written description of the development to which it relates? * ☒ Yes ☐ No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? * ☒ Yes ☐ No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent? * ☒ Yes ☐ No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? *. This should have a north point and be drawn to an identified scale. ☒ Yes ☐ No
- e) Have you provided a certificate of ownership? * ☒ Yes ☐ No
- f) Have you provided the fee payable under the Fees Regulations? * ☒ Yes ☐ No
- g) Have you provided any other plans as necessary? * ☒ Yes ☐ No

Continued on the next page

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A copy of other plans and drawings or information necessary to describe the proposals (two must be selected). *

You can attach these electronic documents later in the process.

- ☐ Existing and proposed elevations.
- ☐ Existing and Proposed floor plans.
- ☐ Cross sections.
- ☒ Site layout plan/Block plans (including access).
- ☐ Roof plan.
- ☒ Photographs and/or photomontages.

Additional Surveys -- for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. *

☐ Yes ☒ No

A Supporting Statement -- you may wish to provide additional background information or justification for your proposals. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. *

☒ Yes ☐ No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been received by the planning authority.

Declare - For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying plans/drawings and additional information.

Declaration Name: jonathan colverson

Declaration Date: 02/11/2010

Payment Details

Online payment: 13317

Created: 02/11/2010 20:27

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Introduction

Welcome to the online fee calculator. The fee calculator can assist you in working out the cost of your planning application.

The fee calculator is a 'standalone' tool and does not have to be used in conjunction with any other part of Scottish Planning Online. It will take you through a series of questions from which data is compiled to calculate the total cost of the application ranging from a simple householder development to large scale schemes such as housing schemes or industrial estates.

Whilst every effort will be taken to ensure that the fee has been calculated correctly, the resulting fee may not be exact and should be treated as an approximation. The determination of whether the fee is correct is solely the responsibility of the relevant local planning authority and you may wish to check with your planning authority that the fee is correct before submitting an application.

Please note that the calculation of the fees is based on The Town and Country Planning (Fees for Applications and Deemed Applications)(Scotland) Amendment Regulations 2010.

Concessions

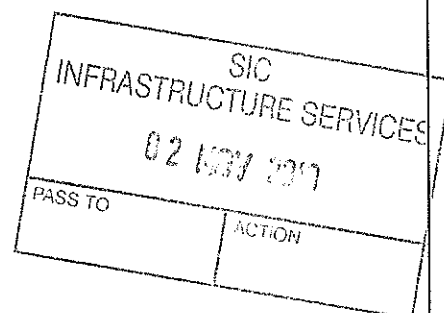
Select the most appropriate choice from the following: *

- ☐ I wish to find out if my application is exempt from a fee.
- ☐ I wish to calculate a fee and claim a reduction in the amount to be paid.
- ☒ I wish to calculate a fee only.

Application/Consent Type

Please choose the type of application you wish to make.

- ☒ Application for Planning Permission.
- ☐ Application for Planning Permission in Principle.
- ☐ Application for a Certificate of Lawfulness for an Existing Use or Development.
- ☐ Application for a Certificate of Lawfulness for a Proposed Use or Development.
- ☐ Prior Approval.
- ☐ Permission to Display an Advertisement.
- ☐ Approval of matters specified in conditions.
- ☐ Change of Use or Continuation of Use buildings or land.
- ☐ Further Application (including renewal of planning permission, modification, variation or removal of a planning condition etc).
- ☐ I am deemed to be making an application as a result of an enforcement notice appeal (See notes below).



Note: You may be liable to pay a fee. The fee payable is double that for the appropriate category – half paid to the Scottish Ministers, and enclosed with the appeal, and half to the planning authority. Please check with the Scottish Ministers that a fee is payable for this application.

Planning Permission (Full)

Please choose the description that best fits your proposal: *

- ☒ My application relates to dwelling houses (construction, alteration, etc).
- ☐ My application relates to works on agricultural land.
- ☐ My application relates to neither dwelling houses or agricultural land.

Planning Permission (Full) - Dwellings

Please choose the description that best fits your proposal for dwelling houses: *

- ☐ am applying for planning permission for the enlargement, improvement or other alteration of existing dwellinghouse(s).
- ☐ am applying for planning permission for the erection of a dwellinghouse(s) .
- ☒ am applying for planning permission for the carrying out of operations, including the erection of a building within the curtilage of an existing dwellinghouse, for purposes ancillary to the enjoyment of the dwellinghouse.
- ☐ am applying for planning permission for the erection or construction of a gate, fence, wall or other means of enclosure along a boundary of the curtilage of an existing dwellinghouse.

Results

Based on the information you have provided, your application should cost £160.00

Please note that whilst every effort has been taken to ensure that the fee has been calculated correctly, the determination of whether the fee is correct is solely the responsibility of the relevant local planning authority. Once you have submitted an application, the fee will be checked by the planning authority and you may wish to check with your planning authority that the fee is correct before submitting an application.

Neighbours notified in respect of the proposed planning application for two Evance R9000 wind turbines at GRINDINS, WESTER SKELD, SHETLAND, ZE2 9NL

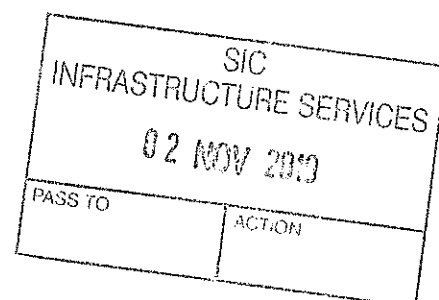
Mr & Mrs Cooper
Bevla,
Wester Skeld
Shetland
ZE2 9NL

Mr & Mrs Ridland
Berga,
Wester Skeld
Shetland
ZE2 9NL

With regards to informing the local community, the public notification of the application to the Crofters Commission for the sublet to site the turbines was published in the Shetland Times on 01/10/10 and was *"for the purpose of the installation of two domestic wind turbines to supply renewable energy to the croft"*

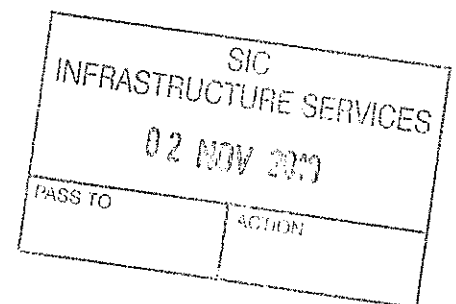
The Laird has been notified as part of the crofting application:

Mrs Cree-Hay
Reawick House
Reawick
Shetland
ZE2 9NJ



Evance Iskra R9000 Acoustic Noise Assessment according to BWEA Performance and Safety Standard - Summary

Issue 04



Evance
Unit 6 Weldon Road, Derby Road Industrial Estate,
Loughborough, Leicestershire LE11 5RN
T: +44 (0)1509 215 669 F: +44 (0)1509 267 722
W: www.evancewind.com

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Revision History				
Issue	Description	Written	Checked	Date
TR069/SM0157				
01	First release	SH	MW	23/04/09
02	Evance template and title change	AP	SH	28/05/09
03	Turbine make and model updated	SH	AT	11/01/10
04	18.3m tower added to figure 2	SH	AT	14/01/10

1. Introduction

Evance are receiving an increasing number of requests from planning authorities in the UK for noise data for the R9000 wind turbine that is collected, analysed and reported according to the methods defined in the BWEA Performance and Safety Standard¹, and this document has been produced to satisfy this requirement.

Two reports have been produced:

- (1) A summary report that provides the noise map. This is the key data for planning application purposes.
- (2) A detailed noise report that describes the test method and provides the raw data.

At the time of writing, Evance are working towards the MCS certification of the R9000 Wind Turbine, which includes producing a noise report in this same BWEA format. However, at the current time this report has not been subjected to external review by a certifying body and therefore the publishing of this report does not imply that Evance has completed the MCS certification process.

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2. Test Summary

Noise measurements over a hub height wind speed range from 2.9m/s to 11.1m/s, were carried out at Evance's test site on an Iskra AT5-1 phase 1.2 wind turbine mounted on a free-standing 12m tower. This report applies to all AT5-1/R9000 turbines from January 2009 onwards. The measurements were carried out in accordance with the BWEA Small Wind Turbine Performance and Safety Standard¹ (29 February 2008 Edition).

A summary of the report is shown below in Figure 1. The key results are the Declared Apparent Emission Sound Power Level, $L_{Wd,8m/s}$, at 8m/s hub height wind speed and noise immission predictions for a range of slant distances and hub height wind speeds.

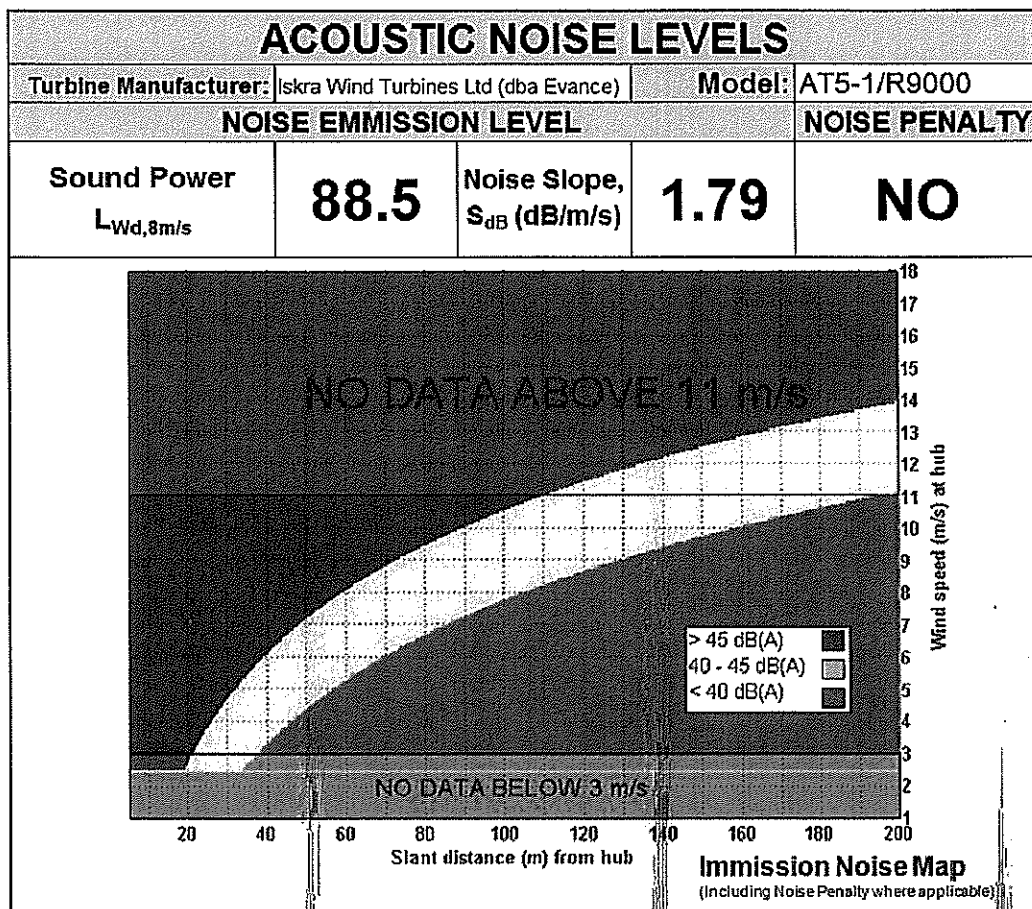


Figure 1 - Noise label

No measurements of directivity were undertaken but the turbine was subjectively much quieter in the plane of the blades (perpendicular to wind direction) than the measured downwind location.

The assessment established the turbine should not be declared as 'tonal' and therefore no penalty should be applied.

The BWEA Reference Sound Levels at 25m and 60m at an 8m/s hub height wind speed are:

$$L_{p,25m} = 52.5\text{dB(A)}$$

$$L_{p,60m} = 45\text{dB(A)}$$

Guidance on the use of the Immission Noise Map can be found in Appendix A of this report and the BWEA standard¹.

3. References

1. Small Wind Turbine Performance and Safety Standard. British Wind Energy Association. 29 Feb 2008

4. Appendix 1 - Guidance on the use of the Immission Noise Map

The following procedure can be used to assist the reader in considering the suitability of a prospective site. This method is the same as in the BWEA standard¹, except that it also includes a look-up chart based on the noise map provided in this report to simplify the process.

The method is based on the NOABL mean wind speed database which provides wind data at 45m, 25m and 10m height in 1 km squares covering Great Britain and Northern Ireland.

The BWEA standard defines the following process:

1. Find the national grid reference for the proposed site. This can be found from a map or from the Postcode if a suitable conversion program is available. Shorten the reference to the NOABL required format; e.g. if the Grid Reference is NS641532, then the NOABL input value is NS 64 53.
2. Use NOABL to get the average annual wind, $V_{avg,10}$ at 10m height for the location.
3. Assume a Rayleigh wind speed distribution and therefore calculate the 90% wind $V_{90,10}$ for 10m height as:

$$V_{90,10} = 1.52 * V_{avg,10}$$

4. Apply a wind correction factor from 10m height using a power law (in accordance with IEC 61400-2) to get an estimate of wind at the installed rotor centre height, H, as:

$$V_{90,H} = V_{90,10} * (H/10)^{0.2}$$

5. Draw a horizontal line on the immission noise map at the $V_{90,H}$ wind speed.
6. Read off the distance for the 45dB(A) and 40dB(A) values.
7. Compare these distances with the slant distances to the nearest noise sensitive location(s) for the planned installation.

The value of 45dB(A) is based on World Health Organisation (WHO) guidance. The second line at 40dB(A) has been included in the standard since at the time of writing firm criteria had not been agreed and adopted by all parties involved in the planning process relating to wind turbines and it therefore this provides a measure of the sensitivity of the process to the assumed noise criteria.

In order to simplify the process, Stages 3 to 6 in the list above have been carried out for a 12m, 15m and 18.3m tower, as shown in Figure 2.

The x-axis is the annual mean wind speed at 10m height and can be found from the NOABL database as described above. The solid lines provide the slant distance (straight line distance between rotor hub and noise sensitive location) that is predicted to meet the 45dB(A) noise criterion for the wind speed that will be exceeded 10% of the time. The dotted lines are for the 40dB(A) criterion.

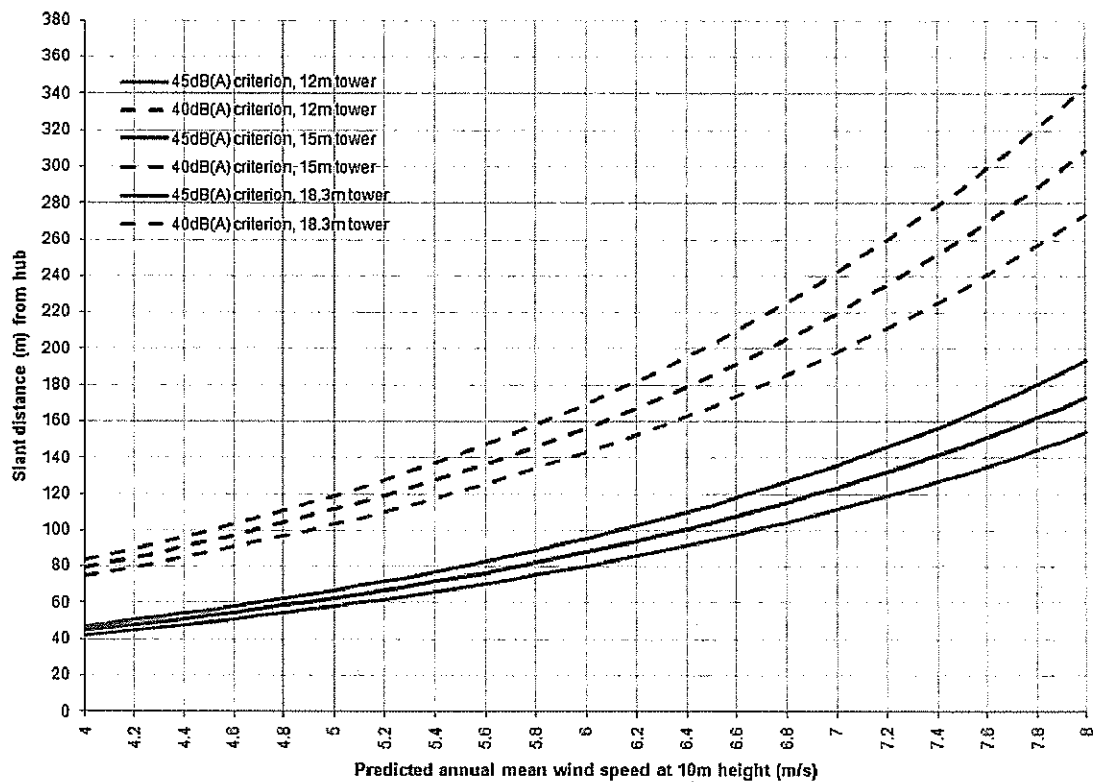


Figure 2 - AMWS noise immission summary

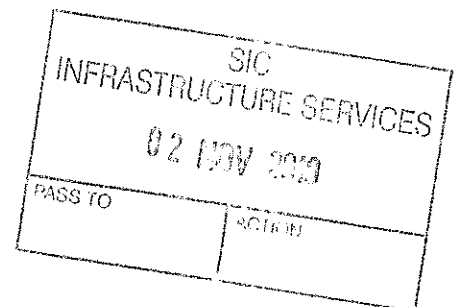
Planning Application supporting document
for the siting of two
Evance Iskra R9000 5KW Wind Turbines
at

Grindins, Wester Skeld, Shetland, ZE2 9NL

Prepared for and on behalf of
Michael Boyes (The Applicant)

By

Solarventus Ltd
The Stables
London Road
Billericay
Essex
CM12 9HS



For enquiries contact:

jonathan@solarventus-energy.co.uk

1. Application Description

Planning permission for two 5KW Evance Iskra R9000 wind turbines at Grindins, Wester Skeld is sought to enable the applicants to reduce the carbon emissions and energy bills of their property, and to increase their self sufficiency in term of electricity production.

The site's predicted annual average wind speed at 10m above ground level of 7.4m/s is higher than the national average wind speed for rural locations of 5.0m/s, and would indicate the proposed location will be an excellent site for the wind turbines. It is estimated that two turbines of the type proposed here in this location will generate an annual output of 39MWh of electricity.

2. Domestic Installation

The installation is sized to suit the domestic needs of the Grindins household. There will be a single phase 3.8kW connection into the consumer unit at Grindins with the remaining capacity (6.2kW) directed into an off grid heating solution. The limited grid connected component will be consumed by the property to reduce the general electricity bills and the heating element will supplement the existing heating of the property (and hence reduce the dependency on heating oil).

The installation of two turbines provides the optimal technical solution for the grid connection and heating load at this site. It allows us to split and balance the output from the turbines between the grid (limited to 3.6kW under G83/1) and the heating load. This increased flexibility with regards to the electrical connection and configuration is something that a single larger turbine would not allow.

Due to the limited grid capacity in Shetland, Shetland Wind Power and Evance have offered this solution to support the energy requirements of Grindins. At present there are no other financially viable or technically proven alternatives that are compatible with the Governments recently introduced Feed In Tariff scheme.

Grindins has a larger than average heating requirement due to:

- The house is all single story and spread out over a large foot print.
- Older stone built sections cannot be additionally insulated
- There are three generations of the family living at Grindins, due to the ranges of age the property has to be well heated.

SolarVentus are offering a funding solution to Grindins but this is not a commercial venture, it is of a small scale with no predicted export of energy. The majority of the generated electricity will be used at the property, with power only being returned to local electricity network on the rare occasions where the output exceeds the power demands of the property.

The property currently uses 15MWh of electricity and 3000 Litres of oil for heating on an annual basis. A portion of the output from the turbines will be used directly for heating, displacing some of the 3000 Litres of oil, which is equivalent to 34,800kWh of electricity. Therefore, for the purpose of this application the total energy usage of the property is considered to be 49MW per year.

In line with the Family's desire to reduce their impact on the environment (house insulation, storage heating, own food production etc), the turbine installation at Grindins will reduce the carbon foot print of the property/family by an estimated 16.8 tonnes of carbon dioxide annually.

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This saving contributes towards national and regional targets for renewable energy generation for 2010 and 2020 as outlined in the Governments Renewable Strategy.

The 5KW Evance Iskra R9000 turbine was selected due to its scale and slender design, which tapers at the top and gives reduced visibility over 200m / 650 feet. To achieve the optimum balance between performance and minimising visibility a 12m tower was chosen. This planning statement will demonstrate that the turbine is of scale that can successfully integrate into the landscape without harm. The size of the turbine is therefore considered to be the most appropriate as they will generate 39MWh of electricity each year, which will replace a significant proportion of the 49MWh of energy used by this property.

By using two smaller turbines there is a greatly reduced need for heavy equipment on site for the installation. The use of tilt up towers mean that a crane will not required on site for installation and future maintenance.

The Evance R9000 has the best history of any turbine Shetland Wind Power has installed in Shetland, Western Isles and the Highlands. It is an extremely well built and designed product and is standing up very well to the more exposed and rigorous duties they are exposed to. As the other class 1 rated products have a history of problems and technical difficulties we believe that this model is best suited to this long life application. The R9000 has no gearbox, which greatly increases its reliability and durability. The turbine is manufactured in the UK and will feel that there is the added benefit of supporting a UK manufacturer. The turbines will be installed and maintained by a local company, Shetland Wind Power, thereby giving support to a local company and its workers.

The Evance R9000 turbine has a performance in low wind speeds that is not matched by the larger turbines. By using the Evance R9000 turbine we will achieve a more consistent and therefore usable output of electricity. Evance do not currently produce a larger version of the R9000, nor are we aware of plans to do so at this time.

Immediate neighbours have been consulted regarding the intention to site the two turbines. The wider community have been informed via the public notification of the application to the Crofters Commission for the sub let in the Shetland Times published on 01/10/2010 and titled "for the purpose of the installation of two domestic wind turbines to supply renewable energy to the croft". The Laird has also been informed as part of the crofting application and no concerns were raised.

3. Pre application discussions

No pre-application discussions took place in this instance. From experience it is noted that other turbines have been granted planning permission for similar applications and locations in the area in the past. On the Scottish mainland there have been several instances where planning permission has been granted for the Evance Iskra R9000 to be installed in pairs.

4. Site location

The application site lies to the south of the house (point of use), approximately 180m from the nearest non-associated residential property, and 350m from the property.

The immediate surrounds of the application site comprise open fields in all directions. The wider surrounding area is rural in nature and is characterised by extensive open fields. The village of Easter Skeld is located to the north east of the site and the closest public road runs approximately 200m to the east of the site, running from north to south. There are some

telegraph poles in the vicinity of the site which introduce an element of verticality to the landscape setting.

It is essential that the chosen site meets both planning and installer requirements so that an efficient and appropriate form of development can be achieved. The site survey explored possible locations and found that the proposed site is the most appropriate.

In amenity terms, the siting of the turbine is sufficiently remote from all adjoining neighbours to ensure that the residential amenities are not harmed by potential noise or shadow flicker, in this case the chosen site, which is approximately 180m from the nearest non-associated residential property, is sufficient to prevent any adverse impact on any residential dwellings.

The Iskra Evance R9000 turbine model was chosen because the form of this turbine is considered to best suited to this landscape setting in that it is particularly slim-line in design, demonstrated by the tapering mast top and small turbine head, which reduces the bulk of the turbine thus helping it to blend more effectively with the surroundings and providing reduced visibility over distance. Also the proposal does not involve any ground based equipment housing or compound fencing. As a consequence the proposal would have a limited, non-material impact on the character of the landscape.

A 12m mast has been chosen for the turbine after taking into account the existing landscape characteristics as well as the energy generating capacity and efficient functioning of the turbine. On a higher tower the turbine would produce more energy but could be considered to be too prominent in this location.

Visibility:

The Evance R9000 is the most efficient product on the market and has a substantially smaller foot print and outline than any equivalent. If the applicant was to select a single larger turbine eg a Westwind 10kW, then the standard tower is 15m high and of a larger diameter to support the much larger turbine head & blade loads. Overall it would be much more visible on the sky line than the two smaller products. Should the height of the turbine be reduced below the standard of 12m this would have a negative impact of the quantity of electricity generated.

The turbines are to be sited below the peak of the hill to reduce their visibility on the skyline. Adjacent properties face away from the turbines down the hill, that combined with the difference in elevation mean the properties will not directly overlook the turbines.

Noise:

Due to its aerodynamic efficiency, the Evance R9000 is an extremely quiet and class leading product. At 40m it achieves the BWEA Reference Sound Level (at 8m/s) for a 60m distance. When comparing with other turbines the decibel measurement of noise is a logarithmic scale, ie a 3db increase approximately doubles the noise. Given the direction of the prevailing wind the applicant has a personal and professional preference for two quiet Evances over a larger Westwind or other product. The applicant would be happy to take the planners around other Shetland Wind Power installations to demonstrate this.

Figure 1: Aerial photograph of site with highlighted proposed turbine location

Blue arrow indicates the property and the red arrows indicate the proposed turbine locations.



5. Archaeology

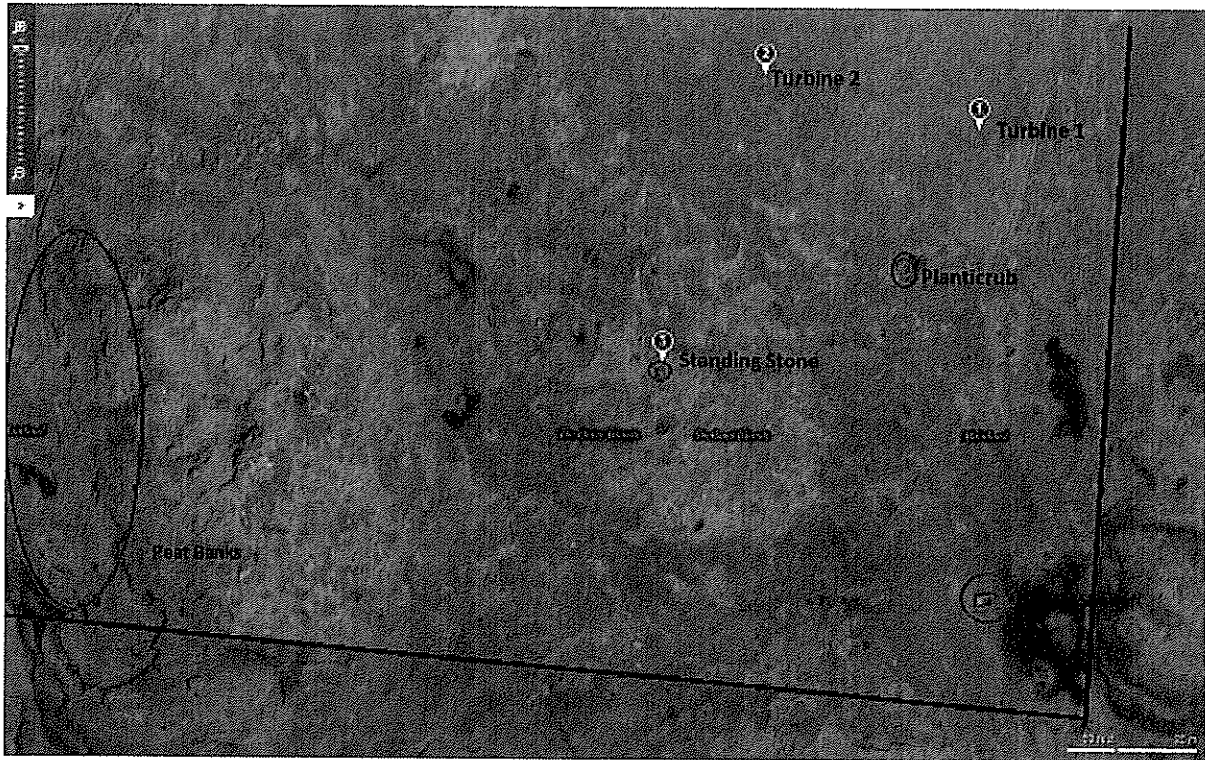
There is a single standing stone on the top of the hill (see map), with the remains of a second on the ground next to it. There are no other archaeological features in the vicinity; the other structures visible are a mixture of plant and animal shelters. The hill is currently worked by live stock all year around and does not fall under any environmental or archaeological protective schemes. The soil around this location is rock laden and extremely shallow (hence preventing other agricultural activities), this underlying bedrock precludes any buried features in the locality. The turbines are to be situated away from the standing stone and at a lower elevation.

Consideration has been given to minimise any disruption to the surrounding area. The works and plant required to install the turbines is less than for an equivalent single larger product. Additionally, the Evance R9000 has a hydraulic tilt so we will not need heavy lifting equipment in the future to lower the turbine for the servicing & maintenance. This will minimise the impact of both the installation and future maintenance for the expected 25 lifespan of the turbine.

Due to the large separation distance between the stone and the proposed site of the turbines, there is unlikely to be any negative impact. It is currently set within an agricultural area close to modern amenities (roads, hydro lines, crofting buildings) and it is not considered that the siting of the turbines in this location will affect people's enjoyment of the standing stone.

Nonetheless, during the excavation of the void for the base of the wind turbine should any building foundations, artefacts or other unusual finds be made these will be notified to the relevant local authority archaeologist. The proposed wind turbine will not materially affect any built or cultural heritage assets. The measures to be taken as part of the construction of the





Photograph of Standing Stone Location:



6. Proposal

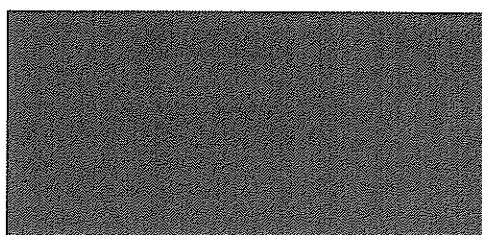
6.1 Turbine Specification

The installation consists of two 5KW Evance Iskra R9000 turbines, mounted on a free-standing 12m galvanized steel towers on a 9m³ concrete foundation. The turbine is a three-bladed horizontal-axis propeller design, with a rotor diameter of 5.4m/114 inches. All non galvanized elements of the turbine will be coloured grey.

6.2 Wind Turbine Colour

A study was undertaken by Evance (manufacturer) a few years ago looking at different colours for turbines, specifically grey, white, black and green. Following this study, grey is proven to blend in better and look the least obtrusive against a rural background (trees, hedges, leaves, etc.) and also against the skyline. The colour has been accepted by planners we have dealt with on rural, agricultural, farm and domestic sites all set in different backgrounds.

Figure 2: Colour of proposed turbine



RAL 7000
Dark Squirrel Grey Test Panel

Figure 3: Evance Iskra R9000 Characteristics

Generator rating	5 kW at 11 m/s
Rotor speed	200 rpm nominal (variable)
Cut-in wind speed	3 m/s (6.7 mph)
Survival wind speed	60 m/s (134 mph)
Rotor diameter	5.4 m (114")
Rotor orientation	Upwind
Number of blades	3
Blade material	GRP composite
Control system	Passive blade pitching
Gearbox	None
Brakes	Electro-dynamic
Generator alternator	Permanent magnet
Yaw control	Tail vane
Tower height	12m

Figure 4: Evance R9000 12m Tower Dimensions and Technical Specifications

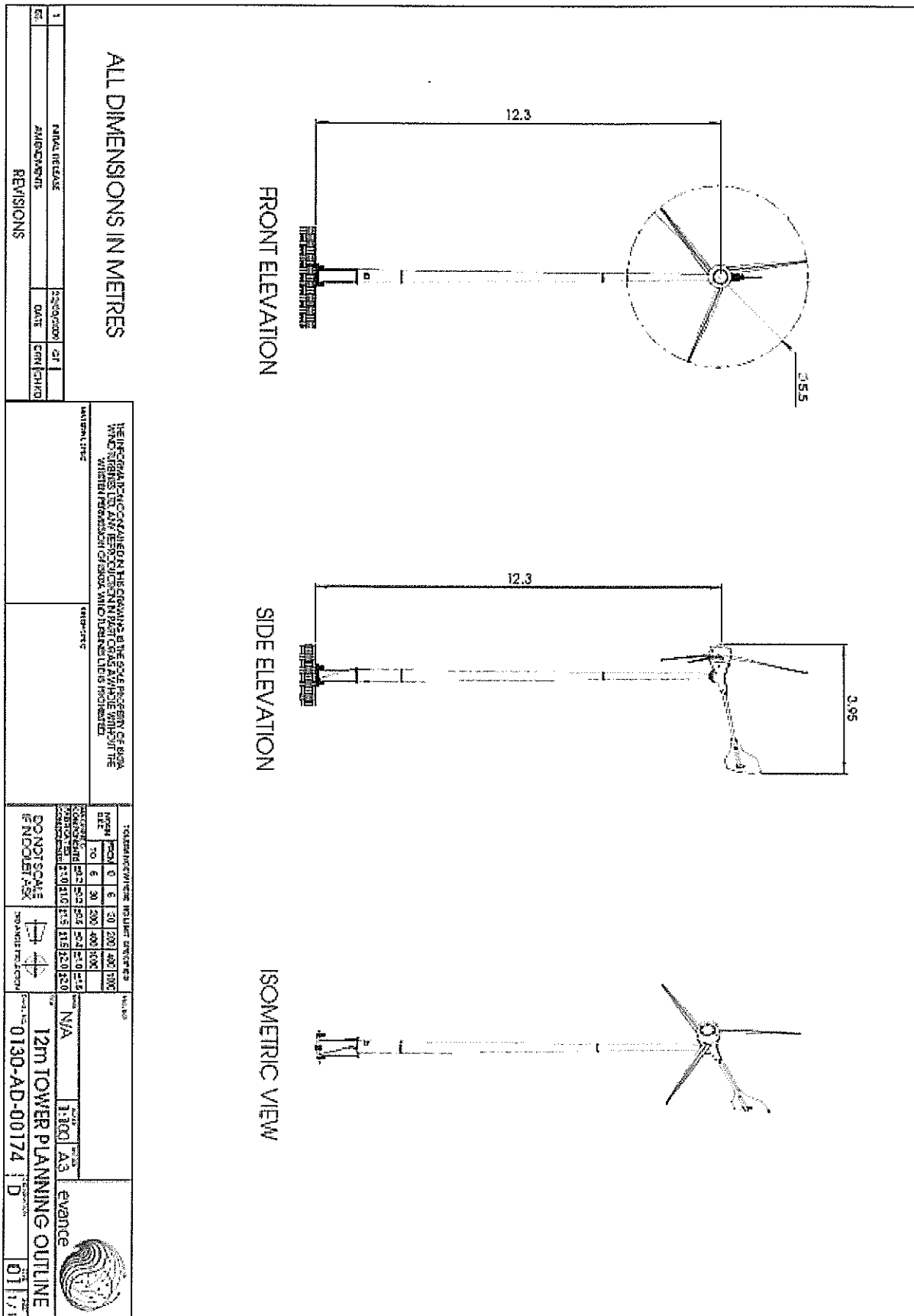


Figure 5: Images of 50' Evance Iskra R9000



C

C

The technical drawing consists of two main views: a plan view at the top and an elevation view below it.

- Plan View:** Shows a rectangular area with rounded corners. A central circular feature is labeled "ROOT ASSEMBLY". Dimensions include a total width of 1100, a distance from the center to the right edge of 1500, and a height of 3100. A small square feature is located near the center-right.
- Elevation View:** Shows a vertical cross-section of the root assembly. Key components and labels include:
 - "10M TIE BAR OR 10M HYDRAULIC STRUCTURE"
 - "EARTH ROW A-500 1000X SECTION"
 - "10K CNG EARTH ROW X-101 FOR ROCK INSTALLATION DETAILS"
 - "BAGGERS WITH GRAVEL UPON COMPLETION OF GROUNDWORKS"
 - "GRADE 4% CONCRETE WITH REBAR CAGE (EARTH ROW F-501)"
 - "ROOT CONTAINS GRAVEL OPENING FOR CABLE DUE TO ENTRY"
 - "ROOT ASSEMBLY (EARTH ROW A-500)"
- Dimensions:** The elevation view shows a total height of 1000 and a base width of 1000. A small inset circle shows a detailed view of the root assembly's internal structure.

7. Planning Policy Overview

7.1 National Planning Policy

In 2004 national government issued 'PPS 22 Planning for Renewable Energy' and its associated 'Companion Guide'. These two documents provide the national framework within which local planning authorities decide on individual planning applications. The ministerial statement made by Yvette Cooper formalised government support for PPS22. It also encouraged local planning authorities to include in their local development frameworks policies requiring new developments to generate at least 10% of their own energy from on site renewable sources. The Government believes that climate change is the greatest long-term challenge facing the world today. Addressing climate change is therefore the Government's principal concern for sustainable development. Policies and priorities for action, both in the UK and internationally, are set out in the Climate Change Programme and the report of the 2006 Energy Review. PPS 22 sets the objective based criteria that must be applied by local planning authorities in deciding individual planning applications to generate energy from wind.

In particular the following elements of Planning Policy Statement 22 are seen as relevant to this case,

Key Principle V1: *Small-scale projects can provide a limited but valuable contribution to overall output of renewable energy and to meet energy needs both locally and nationally. Planning Authorities should not therefore reject planning applications simply because the level of output is small.*

Paragraph 11: *'Small scale developments should be permitted within sensitive landscape areas such as National Parks, Areas of Outstanding Natural Beauty and Heritage Coasts, providing there is no significant environmental detriment to the area concerned.*

Paragraph 18: Local planning authorities and developers should consider the opportunity for incorporating renewable energy projects in all new developments. Small-scale renewable energy schemes utilising technologies such as solar panels, Biomass heating, small-scale wind turbines, photovoltaic cells and combined heat and power schemes can be incorporated both into new developments and some existing buildings. Local planning authorities should specifically encourage such schemes through positively expressed policies in local development documents.

Paragraph 20: Of all renewable technologies, wind turbines are likely to have the greatest visual and landscape effects. *However, in assessing planning applications, local authorities should recognise that the impact of turbines on the landscape will vary according to the size and number of turbines and the type of landscape involved, and that these impacts may be temporary if conditions are attached to planning permissions, which require the future decommissioning of turbines.*

Companion Guide 6.17

For small and medium size projects; in cases where power can be dedicated to on-site uses, economically attractive schemes are a strong possibility. Local Planning Authorities can take a proactive approach to encourage this form of urban wind development.

PPS7 Sustainable Development in Rural Areas draws attention to the Government's objectives for the countryside and sets out the key principles of raising the quality of life in rural areas, encouraging more sustainable use of land, and to diversify and promote growth in rural areas.

Paragraph 16 (i) / (iv) Amongst these are promoting good quality, sustainable development that support development that provides for the sensitive exploitation of renewable energy sources in accordance with the policies set out in PPS22.

PPS 1 Delivering Sustainable Development. Planning and Climate Change- Supplement to PPS1.

Sets out how planning should contribute to reducing emissions and stabilising climate change and take into account the unavoidable consequences. It notes that tackling climate change is a key Government priority for the planning system. Core Strategy policies should be designed to promote and not restrict renewable and low-carbon energy and supporting infrastructure. *A proposal that will contribute to the delivery of the Key Planning Objectives set out in this PPS should expect expeditious and sympathetic handling of the planning application.*

Furthermore Pg14 states that Planning Authorities should ensure any approach to protecting landscape and townscape is consistent with PPS22 and does not preclude the supply of any type of renewable energy other than the most exceptional circumstances.

7.2. Regional Policy Overview

The Climate Change (Scotland) Act (2009) sets a CO2 reduction target for the year 2050, an interim target for the year 2020, and makes provisions for annual targets, for the reduction of greenhouse gas emissions. It confers power on Ministers to impose climate change duties on public bodies and to make further provision with regard to mitigation of and adaptation to climate change. Scotland currently has a target of achieving 40 percent from renewables by 2020.

7.3. Local Policy Overview

SPG 6 of the Interim Planning Policy - Towards Sustainable Construction and Better Design in Shetland states that the Council continue to encourage the use of domestic renewable energy because such developments contribute to lower CO2 emissions and to the development of an island economy less dependent on fossil fuels.

The proposal complies with Shetland Structure Plan (2000) Policies GDS 4 and SPNE1, Shetland Local Plan (2004) Policies LPNE10, and adopted Interim Planning Policy (Towards Sustainable Construction and Better Design in Shetland 2009) Policy SPG6.

8. Alternative technologies

PPS22 encourages developers to consider the opportunity for incorporating renewable energy projects in all development. The applicant initially explored the possibility of installing renewable energy technology at the site to help to increase the property's green credentials, by reducing its reliance on unsustainable methods of energy production. This wish is entirely

reasonable and wholly in accordance with up to-date national planning policy and government advice. Before deciding that a wind turbine was the most appropriate installation the following technologies were considered: Solar PV panels, solar thermal panels and ground source heat pumps. The reasons for discounting these are detailed below;

Solar PV Panels

Solar panels generate electricity, however in this case they are not a viable option. The amount of south facing roof space at the application site is low and given the low levels of solar irradiation an unfeasibly large number of panels would be required to generate anywhere the amount of electricity as the proposed turbine. Therefore this is not considered a viable option.

Solar Thermal Panels (STP) and Ground Source Heat Pumps (GSHP)

These types of installation would generate hot water for the property, reducing the need to use the boiler. However neither solar thermal panels nor a ground source heat pump would replace or supplement the electricity supply for the property - whereas a wind turbine would. In fact, both these technologies use electricity to pump the water around their systems. These types of installation are therefore suitable in addition to the turbine, but not as an alternative to it. Furthermore, many people who install ground source heat pumps also install turbines to power them. In the future the applicant may consider additional installations such as this to further reduce the property's reliance on grid-supplied energy generated from the burning of fossil fuels.

Wind Turbine

This specific area has a substantial wind resource. This site has a wind speed of 7.4m/s which equates to an estimated 39MWh of electricity per year. The current energy consumption of the property is approximately 49MWh. As such, the turbine will generate approximately 79% of the total energy of the property. At times of low energy demand the turbine will also feed energy back to the grid. This is a significant contribution which has benefits for the wider community in that it works directly towards the Government's regional and national targets for the supply of energy from sustainable sources.

In conclusion, turbines and solar PV panels are designed to produce electricity, solar thermal panels and ground source heat pumps produce hot water. They are complementary to electricity generating equipment and not an alternative to a wind turbine. When comparing the potential electricity generated by a wind turbine and solar PV panels it is evident at this site that the turbine is by far the most appropriate installation and that the significant energy generating capacity of the turbines is sufficient in this case to override the additional landscape impact associated with this type of installation.

9. Precedent

Searches have identified that Shetland Council have granted planning permission for other similar scale turbines. We have also identified other applications where the output from the turbine is to be used for heating. We consider the acceptance of these turbines support this application since any issues raised regarding the turbine's impact on the landscape character are likely to be very similar.

10. Noise

The turbine site chosen is 180m from the closest non-associated residential development. The selected position provides adequate exposure to the prevailing wind and minimises the risk of turbulence. The site has been appropriately specified, designed and located to allow sufficient distance between the micro wind generator and any existing noise-sensitive development so that the noise from the wind turbine will not be a nuisance or a material consideration in deciding the planning application.

The Iskra Evance turbine has been designed to be very quiet. The rotor design and in particular, the low rotor tip speed, coupled with the direct drive system (no gearbox) all ensure the turbine operates as quietly as possible. It is generally accepted that if the wind turbine noise is less than 10db (A) below background noise levels, this will not cause a nuisance to neighbours. On a typical site in the countryside, it is expected that this condition can be met at distances greater than about 75m / 250 feet from the base of the wind turbine, depending on local conditions.

ETSY-R-97 is a Noise Assessment and Rating advice note for Wind Turbine Developments. This Guidance Note recommends that in most cases the fixed noise limit for night time of 43db (A) is acceptable. This limit is derived from 35db (A) sleep disturbance criteria referred to in Planning Policy Guidance Note 24, with allowances made for other noise variations, caused by for example an open window. The Noise Working Group recommends that day time lower fixed limits can be higher than this at 45db (A). They also state that considerations should be given to increasing the permissible margin above background where the occupier of the site has some financial involvement in the wind turbines, meaning that it can be acceptable to have higher noise readings where property in the applicant's ownership is the primary affected residence.

In conclusion, the noise levels of this wind generator is low and under most operating conditions it is likely that the micro wind generator noise would be completely masked by the background noise of wind blowing through and around buildings, uneven ground, difference in elevation, dykes and stone structures.

11. Decommissioning

The design of the wind turbines and the choice of location have been consciously made to facilitate ease of dismantling of the equipment and restoration of the site at the end of its useful life - 20/25 years. Scheduled maintenance will be required; measures will be taken to ensure this is carried out in accordance with health and safety requirements and to protect the safety and security of the public.

The applicant has no objection to the imposition of a planning condition requiring removal of the turbines at the end of their operational life and reinstatement of the land to its former condition.

12. Conclusion

The site for the proposed wind turbines has been chosen carefully to ensure that it can be absorbed by the local landscape and is largely indistinguishable in the landscape from most mid and distant view points. Where it is distinguishable from close vantage points, from the road and from other public rights of way, the design, scale, form and appearance has been selected to ensure that the construction and operation on the proposed site will not be intrusive on the landscape, and are far outweighed by the economic, social and environmental benefits of the proposal outlined above. In addition, this proposal should be viewed as a piece of technology that will, in the long term, help to maintain the viability of the island by reducing carbon emissions.

This taken along with demonstration of no harm, it is considered that this development is appropriate for the location and purpose for which it is intended.

02 NOV 2002

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- 012 68730840 - Jonathan Colverson

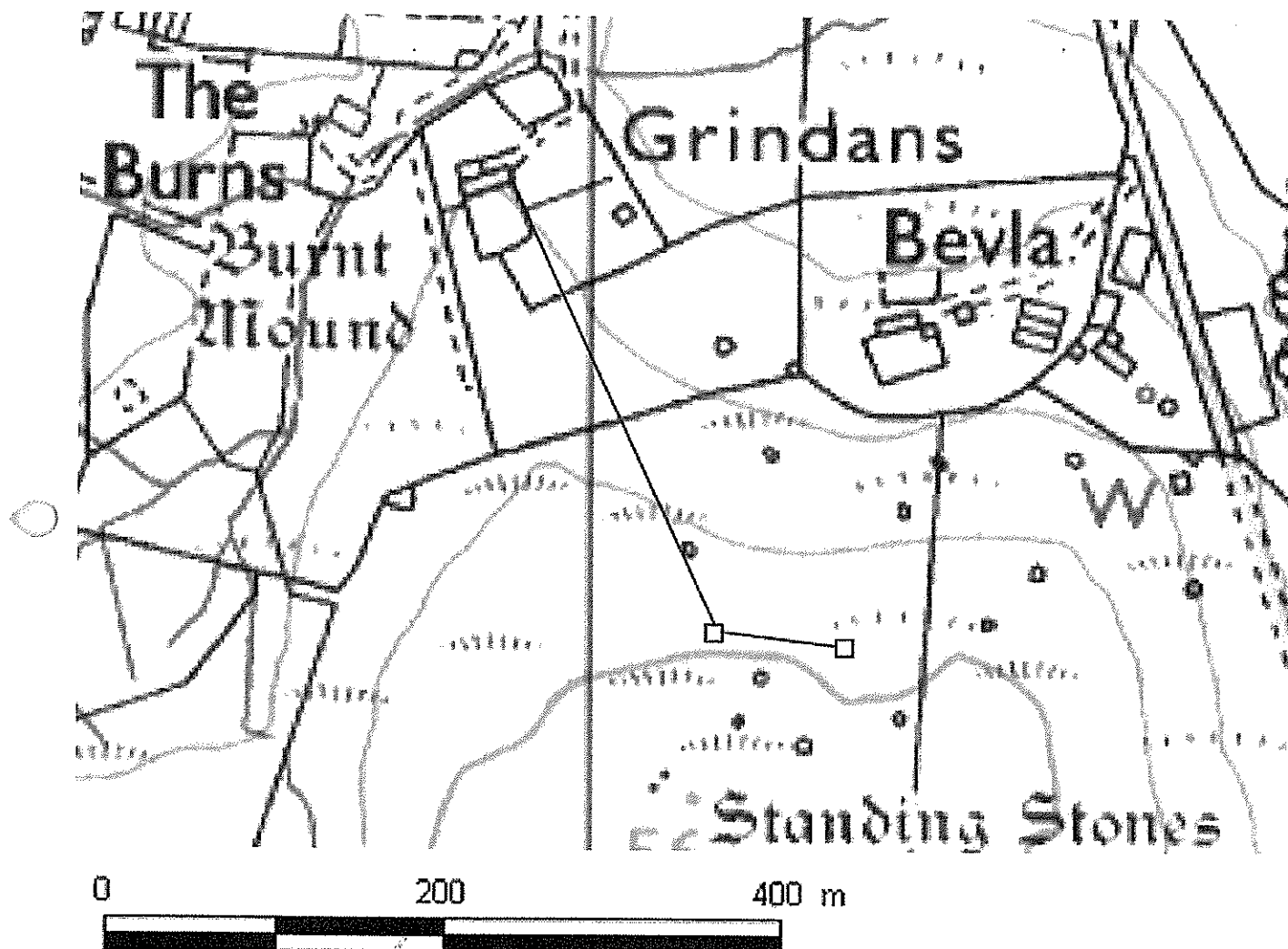


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Area Calculation

Turbine 1 – 10m x 10m = 100 sq m
 Turbine 2 – 10m x 10m = 100 sq m
 Cable run 1 – 75m x 0.5m = 37.5 sq m
 Cable run 2 – 295m x 0.5m = 147.5 sq m

Total area 385 sq m = 0.0385 Hectare

PLAN FOR THE PROPOSED
 TURBINE SITES AND CABLE RUNS

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Wiseman Jonny@Infrastructure Services

From: Wiseman Jonny@Infrastructure Services
Sent: 18 November 2010 10:58
To: Planning Control@Infrastructure Svs
Subject: RE: Attn Jonny Wiseman

Hi Michael, thanks for the information. I have absolutely no problems with your overall scheme - I would've preferred one larger turbine instead of two smaller ones, but we will get the application validated and I will assess two turbines for the site.

I spoke to your agent yesterday and we went over you application. What I informed him was that the application will have to be either two applications for two turbine with your red line around each turbine and cable route. Or one application with one red line around both turbines and your cable route.

I can't take an application that has more than one red lined area I'm afraid.

I see your point about the Viking submission, but that wasn't a planning application, it was an EIA with an application submission to the Energy Consents Unit in Glasgow.

I hope this makes sense, but if you have any questions then please feel free to get in touch.

Regards

Jonny Wiseman
Planning Officer

Shetland Islands Council
Development Management
Infrastructure Services
Grantfield
Lerwick
Shetland Islands
ZE1 0NT

Tel: 01595 744 830
Fax: 01595 744 804

From: Davidson Inga@Infrastructure Services **On Behalf Of** Planning Control@Infrastructure Svs
Sent: 17 November 2010 11:39
To: Wiseman Jonny@Infrastructure Services
Subject: FW: Attn Jonny Wiseman

From: Jonathan [mailto:jonathan@solarventus-energy.co.uk]
Sent: 16 November 2010 11:15
To: Planning Control@Infrastructure Svs
Cc: Katie and Michael Boyes
Subject: Attn Jonny Wiseman

18/11/2010

Jonny,

Apologies that I missed your call last Friday, I received your voicemail message, thank you for the update.

I have attached an amended map that shows the route the cables (marked in green) will take.

The two turbines are designed as a single system and will be installed as such, to split the application into two and consider each application in isolation will not give you the full picture of what we are trying to achieve and will not allow us to fully demonstrate the benefits of two small turbines over a single larger turbine. The turbines will not be independent of each other, they are two parts of a single system and installation. Also, the funding scheme we are using is based on installing the full system, not two separate elements.

I note that the Viking energy wind farm has submitted one application to cover their full scheme, not one per turbine (circa 150 off). I appreciate theirs is a commercial venture, but the underlying principal should be the same.

I hope that now we have provided some further details this will be considered as a single application.

I will be unavailable to take calls tomorrow, but will be available all day Thursday and Friday. If you could let me know what time is convenient I can give you a call to discuss in more detail.

Warm regards,

Jonathan Colverson



SolarVentus Limited

The Stables, London Road
Billericay, Essex CM12 9HS

Tel: 07787 393251

Email: jonathan@solarventus-energy.co.uk

Website: www.solarventus-energy.co.uk

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Wiseman Jonny@Infrastructure Services

From: Jonathan [jonathan@solarventus-energy.co.uk]
Sent: 20 November 2010 17:25
To: Wiseman Jonny@Infrastructure Services
Cc: Katie and Michael Boyes; Simon Morrish
Subject: Re: Planning application for Mr Michael Boyes
Attachments: Grindins planning map v3.doc

Hi Jonny,

Thanks for this, I've revised the map as discussed (see attached) to make better use of the available 0.1 hectare.

I have paid the additional fee via the SIC online payments page, reference number 096-13667

Warm regards,

Jonathan

From: Jonny.Wiseman@shetland.gov.uk
Sent: Friday, November 19, 2010 10:30 AM
To: jonathan@solarventus-energy.co.uk
Subject: Planning application for Mr Michael Boyes

Hello Jonathan. I received your revised map, thanks for that.

All I need is receipt of your additional fee of £160 and that's the application valid.

Regards

Jonny Wiseman
Planning Officer

Shetland Islands Council
Development Management
Infrastructure Services
Grantfield
Lerwick
Shetland Islands
ZE1 0NT

Tel: 01595 744 830
Fax: 01595 744 804

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25/11/2010

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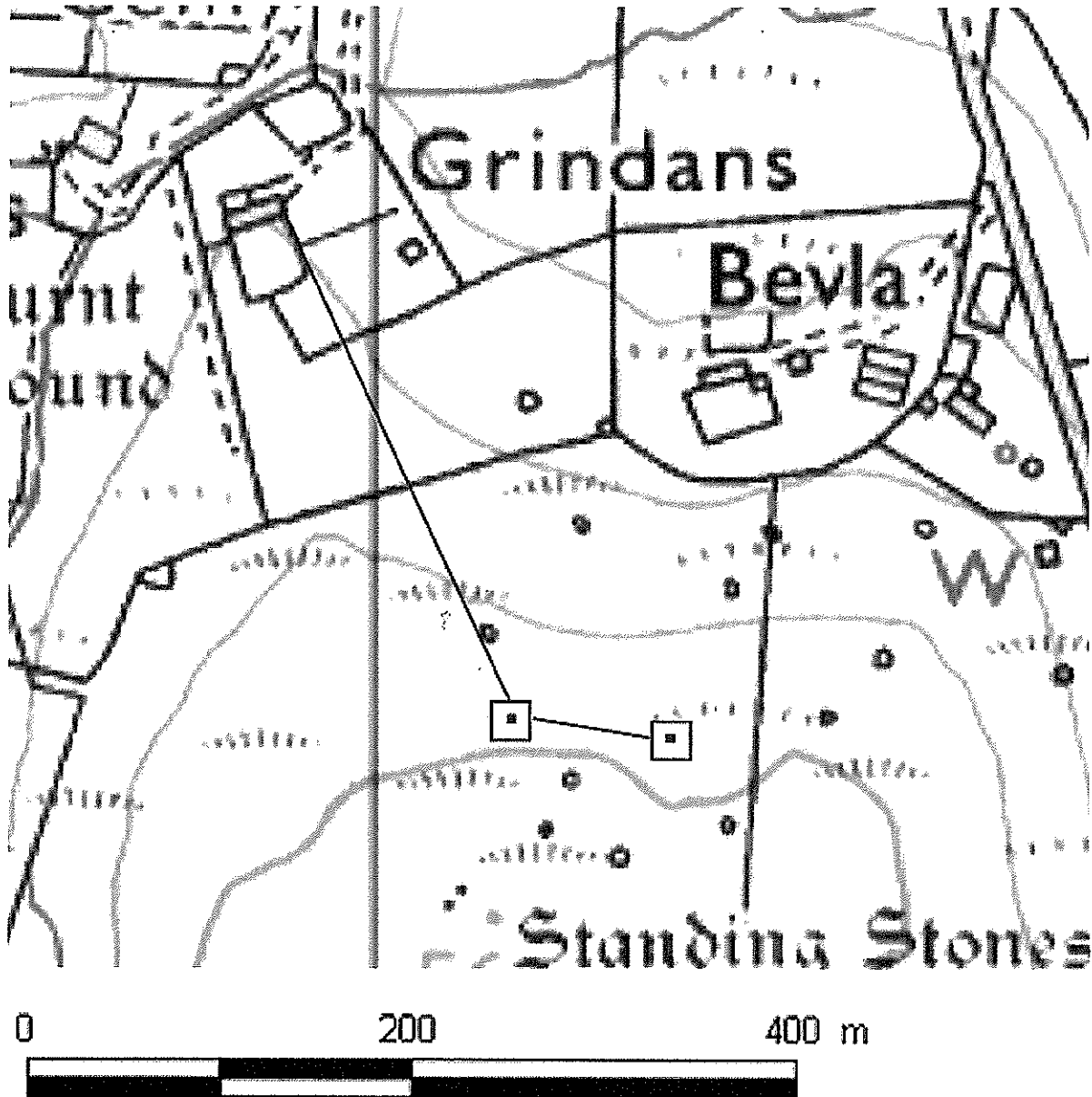
Turbines will be located within the marked areas, red dots show the actual turbine footprint.



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Turbines will be located within the marked areas, red dots show the actual turbine footprint.

Sic Ref: 2010/4280

Area Calculation

Turbine 1 – 20m x 20m = 400 sq m
 Turbine 2 – 20m x 20m = 400 sq m
 Cable run 1 – 75m x 0.5m = 37.5 sq m
 Cable run 2 – 295m x 0.5m = 147.5 sq m

Total area 985 sq m = 0.0985 Hectare

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20 NOV 2010

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Wiseman Jonny@Infrastructure Services

From: Jonathan [jonathan@solarventus-energy.co.uk]
Sent: 10 December 2010 13:43
To: Wiseman Jonny@Infrastructure Services
Subject: Re: Details of planning objection

Jonny,

Thank you for passing on the details of the comments.

Having considered the comments raised, we are confident that the proposed location is the most suitable and fully address the concerns raised. Our reasoning is as follows:

1 - These turbines do not cause "TV Flicker". This is stated in the manufacturers literature and also the BBC website that states:

○ *"We are not aware of any problems caused to TV reception by small domestic wind turbine installations."*
http://www.bbc.co.uk/reception/info/windfarm_tool.shtml

The BBC are now responsible for reception and interference matters (no longer OFCOM)

2 – At 180m distance we have substantially exceeded the manufacturers recommendation and we do not believe there will be any noise issue with the turbines.

If we were to move the turbines to the West then they will be in direct line of sight from the road to the standing stone. Moving further West would put the turbines on a rocky outcrop, putting them much higher on the skyline.

If we were to move the turbines down into the pasture they would then be unacceptably close to the other neighbours (Ridlands) and the sheltering of the hill would have a significant impact on the efficiency.

○ The selected location was chosen based on the Shetland Wind Power survey of the site and taking into consideration many other factors such as the standing stones, least disruption to the land (selecting areas that do not need rock breaking), bringing the turbines below the skyline and maximum distance from neighbours.

Warm regards,

Jonathan

From: Jonny.Wiseman@shetland.gov.uk
Sent: Friday, December 10, 2010 10:34 AM
To: jonathan@solarventus-energy.co.uk
Subject: RE: Details of planning objection

As requested.

REF: PL2010/428

Case Officer: Jonny Wiseman

10/12/2010

Location: Grindings, Wester Skeld, Skeld, ZE2 9NL

Proposal: Erect two 5kw wind turbines on 12m high (ground to hub) masts

We as neighbours complain on the grounds that the proposed siting of the two 5kw turbines are at the back of our property. If Mr Boyes wants to re-submit his planning application to address this concern we would have no grounds for complaint. We see no reason for siting these two turbines so far away from his own property other than keeping any tv flicker or noise pollution away from himself, the hill gradient is such that moving the turbines behind his own property would not make any difference to performance.

John and Janette Couper.

Bevlah

Westerskeld

Bixter

Shetland

ZE2 9NL

015950860361

couperjl@bp.com

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Do not reply to it.

Jonny Wiseman
Planning Officer

Shetland Islands Council
Development Management
Infrastructure Services
Grantfield
Lerwick
Shetland Islands
ZE1 0NT

Tel: 01595 744 830
Fax: 01595 744 804

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Wiseman Jonny@Infrastructure Services

From: Wiseman Jonny@Infrastructure Services
Sent: 20 January 2011 14:52
To: 'Jonathan'
Subject: Wind turbines - Grindins, Wester Skeld for Mr Boyes
Attachments: Grindins turbine.doc

Hello Jonathan. I hope you had a good Christmas and New Year.

I finally got a chance to go out and have a look at the Grindins turbines for Mr Boyes. It's been a bit of a pain with the snow and then Christmas break, so we are all running a bit behind in site visits.

I'm afraid it's not good news. After a site inspection, I felt as soon as I got on site that the turbines are not related to the dwelling they serve in any way, shape or form. Our policies are explicit in this. Our policies state that domestic wind turbines should have the minimum of visual impact, and should not unnecessarily dominate nearby buildings or landscape features.

I understand completely the choice of site - high, elevated etc. However, they are approximately 350 metres away from Mr Boyes house, where the nearest neighbour is 200 metres away.

I'm just not comfortable with this site now that I've had a look.

Also, our local archaeologist got back back to me and is concerned regarding the proximity of the turbines to the standing stones and possible archaeology within the site area. I have been advised to consult Historic Scotland, who will most probably be concerned about the setting of the standing stones. This in turn, leads us into 'advertisement' of affecting historic structures and affecting the setting of. I have not consulted Historic Scotland at this time.

Also the sites are within our National Scenic Area, which again means more tighter policies on visual disruption to the landscape.

I'm afraid the sites just don't have a lot going for them.

My colleague and I (who is also dealing with a wind turbine 200 metres to the northwest of Grindins), will be going for look again tomorrow for a second opinion.

At a minimum Jonathan, we are looking at moving the turbines. My colleague and I have suggested moving the site 100 metres to the northeast of the house Grindins. This will be approximately 80 to 90 metres off the public road, but it is more subservient to the dwellinghouse the turbine serves, and is more in keeping with the group of development within the area. Or 80 or 90 metres directly to the east of Grindins. This will be within the NSA, but again would be a better site.

Finally, Mr Boyes will have to look at using one turbine instead of two. A larger kw turbine on a similar or larger mast is preferable to two smaller one. This will have less of a visual impact on the landscape, however, it will not affect his kw output (i.e. 10kw turbine on a 12 or 15 metre mast). Again this will be more in line with current Council policy - that the turbine should be related to the energy requirements of the dwellinghouse.

20/01/2011

This turbine site will be more in line with my colleagues turbine site for another dwelling. Again, further reason to approve it.

This will unfortunately mean a new planning application. The new site will be with a recommendation for approval as it is more in-line with policy, as it visually more subservient to the dwellinghouse it serves and will be of a lesser impact on the surrounding environment. The current application as it sits I cannot support, as it does not comply with current Council policies due to it being so removed from the property it serves, causing unnecessary impact on the surrounding environment, being two turbines when one could do, within a NSA and possibly having a detriment impact on the setting of the standing stones and possible archaeology in the area.

Please feel free to give me a call Jonathan, should you wish to discuss.

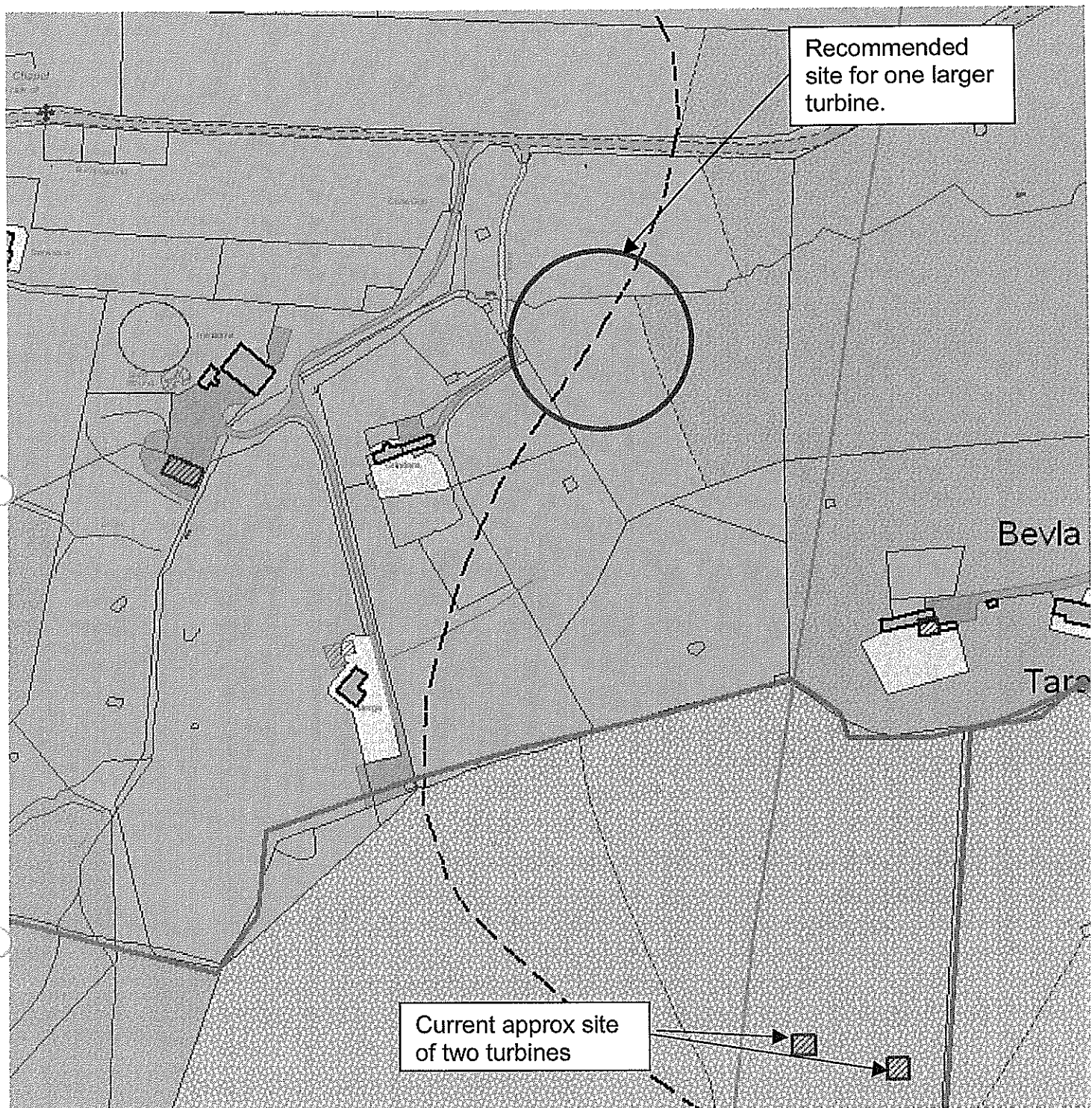
I have enclosed a rough map showing the preferred area for the siting of one larger turbine.

Kind regards

Jonny Wiseman
Planning Officer

Shetland Islands Council
Development Management
Infrastructure Services
Grantfield
Lerwick
Shetland Islands
ZE1 0NT

Tel: 01595 744 830
Fax: 01595 744 804



Wiseman Jonny@Infrastructure Services

*Call Mike Boyes to
arrange a meeting.*

From: Jonathan [jonathan@solarventus-energy.co.uk]
Sent: 21 January 2011 15:08
To: Wiseman Jonny@Infrastructure Services
Cc: Katie and Michael Boyes; Katie and Michael Boyes
Subject: Re: Wind turbines - Grindins, Wester Skeld for Mr Boyes

Jonny,

Thank you for your time earlier, as discussed could you contact Mike Boyes to arrange a site visit to discuss the application. Mike can be contacted on 01806 243840.

Thanks,

Jonathan

From: Jonny.Wiseman@shetland.gov.uk
Sent: Thursday, January 20, 2011 2:51 PM
To: jonathan@solarventus-energy.co.uk
Subject: Wind turbines - Grindins, Wester Skeld for Mr Boyes

Hello Jonathan. I hope you had a good Christmas and New Year.

I finally got a chance to go out and have a look at the Grindins turbines for Mr Boyes. It's been a bit of a pain with the snow and then Christmas break, so we are all running a bit behind in site visits.

I'm afraid it's not good news. After a site inspection, I felt as soon as I got on site that the turbines are not related to the dwelling they serve in any way, shape or form. Our policies are explicit in this. Our policies state that domestic wind turbines should have the minimum of visual impact, and should not unnecessarily dominate nearby buildings or landscape features.

I understand completely the choice of site - high, elevated etc. However, they are approximately 350 metres away from Mr Boyes house, where the nearest neighbour is 200 metres away.

I'm just not comfortable with this site now that I've had a look.

Also, our local archaeologist got back back to me and is concerned regarding the proximity of the turbines to the standing stones and possible archaeology within the site area. I have been advised to consult Historic Scotland, who will most probably be concerned about the setting of the standing stones. This in turn, leads us into 'advertisement' of affecting historic structures and affecting the setting of. I have not consulted Historic Scotland at this time.

Also the sites are within our National Scenic Area, which again means more tighter policies on visual disruption to the landscape.

I'm afraid the sites just don't have a lot going for them.

24/01/2011

My colleague and I (who is also dealing with a wind turbine 200 metres to the northwest of Grindins), will be going for look again tomorrow for a second opinion.

At a minimum Jonathan, we are looking at moving the turbines. My colleague and I have suggested moving the site 100 metres to the northeast of the house Grindins. This will be approximately 80 to 90 metres off the public road, but it is more subservient to the dwellinghouse the turbine serves, and is more in keeping with the group of development within the area. Or 80 or 90 metres directly to the east of Grindins. This will be within the NSA, but again would be a better site.

Finally, Mr Boyes will have to look at using one turbine instead of two. A larger kw turbine on a similar or larger mast is preferable to two smaller one. This will have less of a visual impact on the landscape, however, it will not affect his kw output (i.e. 10kw turbine on a 12 or 15 metre mast). Again this will be more in line with current Council policy - that the turbine should be related to the energy requirements of the dwellinghouse.

This turbine site will be more in line with my colleagues turbine site for another dwelling. Again, further reason to approve it.

This will unfortunately mean a new planning application. The new site will be with a recommendation for approval as it is more in-line with policy, as it visually more subservient to the dwellinghouse it serves and will be of a lesser impact on the surrounding environment. The current application as it sits I cannot support, as it does not comply with current Council policies due to it being so removed from the property it serves, causing unnecessary impact on the surrounding environment, being two turbines when one could do, within a NSA and possibly having a detriment impact on the setting of the standing stones and possible archaeology in the area.

Please feel free to give me a call Jonathan, should you wish to discuss.

I have enclosed a rough map showing the preferred area for the siting of one larger turbine.

Kind regards

Jonny Wiseman
Planning Officer

Shetland Islands Council
Development Management
Infrastructure Services
Grantfield
Lerwick
Shetland Islands
ZE1 0NT

Tel: 01595 744 830
Fax: 01595 744 804

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Wiseman Jonny@Infrastructure Services

From: Jonathan [jonathan@solarventus-energy.co.uk]
Sent: 07 March 2011 09:55
To: Wiseman Jonny@Infrastructure Services
Cc: Katie and Michael Boyes; Katie and Michael Boyes
Subject: Mike Poyes planning application

Jonny,

Thank you for your time on the telephone earlier today. As discussed we would like to progress the application to the planning board. Could you therefore reject the planning application so what we can start the appeal process.

Warm regards,

Jonathan Colverson



SolarVentus Limited

The Stables, London Road
Billerica, Essex CM12 9HS

Tel: 07787 393251

Email: jonathan@solarventus-energy.co.uk

Website: www.solarventus-energy.co.uk

This email and any attachments to it may be confidential and are intended solely for the use of the individual to whom it is addressed. Any views or opinions expressed are solely those of the author and do not necessarily represent those of SolarVentus Ltd. If you are not the intended recipient of this email, you must neither take any action based upon its contents, nor copy or show it to anyone.

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07/03/2011

Wiseman Jonny@Infrastructure Services

From: Wiseman Jonny@Infrastructure Services
Sent: 24 March 2011 13:39
To: 'Jonathan'
Subject: FW: Mr Boyes

Sorry Jonathan I forgot to say that I cannot issue the refusal until the statutory time period of 21 days from the date of advertising is up.

I know this isn't what you want to hear, but it is a statutory duty to advertise it I'm afraid.

As I said, I was in the understanding that Mr Boyes was going to withdraw his application as we'd come to an agreement regarding a new site, so I didn't want to advertise it for that reason. However, as Mr Boyes is wanting to hold the application going, I have no choice but to advertise it.

- So sorry about that again. I was intent on trying to get the work on this application done as quickly as I can for you, so this is a pain.

If you get the advert fee to me asap, I'd appreciate it.

Regards

Jonny Wiseman
 Planning Officer (Development Management)

Shetland Islands Council
 Planning
 Infrastructure Services
 Grantfield
 Lerwick
 Shetland Islands
 ZE1 0NT

Tel: 01595 744 830
 Fax: 01595 744 804

From: Wiseman Jonny@Infrastructure Services
Sent: 24 March 2011 13:09
To: 'Jonathan'
Subject: Mr Boyes

Hi Jonathan. My delegated report has been checked and it was noticed that I didn't advertise the application as contrary to the development plan. This was forgotten as I was too intent on negotiating the turbines repositioning and I thought Mr Boyes was going to withdraw the application. This advert will unfortunately cost £100.

Also, I had to consult Historic Scotland as the turbines are possibly affecting the setting of the standing stones, which are marked as scheduled ancient monuments. So I'll have to await their response.

04/05/2011

Sorry about this.

Regards

Jonny Wiseman
Planning Officer (Development Management)

Shetland Islands Council
Planning
Infrastructure Services
Grantfield
Lerwick
Shetland Islands
ZE1 0NT

Tel: 01595 744 830
Fax: 01595 744 804

04/05/2011

Holden John@Infrastructure Services

From: Holden John@Infrastructure Services
Sent: 31 March 2011 14:15
To: 'mgb2010@hotmail.com'
Cc: Wiseman Jonny@Infrastructure Services; 'jonathan@solarventus-energy.co.uk'
Subject: FW: Grindins Application
Attachments: Notice of Review - Form - SIC.doc; Notice of Review - Guidance Notes - Final Version 1 0 -ePlanning Scotland Website OAA.doc

Dear Mr Boyes,

I write further to your telephone conversation with Jonny Wiseman this morning.

It is my understanding that notwithstanding the advice and assistance provided to you by Mr Wiseman in relation to the above, you wish him to proceed to complete his Report of Handling and make a recommendation on the proposal as it stands. Other options available to you will have included: withdrawal of the current application on the basis of Mr Wiseman's advice, followed by submission of a new application for the development of a turbine in the different location; and making a request that the current application is sisted pending submission and determination of a new application for development of a turbine in a different location, to be then followed by withdrawal of the original application in the event of an approval of the application for the development of a turbine in the different location.

As requested I attach copies of the form to be completed and guidance notes should you wish to exercise the right you have to have the documentation on the planning file and the merits of the current proposal considered by the Shetland Islands Council Planning Local Review Body.

Yours sincerely

John Holden
 Service Manager - Development Management
 Planning

Shetland Islands Council
 Planning
 Infrastructure Services Department
 Grantfield
 Lerwick
 Shetland
 ZE1 0NT

Tel: (01595) 743898

From: mgb2010@hotmail.com [mailto:mgb2010@hotmail.com] **On Behalf Of** Katie and Michael Boyes
Sent: 31 March 2011 11:35
To: Wiseman Jonny@Infrastructure Services
Cc: jonathan@solarventus-energy.co.uk
Subject: Grindins Application

Jonny,

Further to our conversation confirming that there are no alternatives but to reject this application and for me to resubmit a new one. Please could you forward a copy of the paperwork necessary to start an appeal.

Thanks

Mike Boyes

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31/03/2011

Section 2. Statutory Advert

Tuesday 26 July 2011

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LERWICK PORT AUTHORITY NOMINATION, ELECTION AND APPOINTMENT OF MEMBERS BUSINESS RATEPAYERS SECTOR

In accordance with the Lerwick Harbour Revision Order 2003, three candidates from the Business Ratepayers sector are required to be appointed as Board Members of Lerwick Port Authority this year.

In May 2011, applications will be invited from candidates from the Business Ratepayers sector. Three members will be appointed from this sector and if there are more than three such candidates approved by an appointing body panel, an election will be held by voters eligible in this sector.

At this present time, it is necessary to finalise the List of eligible Business Ratepayers. You may be eligible as a Business Ratepayer if you have a trading business appearing in the Valuation Roll for Lerwick with a rateable value over £2,560.

If you wish to be eligible to apply to become a Board Member, or nominate or vote for prospective Board Members, it is necessary to be named on the List.

Please note:-

- The List of names of Business Ratepayers who are eligible is now drafted.
- The List will be available for public inspection at Lerwick Port Authority, Albert Building, Lerwick, Shetland, from 4 to 15 April 2011 inclusive, during normal office hours Monday to Friday.
- Any person who has cause for complaint that the List is inaccurate, whether by omission or inclusion, shall be entitled to make representations in writing to Lerwick Port Authority before 15 April 2011.

1 April 2011

Sandra Laurenson, Chief Executive
Lerwick Port Authority,
Albert Building, Lerwick, Shetland, ZE1 0LL.

SHETLAND ISLANDS COUNCIL Town and Country Planning Acts

Applications have been made for Planning Permission to carry out the following developments. The applications, together with the plans and other documents submitted with them, are available for inspection at Infrastructure Services, Grantfield, Lerwick between 9am and 5pm Monday to Friday. Representations should be made to the Executive Director of Infrastructure Services at that address within the period specified below. If you wish to discuss an application with a Planning Officer it would be appreciated if you could telephone Lerwick 744800 for an appointment.

**Town and Country Planning
(Development Management
Procedure) (Scotland) Regulations
2008**

Notice of application under
regulation 20(1)(d)

Representations within 14 days

Shetland Local Plan (2004) Policy,
LPNE10, LPENG6, LPENG9

Shetland Structure Plan (2000)
Policy, SPGDS4, SPNEG5, SPNE2,
SPBE1

2010/428/PCD Erect two 5kw wind
turbines on 12m high
(ground to hub) masts,
Grindins, Wester Skeld
by Mr M Boyes
GORDON GREENHILL,
Executive Director of
Infrastructure Services,

Shetland Islands Council,
Infrastructure Services Department,
Grantfield,
LERWICK,
ZE1 0NT.

1st April, 2011.

Crofters Commission Coimisean nan Croitearan

The following decrofting Directions
have been granted:

Croft House Site & Garden Ground

Brough, Nesting

Direction dated 22nd March,
2011, granted to Andrew Pearson,
William A. Pearson and William C.
M. Pearson - area extending to
0.0812ha.

Conditions: (i) complete enclosure
of the land with a stockproof fence
within 4 months (ii) maintenance
of the fence by each successive
owner or occupier of the land.

Case Number: 4.85.29431

Littleness, Whalsay

Direction dated 22nd March,
2011, granted to Mrs Margaret
S. Simpson - area extending to
0.088ha.

Conditions: (i) complete enclosure
of the land with a stockproof fence
within 4 months (ii) maintenance
of the fence by each successive
owner or occupier of the land.

Case Number: 4.85.29823

BRITAIN'S TOP PORT

LERWICK PORT AUTHORITY

ANNUAL SUBSCRIPTIONS

The Shetland Times

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dates if postage rates are increased*

52 weeks 1st Class

£82.16

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of interest to
community Energy
om 1st April 2011.

Section 3. Consultation Responses

Tuesday 26 July 2011



Shetland Islands Council

Infrastructure Services Department Planning Application Consultation

For further information on this application contact:

Jonny Wiseman Tel: 01595 744830
Planning Assistant

Aithsting & Sandsting Community Council Clerk
Mrs Laurena Fraser
Hebrista
West Burrafirth
Bridge of Walls
ZE2 9NT

SIC INFRASTRUCTURE SERVICES	
20 DEC 2010	
PASS TO JW 149310	RECEIVED

Application:

2010/428/PCD	Erect two 5kw wind turbines on 12m high (ground to hub) masts, Grindings, Wester Skeld, Skeld by Mr M Boyes
--------------	---

Date of Consultation: 25 November 2010

Applicable Policies and Guidance:

Structure Plan -
Local Plan -
Other -

Do you believe the proposal complies with Development Plan policy? (Please circle as appropriate)

YES

NO

Comments:

(NOTE: If you recommend we approve something contrary to the Development Plan, then material planning considerations must be given.)

(Cont'd overleaf)

Comments continued:

Response: (Please circle as appropriate)

No objection

Further information required

Objection

(Note: If further information is required on this planning application, please use this space to note what other details you are requesting. Alternatively if the Community Council intends to object, please detail your reasons for objection in this space.)

No objections providing the concerns of Mr John and Mrs Jeannette Couper, Bevlah, raised to you are being addressed. Also noted that Mr Robbie Couper at Bevlah has not been consulted.

Signed *L. Fraser* Date *13-12-10*

Please reply to this consultation on this sheet within 14 days of receipt. If you wish to retain a copy of your comments please photocopy them. Continue or attach your comments on a separate sheet if necessary. Please return them together with the application and plans.

Infrastructure Services Department, Shetland Islands Council, Grantfield, Lerwick, Shetland, ZE1 0NT. Tel: 01595 744800

R:/consultee_com-con.doc

Wiseman Jonny@Infrastructure Services

From: Val Turner [val@shetlandamenity.org]
Sent: 15 December 2010 17:40
To: Wiseman Jonny@Infrastructure Services
Cc: Ann.MacSween@scotland.gsi.gov.uk; Chris Dyer
Subject: PL2010/428

Dear Johnny
 PL2010/428 Skeld

Thanks for sending us this application.

It is not clear where the applicant obtained his archaeological information but there has not been a consultation of the Sites and Monuments Record. An important feature of the area is that six stone knives were found in the vicinity of the standing stone which is not included in the report but does indicate that this is a ritual landscape and there is the potential for other important finds to be made.

There are therefore two points to make. One is that Historic Scotland need to be consulted – perhaps you are already in the process of doing this. The standing stone is on the skyline and visible from a distance of about three miles. Historic Scotland may have a view re setting.

Secondly, if consented, this application needs to be conditioned as follows:

A suitably qualified archaeologist, approved by the Regional Archaeologist, will be present on site in order to carry out a watching brief, during all groundbreaking work (turbine bases, creation of access tracks, insertion of cable trenches, etc.)

Reason: the likelihood of finding additional ritual objects, or associated sites, is significant.

The Standing Stone will be fenced off with a robust, high visibility, fence having a buffer zone of 20m around the monument. The fence will be in place before and throughout the construction phase of this project.

Reason: To avoid accidental damage to the monument and its immediate setting.

The Regional Archaeologist will be given at least 14 days notice of the commencement of work,

Reason: In order to arrange for suitable monitoring to take place.

I hope that this helps. Do get in touch if you'd like to discuss this further. (I am out of the office tomorrow but in on Friday)

Best wishes
 val

Val Turner
Shetland Archaeologist
 Shetland Amenity Trust, Garthspool,
 Lerwick, Shetland, ZE1 0NY
 Tel: (01595) 694688

The Shetland Amenity Trust is a registered
 Scottish charity, No: SC017505



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21/12/2010

HISTORIC
SCOTLAND



ALBA
AOSMHOR

Jonny Wiseman
Environment and Planning
Shetland Islands Council
Infrastructure Services
Grantfield
LERWICK
Shetland
ZE1 0NT

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Direct Line: 0131 668 8092
Direct Fax: 0131 668 8722
Switchboard: 0131 668 8600
Oliver.Lewis@scotland.gsi.gov.uk

Our ref: AMH/2049/10
Our Case ID: 201007884
Your ref: 2010/428/PCD

31 March 2011

Dear Mr Wiseman,

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (SCOTLAND) REGULATIONS 2008
Erection of 2 wind turbines, Grindins, Wester Skeld
SAM 2049 Yahaarwell, standing stone, SE of Wester Skeld**

Thank you for your consultation of 24 March 2011 which we received on 28 March 2011 requesting comments on the above application for the erection of two wind turbines on land at Grindins, Wester Skeld.

The proposed wind turbines lie approximately 95m NNE of Yahaarwell standing stone, which is recognised as being of national importance and is designated as a scheduled monument under the Ancient Monuments and Archaeological Areas Act 1979 (SAM 2049 Yahaarwell, standing stone, SE of Wester Skeld).

Yahaarwell standing stone comprises a three-sided block of red granitic stone which stands approximately 2.5m high on top of a hill at approximately 55m above sea level. A few metres away lies a prostrate stone of a similar size, and it is likely that these two stood erected as a pair. The stone was sited to be a prominent feature in the landscape and a key component of its setting is the uninterrupted wide landscape views.

Whilst Historic Scotland considers that two wind turbines c.15m to blade tip at this location would constitute an adverse impact upon the setting of the scheduled monument, we do not feel that this raises issues of national significance and therefore do not object to this application. However, we note that the impact of the development could be significantly mitigated if the turbines were to be relocated further away to the NNE from the standing stone, or if the development was reduced to one turbine. We would therefore ask that your Council takes local planning policy into account when considering this application.



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www.historic-scotland.gov.uk

HISTORIC
SCOTLAND



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Please note that our comments relate only to scheduled monuments. For comments on unscheduled archaeology you should contact the local authority archaeologist (Val Turner, Shetland Amenity Trust, Garthspool, Lerwick, Shetland Islands, ZE1 0NY).

Yours sincerely,

Oliver Lewis
Inspector of Ancient Monuments
NE Team



INVESTOR IN PEOPLE

www.historic-scotland.gov.uk

Section 4. Representations

Tuesday 26 July 2011

PASS TO SW SIII	ACTION
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Davidson Inga@Infrastructure Services

From: Web Feedback Form [web-feedback-form@shetland.gov.uk]
Sent: 18 April 2011 04:03
To: Planning Control@Infrastructure Svs
Subject: SIC - Query/Problem submitted via Website - REF: PL2010/428

Page this user last visited: <http://www.shetland.gov.uk/planningcontrol/apps/apps.asp>

=====

REF: PL2010/428

Case Officer: Jonny Wiseman

Location: Grindings, Wester Skeld, Skeld, ZE2 9NL

Proposal: Erect two 5kw wind turbines on 12m high (ground to hub) masts

I see most applications for domestic use are for 1 wind turbine, this is for 2.

Mainly regarding noise, I don't see any relevant documentation relating to 2 turbines in tandem operation?

Also regarding Shetland wind power recent publicity relating to an exclusive deal to use proven turbines, I assume this application will be limited to the detailed manufacturer in this application?

In the last couple of years South East has been the main wind direction for winter months and as the proposed turbines will be in a South East location from our house, I feel noise could be an issue, particularly during sleeping times. (I know of a recent installation in Shetland where a nearby resident has asked for a particular turbine to be stopped with a certain wind direction) Maybe it could be more relevant to have the turbine(s) sited much further South, near the boundary which would take it away from the nearest houses.

I am away from home at the moment but you will get me on the email below if required.
Regards,

Stuart Ridland

Berga

Westerskeld

Shetland

Shetland

ZE29NL

UK

01595860368

stuart.ridland@talk21.com

=====

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Wiseman Jonny@Infrastructure Services

From: Davidson Inga@Infrastructure Services on behalf of Planning Control@Infrastructure Svcs
Sent: 08 December 2010 08:00
To: Wiseman Jonny@Infrastructure Services; couperjl@bp.com
Subject: FW: SIC - Complaint submitted via Website - REF: PL2010/428

Your email has been received and passed to the officer dealing with the application

Regards
Inga Davidson

-----Original Message-----

From: Web Feedback Form [mailto:web-feedback-form@shetland.gov.uk]
Sent: 07 December 2010 20:07
To: Planning Control@Infrastructure Svcs
Subject: SIC - Complaint submitted via Website - REF: PL2010/428

Page this user last visited: <http://www.shetland.gov.uk/planningcontrol/apps/apps.asp>
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REF: PL2010/428

Case Officer: Jonny Wiseman

Location: Grindings, Wester Skeld, Skeld, ZE2 9NL

Proposal: Erect two 5kw wind turbines on 12m high (ground to hub) masts

We as neighbours complain on the grounds that the proposed siting of the two 5kw turbines are at the back of our property. If Mr Boyes wants to re-submit his planning application to address this concern we would have no grounds for complaint. We see no reason for siting these two turbines so far away from his own property other than keeping any tv flicker or noise pollution away from himself, the hill gradient is such that moving the turbines behind his own property would not make any difference to performance.

John and Janette Couper.
Bevlah
Westerskeld
Bixter
Shetland
ZE2 9NL

015950860361
couperjl@bp.com

=====

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Wiseman Jonny@Infrastructure Services

From: Davidson Inga@Infrastructure Services on behalf of Planning Control@Infrastructure Svs
Sent: 13 December 2010 09:18
To: Wiseman Jonny@Infrastructure Services
Subject: FW: SIC - Query/Problem submitted via Website - REF: PL2010/428

-----Original Message-----

From: Web Feedback Form [mailto:web-feedback-form@shetland.gov.uk]
Sent: 10 December 2010 20:59
To: Planning Control@Infrastructure Svs
Subject: SIC - Query/Problem submitted via Website - REF: PL2010/428

Page this user last visited:

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REF: PL2010/428

Case Officer: Jonny Wiseman

Location: Grindings, Wester Skeld, Skeld, ZE2 9NL

Proposal: Erect two 5kw wind turbines on 12m high (ground to hub) masts

Has the local History/ Archaeology group been informed that two wind turbines are to be installed by our standing stone????? I do not object to wind turbines but not next to such a historical site, especially as the stone is on the horizon visible from the road. They would spoil the history of the place by turning an ancient site into another factory site!

Karen Quarmby

Berry-A-Roe

Easter Skeld

Bixter

=====

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Wiseman Jonny@Infrastructure Services

From: Davidson Inga@Infrastructure Services on behalf of Planning Control@Infrastructure Svs
Sent: 13 December 2010 09:19
To: Wiseman Jonny@Infrastructure Services
Cc: grahamquarmby@btinternet.com
Subject: FW: SIC - Complaint submitted via Website - REF: PL2010/428

Your email has been received and passed to the officer dealing with the application

Regards
Inga Davidson

-----Original Message-----

From: Web Feedback Form [mailto:web-feedback-form@shetland.gov.uk]
Sent: 10 December 2010 21:06
To: Planning Control@Infrastructure Svs
Subject: SIC - Complaint submitted via Website - REF: PL2010/428

Page this user last visited:

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REF: PL2010/428

Case Officer: Jonny Wiseman

Location:

Proposal: Erect two 5kw wind turbines on 12m high (ground to hub) masts

I do object to these wind turbines on this site as they are too near the standing and recumbent stones. The standing stone is visible from the road and the turbines will make an ancient site into another factory site. I do not object to turbines but keep the modern away from the ancient please. If the householder needed a turbine smaller private ones can be built. The company in question rent land off the landowner with free electricity as payment so it is not a private need but a business transaction which should not be allowed on an ancient, historical site.

Karen Quarmby
Berry- A -Roe
Easter Skeld
Bixter
Shetland
ze2 9nl
Scotland
01595 860304
grahamquarmby@btinternet.com

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Section 5. Report of Handling

Tuesday 26 July 2011

Delegated Report of Handling

Development: Erect two 5kw wind turbines on 12m high (ground to hub) masts; Grindins, Wester Skeld

By: Mr M. Boyes

Application Ref: 2010/428/PCD

1. Introduction

- 1.1 This proposal is for the erection of two 5kw domestic wind turbines on 12 metres high masts at Grindins in Wester Skeld.

2. Statutory Development Plan Policies

2.1 Shetland Islands Council Structure Plan (2000) Policies

- GDS4 Natural and Built Environment
- SP ENG5 Energy Efficiency
- SP NE2 Landscape & Design
- SP BE1 Built Heritage

2.2 Shetland Islands Council Local Plan (2004) Policies

- LP NE10 Development and the Environment
- LP ENG6 Energy Proposals
- LP ENG9 Domestic-Scale Aerogenerators
- Shetland Islands Council's Interim Planning Policy: Towards Sustainable Construction and Better Design in Shetland: SPG 6 Domestic Wind Turbines

3. Safeguarding

- 3.1 One of the proposed turbines lies within National Scenic Area.

4. Consultations

- 4.1 Community Council – No objections, providing the concerns of Mr John & Mrs Jeannette Couper at Bevlah raised are taken into account.
- 4.2 Shetland Local Archaeologist – Due to some historical artefacts being found within the site of the standing stones, a watching brief is advised as a condition of any consent.
- 4.3 Historic Scotland – Recommend reducing the turbines to one turbine and relocating the turbine away from the Standing Stones.

5. Statutory Advertisements

- 5.1 Advertised under Section 20(1)(d) as contrary to the approved Development Plan – Policies GDS4, SP ENG5, SP NE2, SP

BE1, LP NE10, LP ENG6 and LP ENG9. Advertised in the Shetland Times on 1 April 2011.

6. Representations

- 6.1 3 emails were received from two objectors, and their points of objection can be summarised as follows:
- The turbines are too far away from Mr Boyes' property and too close to our property
 - Potential noise nuisance and TV flicker/interference
 - Turbines too close to the ancient standing stones and will spoil the history of the place by turning the ancient site into another factory site.

7. Report

- 7.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 states that:

Where in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan, unless material considerations indicate otherwise.

- 7.2 There are Statutory Development Plan Policies against which this application has to be assessed and these are listed at paragraph 2.1 & 2.2 above. The determining issues to be considered are whether the proposal:

- complies with Development Plan Policy; or
- there are any other material considerations which would warrant the setting aside of Development Plan Policy.

7.3 Turbine Site Location

This application, as outlined in paragraph 1.1, is for the siting of two 5kw wind turbines on 12 metre high (ground to hub) masts. The turbines are to be sited at the south peripheral part of the Wester Skeld settlement. Wester Skeld is a small mixed building group of mainly smaller traditional type croft houses with scattered single houses sitting out from the main settlement group. The applicant's croft house sits within the scattered dwellings to the south. Adjacent to the applicant's croft house are excellent and well preserved examples of old traditional style croft houses.

- 7.4 The sites on which the turbines are proposed lie approximately 300 metres to the southeast of the applicants' property, and between 200 to 250 metres away from the neighbouring properties known as Berga, Bevla and Tarasta.

- 7.4 The turbines will sit down from the apex of the hill known as Yahaarwell; on the apex of the Yahaarwell hill sits the prominent standing stones.
- 7.5 A site meeting was held with the applicant at which concerns were raised regarding the proposed location of the turbines, and also the proposal to use two turbines to serve one property. The use of two 5kw turbines to serve one property does not comply with the aims of adopted and interim planning policies, which seek to control unnecessary negative impacts on the natural environment, and also landscape and visual amenity. Also the use of two turbines does not comply with the Council's interim policies which seek to ensure that the turbines are proportionate to the scale of the dwellinghouse.
- 7.6 The two turbines as mentioned in paragraph 7.4, will sit approximately 300 metres away from the applicant's dwellinghouse on an undeveloped and undisturbed part of the Wester Skeld countryside. It is considered that any domestic wind turbines should be visually set within existing developed areas, and that the turbine sits closer to the applicant's dwellinghouse than any other neighbouring property. The proposed turbines will sit approximately 200 and 250 metres away from neighbouring houses.
- 7.7 As Wester Skeld is entered the main group of housing sits along the public road with, as has been mentioned, older traditional dwellinghouses loosely scattered away from the main group. The proposed turbines will be sited up on the Yahaarwell hill on the left as Wester Skeld is approached from the east. The Yahaarwell Standing stones are a locally well-known and visually prominent feature, and are a scheduled ancient monument; the stones sit undisturbed on the hilltop and are visible for several miles. The two proposed turbines will be sited down from these stones, and it is considered that the proposed turbines will have a negative effect on the undisturbed setting the standing stones currently enjoy.
- 7.8 Development Plan Policies
The main policies under which this application must be assessed are firstly Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) policy LP NE10 Development and the Environment, where the Council aims to ensure that new development conserves and, where possible, improves the quality of life and the environment. This is done by controlling the location, scale and design of new development to respect, protect and conserve the natural and built environment. It is considered that the proposed location for the turbines does not comply with this policy, as they will have a detrimental impact on the natural unspoiled environment of the area and be visually unrelated to existing development and the property they are proposed to serve. Also, one of the turbines is sited within the

National Scenic Area (NSA), and the second is close to the NSA, so care must be taken to ensure that the turbines do not detract from the surrounding natural environment and NSA.

- 7.8 Historic Scotland was consulted on the application and it considers that two wind turbines around 15 metres to blade tip at this location would constitute an adverse impact upon the setting of the scheduled monument. However, it does not feel that this raises issues of national significance and therefore does not object to the development. Historic Scotland did note in its consultation response that the impact of the development could be significantly mitigated if the turbines were relocated further away to the north/north-east from the standing stone, or if the development was reduced to one turbine. With that in mind, it is considered that the development is contrary to SP BE1, as the development is not sympathetic to the landscape which the turbines will form part of and would have an adverse impact on the Scheduled Ancient Monument, and also SP NE2, as the turbine and adjacent turbine will neither conserve or enhance the landscape within the National Scenic Area.
- 7.9 LP ENG5: This policy states that proposals which seek to minimise energy consumption by means of location, layout, design, construction and alternative technology will be considered favourably, however this must not conflict with other Structure and Local Plan Policies
- 7.10 Shetland Local Plan (2004) policy LP ENG9 Domestic-Scale Aerogenerators, states that domestic scale aerogenerators will normally be permitted provided that the proposal is appropriately designed and located, and is not sited on the skyline if other suitable locations are available. The proposed turbines will be viewed as being on the skyline in an undeveloped area. LP ENG9 also states that the turbine should be located as close to the associated dwelling house as is safely and technically possible. An alternative site has been identified and suggested to the applicant which it is considered is of a sufficient distance from neighbouring properties whilst remaining within the applicant's land ownership, and would it is considered be more suitable in terms of mitigating landscape impact.
- 7.11 Shetland Islands Council's Interim Planning Policy: Towards Sustainable Construction and Better Design in Shetland: SPG 6 Domestic Wind Turbines, states that proposals for domestic wind turbines will be permitted provided that certain criteria are met. The first criteria set out within this policy that this proposed development conflicts with is firstly concerns Visual and Landscape Impact, in relation to which it is stated that to accord with the policy the criteria is met when "the development does not have an unacceptable impact on the character and appearance of the landscape." In particular in relation to this criteria the policy states the Council will seek to ensure that

proposed aerogenerators have the minimum of visual impact, taking into account the building the wind turbine will serve, and that proportionately, the wind turbine should be the correct size and scale for its location and should not unnecessarily dominate nearby buildings or landscape features.

- 7.12 Interim Policy SPG 6 also states that the functionality of the proposed wind turbine should be related to the energy requirements of the dwellinghouse, and that the Council may seek justification for the choice of a particular wind turbine. The justification for the installation of two turbines, as stated by the applicant, is for optimal grid connection and heating load for the property, and to allow the splitting and balancing of the output from the turbines to the grid and the dwellinghouse heating. The applicant states that this increased flexibility in relation to the electrical connection and configuration is something that a single larger turbine would not allow. However, the applicant has failed to produce evidence that a larger turbine cannot produce enough energy to provide the electrical and heating needs for the property. A larger turbine on a slightly higher mast in an amended location would be less visually obtrusive than the two smaller turbines in the location that has been proposed.
- 7.13 Even small turbines can become focal points in the landscape, partly due to the movement of their blades. Nevertheless care is still required in order to avoid visual conflict with existing focal points in the landscape, either in terms of visual confusion or competition. Small turbines have the potential to create new focal points, which could interrupt views to or adversely affect the setting of key landscape features. Small turbines are commonly associated with settlement, building groups and other built structures. It is considered important to relate the proportion of the turbine to these neighbouring built forms. The proposed turbines will have a detrimental impact on the visual setting the standing stones, a Scheduled Ancient Monument, currently have on the landscape, and will therefore detract from what is a well known focal point.
- 7.14 Therefore, the proposal as submitted for two turbines is regarded as being unacceptable, as it will have a detrimental impact on the surrounding natural environment of the Wester Skeld area. There has been an alternative site identified within the context of consideration of the proposal which would have less impact, and there exists the likelihood that there will be other locations in the general area where similar such proposals for turbines individually would be considered to be compliant with Council policy.
- 7.15 The proposal should it is considered be reduced to one larger turbine, which will have less visual impact on the landscape, and which should be sited closer to the house that the turbine is to

serve. The turbine should therefore be positioned more within the nucleus of the existing residential development in the area.

8. Recommendation

- 8.1 It is recommended that this application be refused, as due to the detrimental impacts on the landscape and the setting of the Scheduled Ancient Monument the proposed turbines will have, the proposal is contrary to Shetland Islands Council Structure Plan (2000) Policies GDS4 Natural and Built Environment, SP ENG5, SP BE1, SP NE2, and also Shetland Islands Council Local Plan (2004) Policies LP NE10 Development and the Environment, LP ENG6 Energy Proposals, LP ENG9 Domestic-Scale Aerogenerators and Shetland Islands Council's Interim Planning Policy: Towards Sustainable Construction and Better Design in Shetland: SPG 6 Domestic Wind Turbines.

9. Further Notifications Required

- 9.1 Notify objectors of decision taken.

10. Background Information Considered

- 10.1 None.

2010/ 428 delegated report of handling.doc
Report Author: Jonny Wiseman – Planning Officer
6 May 2011.

Section 6. Decision Notice

Tuesday 26 July 2011



SHETLAND ISLANDS COUNCIL

Town and Country Planning (Scotland) Acts Town and Country Planning (General Permitted Development) (Scotland) Orders

With reference to the application for **Planning Permission** (described below) under the above Acts and Orders, the Shetland Islands Council in exercise of these powers hereby **REFUSE Planning Permission** for the development, in accordance with the particulars given in, and the plans accompanying the application as are identified, subject to the reasons specified below.

Applicant Name and Address

Mr M Boyes

Agent Name And Address

Solarventus Ltd
The Stables
London Road
Billericay
CM12 9HS

Reference Number: PL 2010/428/PCD

**Erect two 5kw wind turbines on 12m high (ground to hub) masts: Grindings,
Wester Skeld, Skeld**

Details of Refused Plans and Drawings:

- Location Plan – SIC Ref: 2010/428 00
- Site Plan - SIC Ref: 2010/428 01
- Supporting Documentation for the siting of two Evance Iskra R9000 5kw wind turbines
- Evance Iskra R9000 acoustic noise risk assessment

Reasons for Council's decision:

The proposal will be detrimental to the surrounding natural environment of the Wester Skeld area and will adversely affect the setting of the Yahaarwell standing stone, which is recognised as being of national importance and is designated as a scheduled monument under the Ancient Monuments and Archaeological Areas

Infrastructure Services Department
Shetland Islands Council
Grantfield
Lerwick
Shetland
ZE1 0NT

PLEASE LOOK AT THE IMPORTANT INFORMATION ON THE BACK OF THIS SHEET

Head of Planning
Page 1 of 2

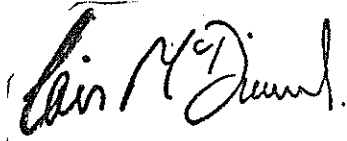
IMPORTANT INFORMATION

If you are aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, you may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within 3 months from the date of this notice. The notice of review should be addressed to: Shetland Islands Council, Planning, Infrastructure Services Department, Grantfield, Lerwick, Shetland. ZE1 0NT. The necessary form can be obtained upon request from the same address.

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

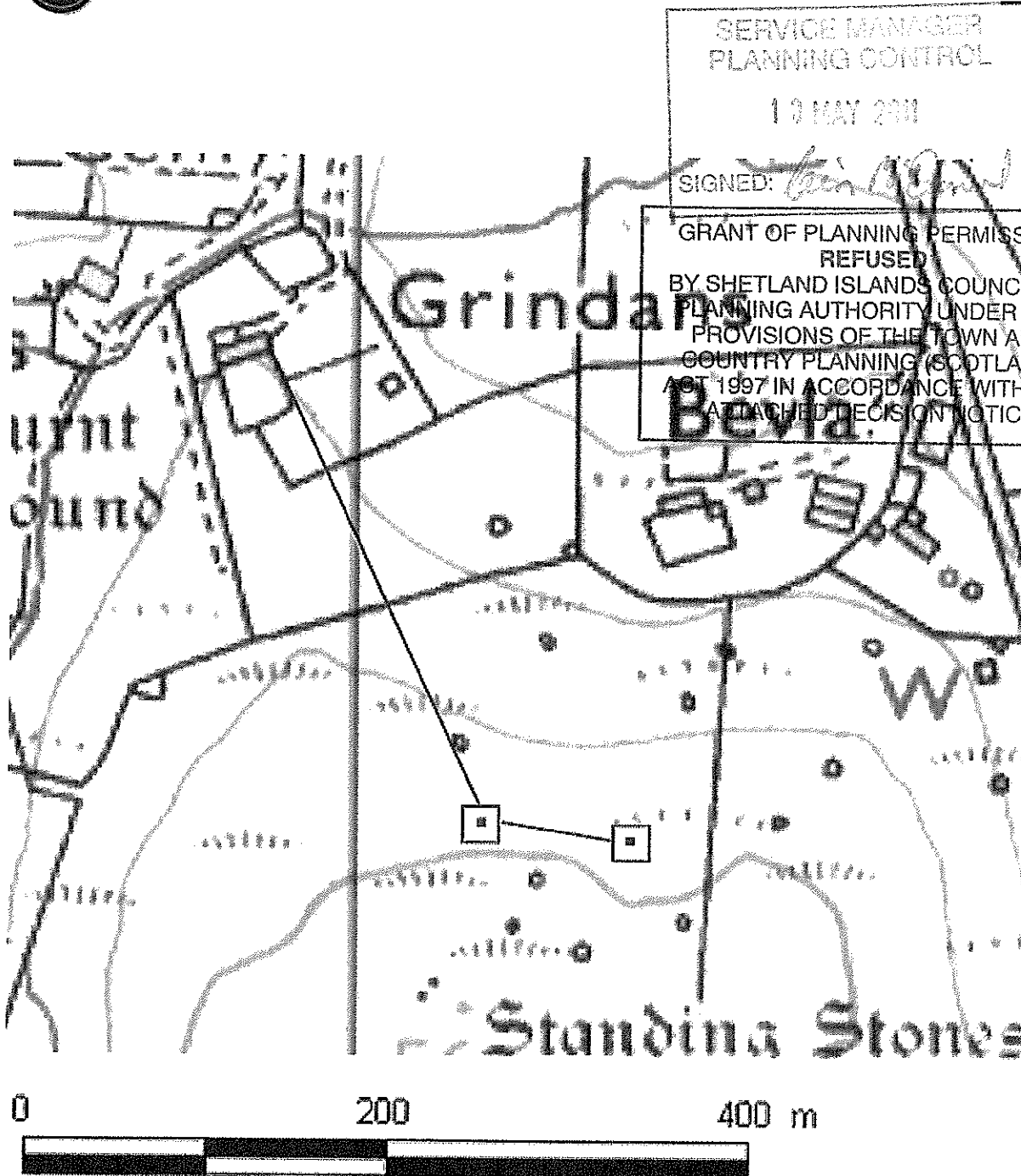
Act 1979 (SAM 2049 Yahaarwell, standing stone, SE of Wester Skeld), and is a key landscape feature. The proposal is contrary to Shetland Islands Council Structure Plan (2000) Policies GDS4 Natural and Built Environment, SP ENG5, SP BE1, SP NE2 and also Shetland Islands Council Local Plan (2004) Policies LP NE10 Development and the Environment, LP ENG6 Energy Proposals, LP ENG9 Domestic-Scale Aerogenerators and Shetland Islands Council's Interim Planning Policy: Towards Sustainable Construction and Better Design in Shetland: SPG 6 Domestic Wind Turbines.

10 May 2011

A handwritten signature in black ink, appearing to read 'Iain Macdonald'.

Head of Planning

428ref.doc



Turbines will be located within the marked areas, red dots show the actual turbine footprint.

SIC Ref: 2010/428 01

Area Calculation

Turbine 1 – 20m x 20m = 400 sq m
Turbine 2 – 20m x 20m = 400 sq m
Cable run 1 – 75m x 0.5m = 37.5 sq m
Cable run 2 – 295m x 0.5m = 147.5 sq m

Total area 985 sq m = 0.0985 Hectare

**SIC INFRASTRUCTURE
SERVICES DEPARTMENT**
26 NOV 2010
RECEIVED

CENTRE COORDINATES: 430013, 1143666



GRANT OF PLANNING PERMISSION
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BY SHETLAND ISLANDS COUNCIL AS
PLANNING AUTHORITY UNDER THE
TOWN AND COUNTRY PLANNING (SCOTLAND)
ACT 1997 IN ACCORDANCE WITH THE
ATTACHED DECISION NOTICE

The marked areas, red dots show the actual turbine footprint.



SIC Ref: 2010/428 01

SERVICE MANAGER
PLANNING CONTROL

10 MAY 2011

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SIC INFRASTRUCTURE
SERVICES DEPARTMENT
20 NOV 2010

RECEIVED

Planning Application supporting document
for the siting of two
Evance Iskra R9000 5KW Wind Turbines
at

Grindins, Wester Skeld, Shetland, ZE2 9NL

Prepared for and on behalf of
Michael Boyes (The Applicant)

By

Solarventus Ltd
The Stables
London Road
Billericay
Essex
CM12 9HS

For enquiries contact:

jonathan@solarventus-energy.co.uk

GRANT OF PLANNING PERMISSION
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BY SHETLAND ISLANDS COUNCIL AS
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PROVISIONS OF THE TOWN AND
COUNTRY PLANNING (SCOTLAND)
ACT 1997 IN ACCORDANCE WITH THE
ATTACHED DECISION NOTICE

SERVICE MANAGER
PLANNING CONTROL
10 MAY 2011
SIGNED: *Kevin McQuinn*

1. Application Description

Planning permission for two 5KW Evance Iskra R9000 wind turbines at Grindins, Wester Skeld is sought to enable the applicants to reduce the carbon emissions and energy bills of their property, and to increase their self sufficiency in term of electricity production.

The site's predicted annual average wind speed at 10m above ground level of 7.4m/s is higher than the national average wind speed for rural locations of 5.0m/s, and would indicate the proposed location will be an excellent site for the wind turbines. It is estimated that two turbines of the type proposed here in this location will generate an annual output of 39MWh of electricity.

2. Domestic Installation

The installation is sized to suit the domestic needs of the Grindins household. There will be a single phase 3.8kW connection into the consumer unit at Grindins with the remaining capacity (6.2kW) directed into an off grid heating solution. The limited grid connected component will be consumed by the property to reduce the general electricity bills and the heating element will supplement the existing heating of the property (and hence reduce the dependency on heating oil).

The installation of two turbines provides the optimal technical solution for the grid connection and heating load at this site. It allows us to split and balance the output from the turbines between the grid (limited to 3.6kW under G83/1) and the heating load. This increased flexibility with regards to the electrical connection and configuration is something that a single larger turbine would not allow.

Due to the limited grid capacity in Shetland, Shetland Wind Power and Evance have offered this solution to support the energy requirements of Grindins. At present there are no other financially viable or technically proven alternatives that are compatible with the Governments recently introduced Feed In Tariff scheme.

Grindins has a larger than average heating requirement due to:

- The house is all single story and spread out over a large foot print.

- Older stone built sections cannot be additionally insulated

- There are three generations of the family living at Grindins, due to the ranges of age the property has to be well heated.

SolarVentus are offering a funding solution to Grindins but this is not a commercial venture, it is of a small scale with no predicted export of energy. The majority of the generated electricity will be used at the property, with power only being returned to local electricity network on the rare occasions where the output exceeds the power demands of the property.

The property currently uses 15MWh of electricity and 3000 Litres of oil for heating on an annual basis. A portion of the output from the turbines will be used directly for heating, displacing some of the 3000 Litres of oil, which is equivalent to 34,800kWh of electricity. Therefore, for the purpose of this application the total energy usage of the property is considered to be 49MW per year.

In line with the Family's desire to reduce their impact on the environment (house insulation, storage heating, own food production etc), the turbine installation at Grindins will reduce the carbon foot print of the property/family by an estimated 16.8 tonnes of carbon dioxide annually.

This saving contributes towards national and regional targets for renewable energy generation for 2010 and 2020 as outlined in the Governments Renewable Strategy.

The 5KW Evance Iskra R9000 turbine was selected due to its scale and slender design, which tapers at the top and gives reduced visibility over 200m / 650 feet. To achieve the optimum balance between performance and minimising visibility a 12m tower was chosen. This planning statement will demonstrate that the turbine is of scale that can successfully integrate into the landscape without harm. The size of the turbine is therefore considered to be the most appropriate as they will generate 39MWh of electricity each year, which will replace a significant proportion of the 49MWh of energy used by this property.

By using two smaller turbines there is a greatly reduced need for heavy equipment on site for the installation. The use of tilt up towers mean that a crane will not required on site for installation and future maintenance.

The Evance R9000 has the best history of any turbine Shetland Wind Power has installed in Shetland, Western Isles and the Highlands. It is an extremely well built and designed product and is standing up very well to the more exposed and rigorous duties they are exposed to. As the other class 1 rated products have a history of problems and technical difficulties we believe that this model is best suited to this long life application. The R9000 has no gearbox, which greatly increases its reliability and durability. The turbine is manufactured in the UK and will feel that there is the added benefit of supporting a UK manufacturer. The turbines will be installed and maintained by a local company, Shetland Wind Power, thereby giving support to a local company and its workers.

The Evance R9000 turbine has a performance in low wind speeds that is not matched by the larger turbines. By using the Evance R9000 turbine we will achieve a more consistent and therefore usable output of electricity. Evance do not currently produce a larger version of the R9000, nor are we aware of plans to do so at this time.

Immediate neighbours have been consulted regarding the intention to site the two turbines. The wider community have been informed via the public notification of the application to the Crofters Commission for the sub let in the Shetland Times published on 01/10/2010 and titled "for the purpose of the installation of two domestic wind turbines to supply renewable energy to the croft". The Laird has also been informed as part of the crofting application and no concerns were raised.

3. Pre application discussions

No pre-application discussions took place in this instance. From experience it is noted that other turbines have been granted planning permission for similar applications and locations in the area in the past. On the Scottish mainland there have been several instances where planning permission has been granted for the Evance Iskra R9000 to be installed in pairs.

4. Site location

The application site lies to the south of the house (point of use), approximately 180m from the nearest non-associated residential property, and 350m from the property.

The immediate surrounds of the application site comprise open fields in all directions. The wider surrounding area is rural in nature and is characterised by extensive open fields. The village of Easter Skeld is located to the north east of the site and the closest public road runs approximately 200m to the east of the site, running from north to south. There are some

telegraph poles in the vicinity of the site which introduce an element of verticality to the landscape setting.

It is essential that the chosen site meets both planning and installer requirements so that an efficient and appropriate form of development can be achieved. The site survey explored possible locations and found that the proposed site is the most appropriate.

In amenity terms, the siting of the turbine is sufficiently remote from all adjoining neighbours to ensure that the residential amenities are not harmed by potential noise or shadow flicker, in this case the chosen site, which is approximately 180m from the nearest non-associated residential property, is sufficient to prevent any adverse impact on any residential dwellings.

The Iskra Evance R9000 turbine model was chosen because the form of this turbine is considered to best suited to this landscape setting in that it is particularly slim-line in design, demonstrated by the tapering mast top and small turbine head, which reduces the bulk of the turbine thus helping it to blend more effectively with the surroundings and providing reduced visibility over distance. Also the proposal does not involve any ground based equipment housing or compound fencing. As a consequence the proposal would have a limited, non-material impact on the character of the landscape.

A 12m mast has been chosen for the turbine after taking into account the existing landscape characteristics as well as the energy generating capacity and efficient functioning of the turbine. On a higher tower the turbine would produce more energy but could be considered to be too prominent in this location.

Visibility:

The Evance R9000 is the most efficient product on the market and has a substantially smaller foot print and outline than any equivalent. If the applicant was to select a single larger turbine eg a Westwind 10kW, then the standard tower is 15m high and of a larger diameter to support the much larger turbine head & blade loads. Overall it would be much more visible on the sky line than the two smaller products. Should the height of the turbine be reduced below the standard of 12m this would have a negative impact of the quantity of electricity generated.

The turbines are to be sited below the peak of the hill to reduce their visibility on the skyline. Adjacent properties face away from the turbines down the hill, that combined with the difference in elevation mean the properties will not directly overlook the turbines.

Noise:

Due to its aerodynamic efficiency, the Evance R9000 is an extremely quiet and class leading product. At 40m it achieves the BWEA Reference Sound Level (at 8m/s) for a 60m distance. When comparing with other turbines the decibel measurement of noise is a logarithmic scale, ie a 3db increase approximately doubles the noise. Given the direction of the prevailing wind the applicant has a personal and professional preference for two quiet Evances over a larger Westwind or other product. The applicant would be happy to take the planners around other Shetland Wind Power installations to demonstrate this.

Figure 1: Aerial photograph of site with highlighted proposed turbine location

Blue arrow indicates the property and the red arrows indicate the proposed turbine locations.



5. Archaeology

There is a single standing stone on the top of the hill (see map), with the remains of a second on the ground next to it. There are no other archaeological features in the vicinity; the other structures visible are a mixture of plant and animal shelters. The hill is currently worked by live stock all year around and does not fall under any environmental or archaeological protective schemes. The soil around this location is rock laden and extremely shallow (hence preventing other agricultural activities), this underlying bedrock precludes any buried features in the locality. The turbines are to be situated away from the standing stone and at a lower elevation.

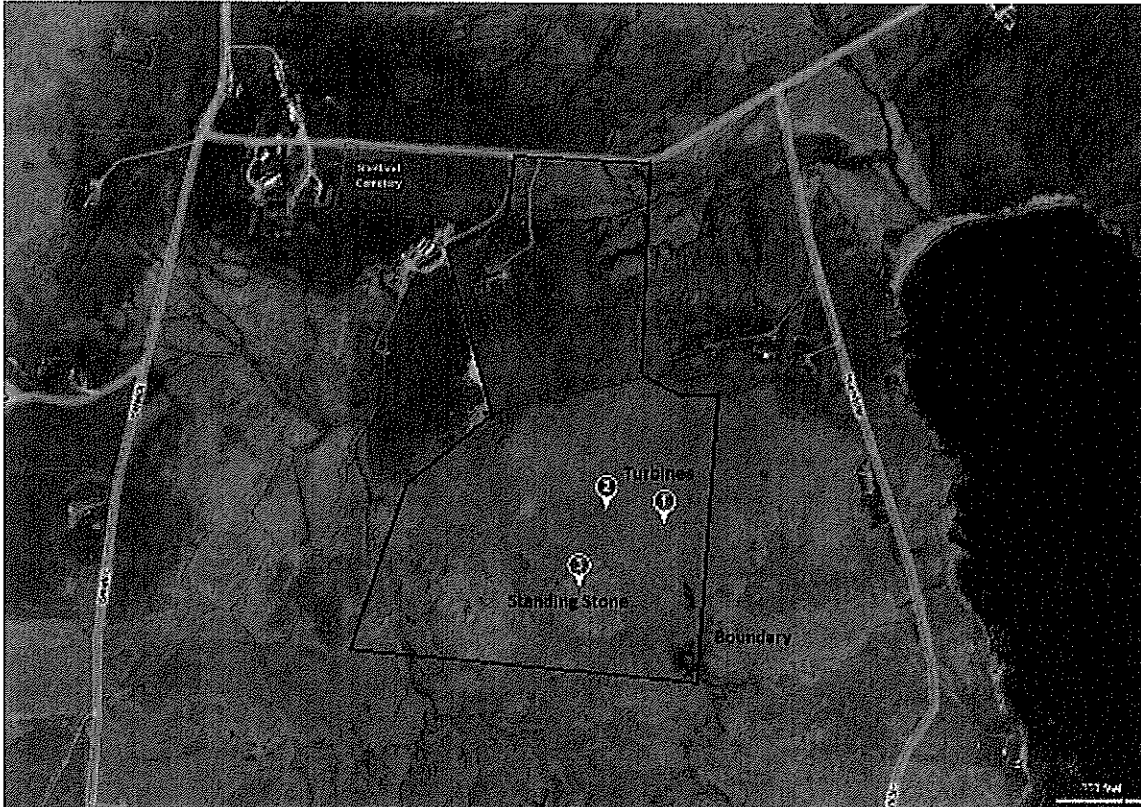
Consideration has been given to minimise any disruption to the surrounding area. The works and plant required to install the turbines is less than for an equivalent single larger product. Additionally, the Evance R9000 has a hydraulic tilt so we will not need heavy lifting equipment in the future to lower the turbine for the servicing & maintenance. This will minimise the impact of both the installation and future maintenance for the expected 25 lifespan of the turbine.

Due to the large separation distance between the stone and the proposed site of the turbines, there is unlikely to be any negative impact. It is currently set within an agricultural area close to modern amenities (roads, hydro lines, crofting buildings) and it is not considered that the siting of the turbines in this location will affect people's enjoyment of the standing stone.

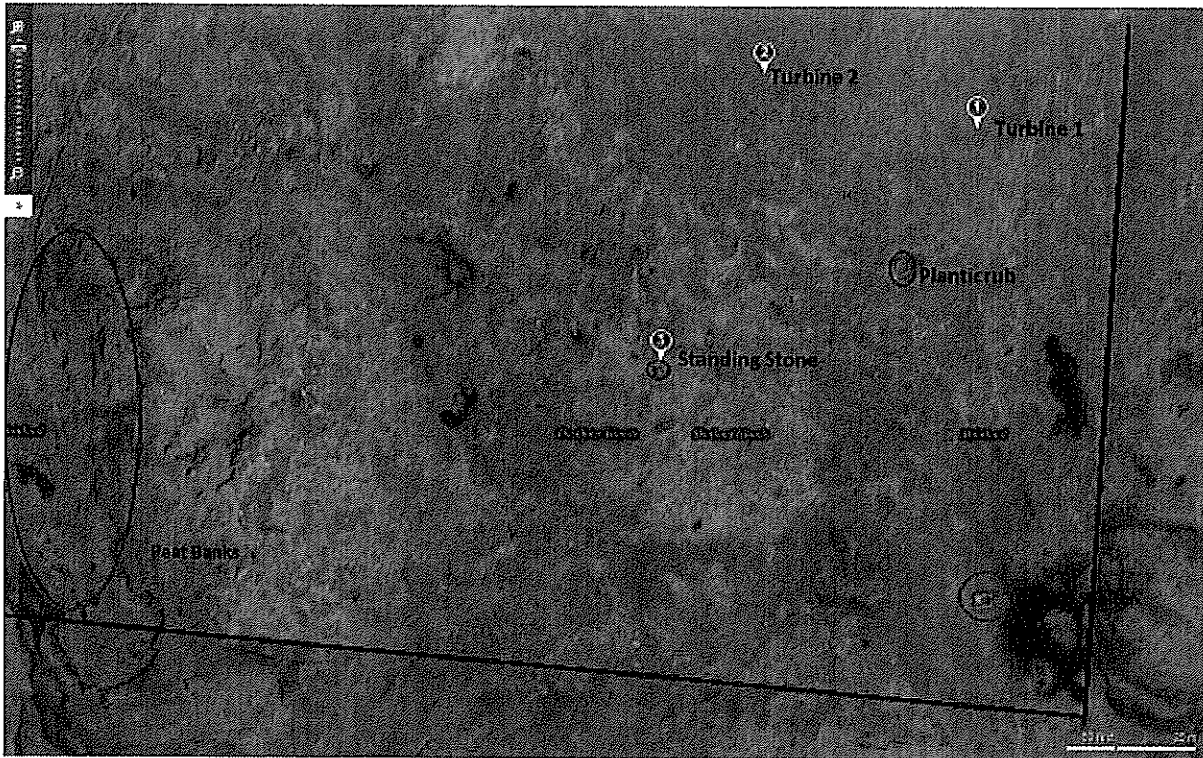
Nonetheless, during the excavation of the void for the base of the wind turbine should any building foundations, artefacts or other unusual finds be made these will be notified to the relevant local authority archaeologist. The proposed wind turbine will not materially affect any built or cultural heritage assets. The measures to be taken as part of the construction of the

proposed wind turbine will ensure that any unknown archaeological assets are identified and recorded; as such the proposal does not conflict with local or national planning policy concerning this matter.

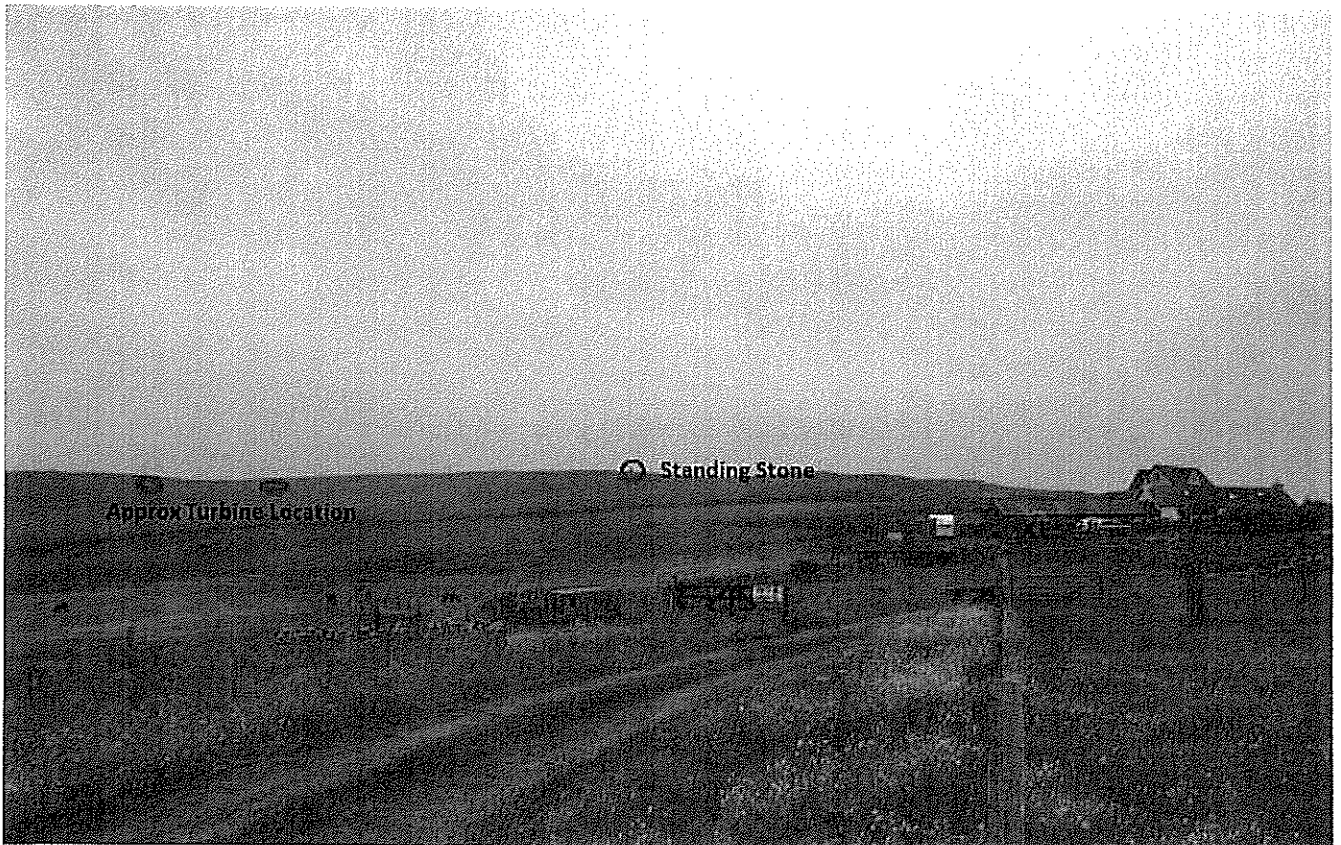
Standing Stone Location:



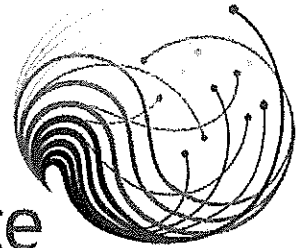
Standing Stone Detail:



Photograph of Standing Stone Location:



evance



Evance Iskra R9000 Acoustic Noise Assessment according to BWEA Performance and Safety Standard - Summary

Issue 04

SERVICE MANAGER
PLANNING CONTROL
10 MAY 2011
SIGNED: *Kevin McQuinn*

GRANT OF PLANNING PERMISSION
REFUSED
BY SHETLAND ISLANDS COUNCIL AS
PLANNING AUTHORITY UNDER THE
PROVISIONS OF THE TOWN AND
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ACT 1997 IN ACCORDANCE WITH THE
ATTACHED DECISION NOTICE

Evance

Unit 6 Weldon Road, Derby Road Industrial Estate,
Loughborough, Leicestershire LE11 5RN
T: +44 (0)1509 215 669 F: +44 (0)1509 267 722
W: www.evancewind.com

Revision History				
Issue	Description	Written	Checked	Date
TR069/SM0157				
01	First release	SH	MW	23/04/09
02	Evance template and title change	AP	SH	28/05/09
03	Turbine make and model updated	SH	AT	11/01/10
04	18.3m tower added to figure 2	SH	AT	14/01/10

1. Introduction

Evance are receiving an increasing number of requests from planning authorities in the UK for noise data for the R9000 wind turbine that is collected, analysed and reported according to the methods defined in the BWEA Performance and Safety Standard¹, and this document has been produced to satisfy this requirement.

Two reports have been produced:

- (1) A summary report that provides the noise map. This is the key data for planning application purposes.
- (2) A detailed noise report that describes the test method and provides the raw data.

At the time of writing, Evance are working towards the MCS certification of the R9000 Wind Turbine, which includes producing a noise report in this same BWEA format. However, at the current time this report has not been subjected to external review by a certifying body and therefore the publishing of this report does not imply that Evance has completed the MCS certification process.

2. Test Summary

Noise measurements over a hub height wind speed range from 2.9m/s to 11.1m/s, were carried out at Evance's test site on an Iskra AT5-1 phase 1.2 wind turbine mounted on a free-standing 12m tower. This report applies to all AT5-1/R9000 turbines from January 2009 onwards. The measurements were carried out in accordance with the BWEA Small Wind Turbine Performance and Safety Standard¹ (29 February 2008 Edition).

A summary of the report is shown below in Figure 1. The key results are the Declared Apparent Emission Sound Power Level, $L_{Wd,8m/s}$, at 8m/s hub height wind speed and noise immission predictions for a range of slant distances and hub height wind speeds.

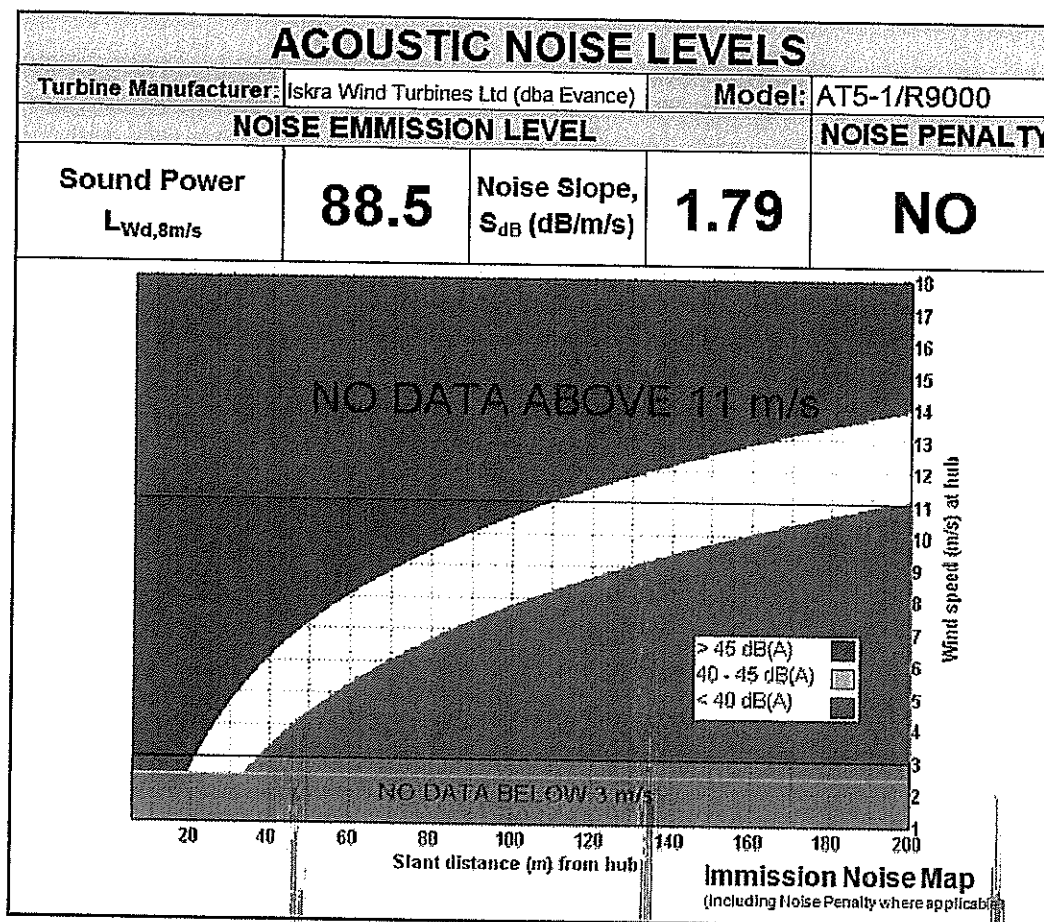


Figure 1 - Noise label

No measurements of directivity were undertaken but the turbine was subjectively much quieter in the plane of the blades (perpendicular to wind direction) than the measured downwind location.

The assessment established the turbine should not be declared as 'tonal' and therefore no penalty should be applied.

The BWEA Reference Sound Levels at 25m and 60m at an 8m/s hub height wind speed are:

$$L_{p,25m} = 52.5\text{dB(A)}$$

$$L_{p,60m} = 45\text{dB(A)}$$

Guidance on the use of the Immission Noise Map can be found in Appendix A of this report and the BWEA standard¹.

3. References

1. Small Wind Turbine Performance and Safety Standard. British Wind Energy Association. 29 Feb 2008

4. Appendix 1 - Guidance on the use of the Immission Noise Map

The following procedure can be used to assist the reader in considering the suitability of a prospective site. This method is the same as in the BWEA standard¹, except that it also includes a look-up chart based on the noise map provided in this report to simplify the process.

The method is based on the NOABL mean wind speed database which provides wind data at 45m, 25m and 10m height in 1 km squares covering Great Britain and Northern Ireland.

The BWEA standard defines the following process:

1. Find the national grid reference for the proposed site. This can be found from a map or from the Postcode if a suitable conversion program is available. Shorten the reference to the NOABL required format; e.g. if the Grid Reference is NS641532, then the NOABL input value is NS 64 53.
2. Use NOABL to get the average annual wind, $V_{avg,10}$ at 10m height for the location.
3. Assume a Rayleigh wind speed distribution and therefore calculate the 90% wind $V_{90,10}$ for 10m height as:

$$V_{90,10} = 1.52 * V_{avg,10}$$

4. Apply a wind correction factor from 10m height using a power law (in accordance with IEC 61400-2) to get an estimate of wind at the installed rotor centre height, H , as:

$$V_{90,H} = V_{90,10} * (H/10)^{0.2}$$

5. Draw a horizontal line on the immission noise map at the $V_{90,H}$ wind speed.
6. Read off the distance for the 45dB(A) and 40dB(A) values.
7. Compare these distances with the slant distances to the nearest noise sensitive location(s) for the planned installation.

The value of 45dB(A) is based on World Health Organisation (WHO) guidance. The second line at 40dB(A) has been included in the standard since at the time of writing firm criteria had not been agreed and adopted by all parties involved in the planning process relating to wind turbines and it therefore this provides a measure of the sensitivity of the process to the assumed noise criteria.

In order to simplify the process, Stages 3 to 6 in the list above have been carried out for a 12m, 15m and 18.3m tower, as shown in Figure 2.

The x-axis is the annual mean wind speed at 10m height and can be found from the NOABL database as described above. The solid lines provide the slant distance (straight line distance between rotor hub and noise sensitive location) that is predicted to meet the 45dB(A) noise criterion for the wind speed that will be exceeded 10% of the time. The dotted lines are for the 40dB(A) criterion.

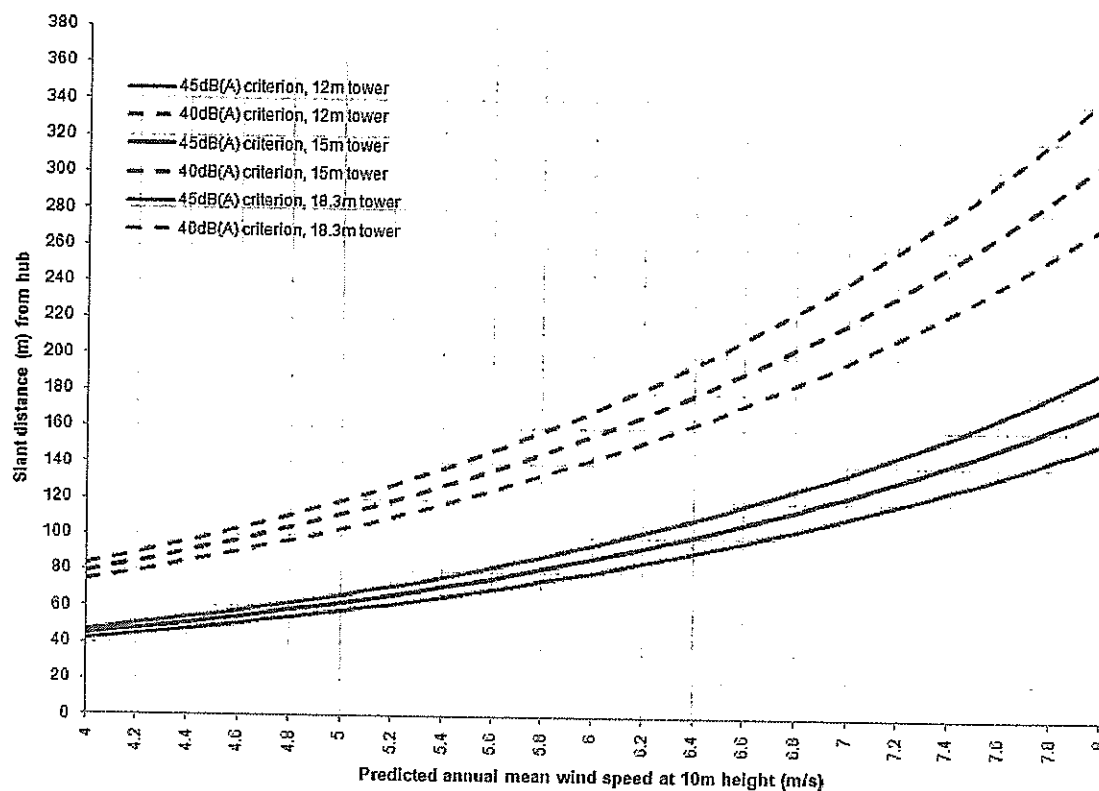


Figure 2 - AMWS noise immission summary

6. Proposal

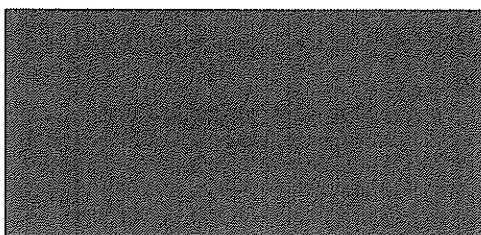
6.1 Turbine Specification

The installation consists of two 5KW Evance Iskra R9000 turbines, mounted on a free-standing 12m galvanized steel towers on a 9m³ concrete foundation. The turbine is a three-bladed horizontal-axis propeller design, with a rotor diameter of 5.4m/114 inches. All non galvanized elements of the turbine will be coloured grey.

6.2 Wind Turbine Colour

A study was undertaken by Evance (manufacturer) a few years ago looking at different colours for turbines, specifically grey, white, black and green. Following this study, grey is proven to blend in better and look the least obtrusive against a rural background (trees, hedges, leaves, etc.) and also against the skyline. The colour has been accepted by planners we have dealt with on rural, agricultural, farm and domestic sites all set in different backgrounds.

Figure 2: Colour of proposed turbine



RAL 7000
Dark Squirrel Grey Test Panel

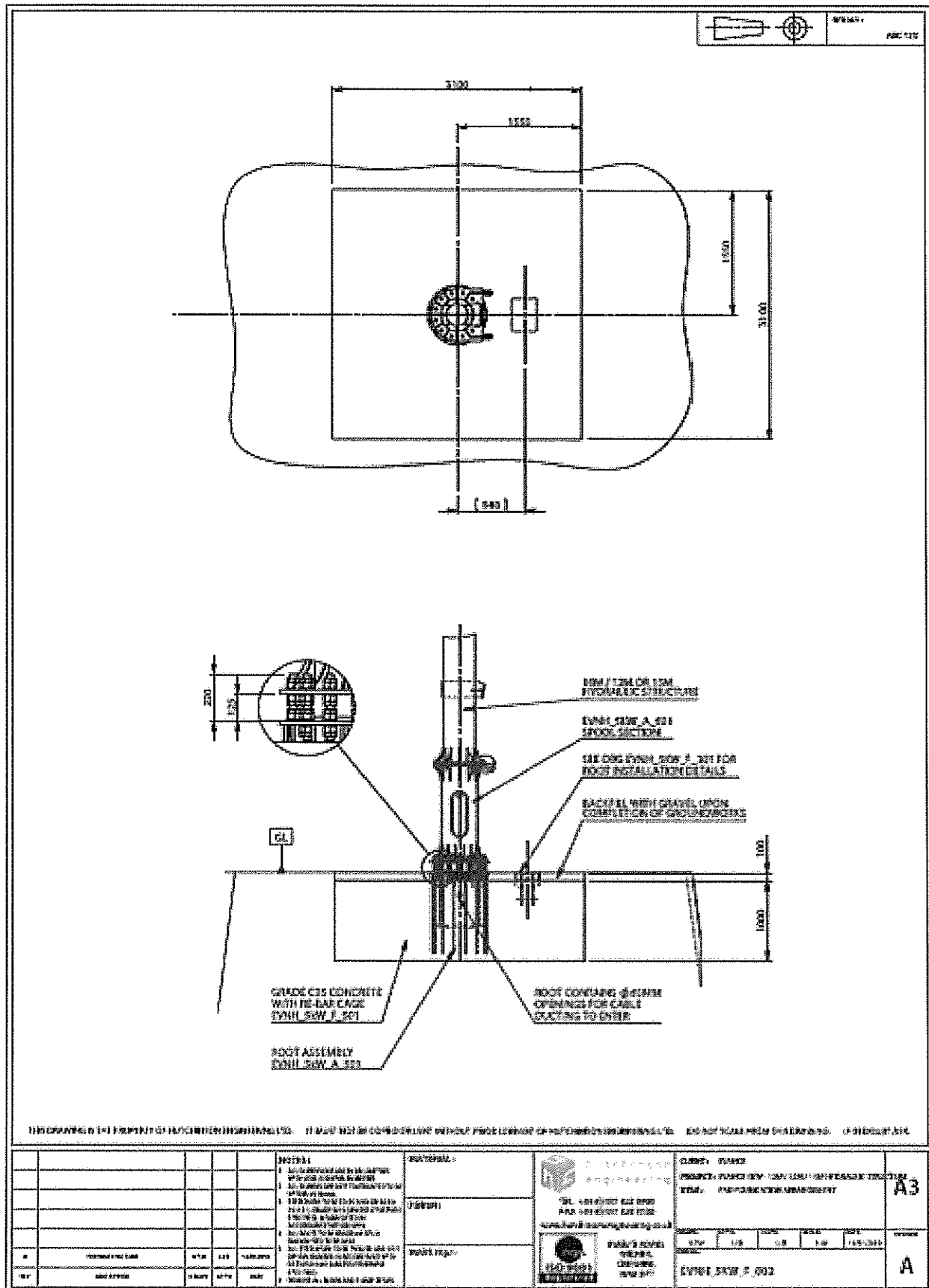
Figure 3: Evance Iskra R9000 Characteristics

Generator rating	5 kW at 11 m/s
Rotor speed	200 rpm nominal (variable)
Cut-in wind speed	3 m/s (6.7 mph)
Survival wind speed	60 m/s (134 mph)
Rotor diameter	5.4 m (114")
Rotor orientation	Upwind
Number of blades	3
Blade material	GRP composite
Control system	Passive blade pitching
Gearbox	None
Brakes	Electro-dynamic
Generator alternator	Permanent magnet
Yaw control	Tail vane
Tower height	12m

Figure 5: Images of 50' Evance Iskra R9000



Figure 6: Arrangement of supports for foundation bolts and reinforcing fabric



7. Planning Policy Overview

7.1 National Planning Policy

In 2004 national government issued 'PPS 22 Planning for Renewable Energy' and its associated 'Companion Guide'. These two documents provide the national framework within which local planning authorities decide on individual planning applications. The ministerial statement made by Yvette Cooper formalised government support for PPS22. It also encouraged local planning authorities to include in their local development frameworks policies requiring new developments to generate at least 10% of their own energy from on site renewable sources. The Government believes that climate change is the greatest long-term challenge facing the world today. Addressing climate change is therefore the Government's principal concern for sustainable development. Policies and priorities for action, both in the UK and internationally, are set out in the Climate Change Programme and the report of the 2006 Energy Review. PPS 22 sets the objective based criteria that must be applied by local planning authorities in deciding individual planning applications to generate energy from wind.

In particular the following elements of Planning Policy Statement 22 are seen as relevant to this case,

Key Principle V1: *Small-scale projects can provide a limited but valuable contribution to overall output of renewable energy and to meet energy needs both locally and nationally. Planning Authorities should not therefore reject planning applications simply because the level of output is small.*

Paragraph 11: *'Small scale developments should be permitted within sensitive landscape areas such as National Parks, Areas of Outstanding Natural Beauty and Heritage Coasts, providing there is no significant environmental detriment to the area concerned.*

Paragraph 18: Local planning authorities and developers should consider the opportunity for incorporating renewable energy projects in all new developments. Small-scale renewable energy schemes utilising technologies such as solar panels, Biomass heating, small-scale wind turbines, photovoltaic cells and combined heat and power schemes can be incorporated both into new developments and some existing buildings. Local planning authorities should specifically encourage such schemes through positively expressed policies in local development documents.

Paragraph 20: Of all renewable technologies, wind turbines are likely to have the greatest visual and landscape effects. *However, in assessing planning applications, local authorities should recognise that the impact of turbines on the landscape will vary according to the size and number of turbines and the type of landscape involved, and that these impacts may be temporary if conditions are attached to planning permissions, which require the future decommissioning of turbines.*

Companion Guide 6.17

For small and medium size projects; in cases where power can be dedicated to on-site uses, economically attractive schemes are a strong possibility. Local Planning Authorities can take a proactive approach to encourage this form of urban wind development.

PPS7 Sustainable Development in Rural Areas draws attention to the Government's objectives for the countryside and sets out the key principles of raising the quality of life in rural areas, encouraging more sustainable use of land, and to diversify and promote growth in rural areas.

Paragraph 16 (i) / (iv) Amongst these are promoting good quality, sustainable development that support development that provides for the sensitive exploitation of renewable energy sources in accordance with the policies set out in PPS22.

PPS 1 Delivering Sustainable Development. Planning and Climate Change- Supplement to PPS1.

Sets out how planning should contribute to reducing emissions and stabilising climate change and take into account the unavoidable consequences. It notes that tackling climate change is a key Government priority for the planning system. Core Strategy policies should be designed to promote and not restrict renewable and low-carbon energy and supporting infrastructure. *A proposal that will contribute to the delivery of the Key Planning Objectives set out in this PPS should expect expeditious and sympathetic handling of the planning application.*

Furthermore Pg14 states that Planning Authorities should ensure any approach to protecting landscape and townscape is consistent with PPS22 and does not preclude the supply of any type of renewable energy other than the most exceptional circumstances.

7.2. Regional Policy Overview

The Climate Change (Scotland) Act (2009) sets a CO2 reduction target for the year 2050, an interim target for the year 2020, and makes provisions for annual targets, for the reduction of greenhouse gas emissions. It confers power on Ministers to impose climate change duties on public bodies and to make further provision with regard to mitigation of and adaptation to climate change. Scotland currently has a target of achieving 40 percent from renewables by 2020.

7.3. Local Policy Overview

SPG 6 of the Interim Planning Policy - Towards Sustainable Construction and Better Design in Shetland states that the Council continue to encourage the use of domestic renewable energy because such developments contribute to lower CO2 emissions and to the development of an island economy less dependent on fossil fuels.

The proposal complies with Shetland Structure Plan (2000) Policies GDS 4 and SPNE1, Shetland Local Plan (2004) Policies LPNE10, and adopted Interim Planning Policy (Towards Sustainable Construction and Better Design in Shetland 2009) Policy SPG6.

8. Alternative technologies

PPS22 encourages developers to consider the opportunity for incorporating renewable energy projects in all development. The applicant initially explored the possibility of installing renewable energy technology at the site to help to increase the property's green credentials, by reducing its reliance on unsustainable methods of energy production. This wish is entirely

reasonable and wholly in accordance with up to-date national planning policy and government advice. Before deciding that a wind turbine was the most appropriate installation the following technologies were considered: Solar PV panels, solar thermal panels and ground source heat pumps. The reasons for discounting these are detailed below;

Solar PV Panels

Solar panels generate electricity, however in this case they are not a viable option. The amount of south facing roof space at the application site is low and given the low levels of solar irradiation an unfeasibly large number of panels would be required to generate anywhere near the amount of electricity as the proposed turbine. Therefore this is not considered a viable option.

Solar Thermal Panels (STP) and Ground Source Heat Pumps (GSHP)

These types of installation would generate hot water for the property, reducing the need to use the boiler. However neither solar thermal panels nor a ground source heat pump would replace or supplement the electricity supply for the property - whereas a wind turbine would. In fact, both these technologies use electricity to pump the water around their systems. These types of installation are therefore suitable in addition to the turbine, but not as an alternative to it. Furthermore, many people who install ground source heat pumps also install turbines to power them. In the future the applicant may consider additional installations such as this to further reduce the property's reliance on grid-supplied energy generated from the burning of fossil fuels.

Wind Turbine

This specific area has a substantial wind resource. This site has a wind speed of 7.4m/s which equates to an estimated 39MWh of electricity per year. The current energy consumption of the property is approximately 49MWh. As such, the turbine will generate approximately 79% of the total energy of the property. At times of low energy demand the turbine will also feed energy back to the grid. This is a significant contribution which has benefits for the wider community in that it works directly towards the Government's regional and national targets for the supply of energy from sustainable sources.

In conclusion, turbines and solar PV panels are designed to produce electricity, solar thermal panels and ground source heat pumps produce hot water. They are complementary to electricity generating equipment and not an alternative to a wind turbine. When comparing the potential electricity generated by a wind turbine and solar PV panels it is evident at this site that the turbine is by far the most appropriate installation and that the significant energy generating capacity of the turbines is sufficient in this case to override the additional landscape impact associated with this type of installation.

9. Precedent

Searches have identified that Shetland Council have granted planning permission for other similar scale turbines. We have also identified other applications where the output from the turbine is to be used for heating. We consider the acceptance of these turbines support this application since any issues raised regarding the turbine's impact on the landscape character are likely to be very similar.

10. Noise

The turbine site chosen is 180m from the closest non-associated residential development. The selected position provides adequate exposure to the prevailing wind and minimises the risk of turbulence. The site has been appropriately specified, designed and located to allow sufficient distance between the micro wind generator and any existing noise-sensitive development so that the noise from the wind turbine will not be a nuisance or a material consideration in deciding the planning application.

The Iskra Evance turbine has been designed to be very quiet. The rotor design and in particular, the low rotor tip speed, coupled with the direct drive system (no gearbox) all ensure the turbine operates as quietly as possible. It is generally accepted that if the wind turbine noise is less than 10db (A) below background noise levels, this will not cause a nuisance to neighbours. On a typical site in the countryside, it is expected that this condition can be met at distances greater than about 75m / 250 feet from the base of the wind turbine, depending on local conditions.

ETSY-R-97 is a Noise Assessment and Rating advice note for Wind Turbine Developments. This Guidance Note recommends that in most cases the fixed noise limit for night time of 43db (A) is acceptable. This limit is derived from 35db (A) sleep disturbance criteria referred to in Planning Policy Guidance Note 24, with allowances made for other noise variations, caused by for example an open window. The Noise Working Group recommends that day time lower fixed limits can be higher than this at 45db (A). They also state that considerations should be given to increasing the permissible margin above background where the occupier of the site has some financial involvement in the wind turbines, meaning that it can be acceptable to have higher noise readings where property in the applicant's ownership is the primary affected residence.

In conclusion, the noise levels of this wind generator is low and under most operating conditions it is likely that the micro wind generator noise would be completely masked by the background noise of wind blowing through and around buildings, uneven ground, difference in elevation, dykes and stone structures.

11. Decommissioning

The design of the wind turbines and the choice of location have been consciously made to facilitate ease of dismantling of the equipment and restoration of the site at the end of its useful life - 20/25 years. Scheduled maintenance will be required; measures will be taken to ensure this is carried out in accordance with health and safety requirements and to protect the safety and security of the public.

The applicant has no objection to the imposition of a planning condition requiring removal of the turbines at the end of their operational life and reinstatement of the land to its former condition.

12. Conclusion

The site for the proposed wind turbines has been chosen carefully to ensure that it can be absorbed by the local landscape and is largely indistinguishable in the landscape from most mid and distant view points. Where it is distinguishable from close vantage points, from the road and from other public rights of way, the design, scale, form and appearance has been selected to ensure that the construction and operation on the proposed site will not be intrusive on the landscape, and are far outweighed by the economic, social and environmental benefits of the proposal outlined above. In addition, this proposal should be viewed as a piece of technology that will, in the long term, help to maintain the viability of the island by reducing carbon emissions.

This taken along with demonstration of no harm, it is considered that this development is appropriate for the location and purpose for which it is intended.

Section 7. Notice of Review

Tuesday 26 July 2011



Infrastructure Services Department
Shetland Islands Council

18 JULY 2011
JH
181 610

FOR OFFICIAL USE ONLY

Ref No:

Date of Receipt:

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)
IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)
(SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Please read and follow the guidance notes provided when completing this form.
This form is only to be used in respect of decisions on proposals in the local development
category. Failure to supply all the relevant information could invalidate your notice of review.

Use BLOCK CAPITALS if completing in manuscript

1. Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

2. Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Mark this box to confirm all contact should be
through this representative: ☒

* Do you agree to correspondence regarding your review being sent by e-mail?

Yes ☒ No ☐

3. Application Details

Planning authority's application reference number

2010/428/PCD

Site address

Grindins, Wester Skeld, Shetland, ZE2 9NL

Description of proposed development

Two 5kW Evance wind turbines on 12m masts to enable a reduction in carbon emissions and energy bills for the property.

Date of application

25/11/2010

Date of decision (if any)

10/05/2011

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of application

- ☐ 1. Application for planning permission (including householder application) ☒
2. Application for planning permission in principle ☐
3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) ☐
4. Application for approval of matters specified in conditions ☐

5. Reasons for seeking review

1. Refusal of application by appointed officer ☒
2. Failure by appointed officer to determine the application within the period allowed for determination of the application ☐
3. Conditions imposed on consent by appointed officer ☐

6. Review procedure

- ☐ The Shetland Islands Council Planning Local Review Body will determine your review by the holding of one or more public hearing sessions.

In the event that the Local Review Body decides to inspect the review site during the determination of your review, in your opinion:

- | | Yes | No |
|--|-------------------------------------|-------------------------------------|
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

Due to livestock and dogs on site any inspections should be accompanied.

7. Statement of Grounds of Review

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Shetland Islands Council Planning Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Please see attached supporting document.

8. New Matters

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes ☐ No ☒

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

9. List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

Mike Boyes appeal (2010428PCD_Appeal.doc)
Alternate location plan (alternate_location_plan.pdf)
Photograph of the application site

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:


- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the ~~applicant~~ agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

17/5/2011

Please send this completed form to:

Shetland Islands Council Planning Local Review Body, c/o Planning, Infrastructure Services Department,
Grantfield, Lerwick, Shetland ZE1 0NT

Telephone: 01595 744800

e-mail: planningcontrol@shetland.gov.ukVisit: www.shetland.gov.uk

Planning Appeal supporting documentation

Ref: 2010/428/PCD

Erect two 5kW wind turbines on 12m masts at:

Grindins, Wester Skeld, Shetland, ZE2 9NL

Reasons for review

We believe that the development complies with both national and local planning policies and that full consideration has been given to local amenity, noise, archaeology and the national scenic area.

Addressing the Councils Reasons for Decision

We would like to address each of the reasons given in the councils decision.

1 – Natural environment and the Yahaarwell Standing Stone

The council stated the following:

“The proposal will be detrimental to the surrounding natural environment of the Wester Skeld area and will adversely affect the setting of the Yahaarwell standing stone, which is recognised as being of national importance and is designated as a scheduled monument under the Ancient Monuments and Archaeological Areas Act 1979 (SAM 2049 Yahaarwell, standing stone, SE of Wester Skeld), and is a key landscape feature.”

The two turbines are to be sited approximately 100m away from the standing stone and at a lower elevation. There is no physical risk to the standing stone. It should be noted that the standing stone is not a prominent landscape feature (see enclosed photograph) and is only just visible from the nearest publicly accessible viewpoints. Our suggested alternate proposal for the siting of a single turbine will place the turbine even further away and at an even lower elevation.

2 – Shetland Islands Council Structure Plan (2000)

The council stated the following:

“The proposal is contrary to Shetland Islands Council Structure Plan (2000) Policies GDS4 Natural and Built Environment, SP ENG5, SP BE1, SP NE2”

Policy GDS4 states:

“New development will conserve and, where possible, improve the quality of life and the environment by:

- a) controlling the location, scale and design of new development to respect, protect and conserve the natural and built environment;
- b) minimising water, air and land pollution and waste generation;
- c) considering all opportunities for the re use of land and buildings;
- d) avoiding hazards to health and safety.”

The aim of installing a small wind turbine is to protect the environment by generating renewable energy that does not produce CO2 or local air or water pollution. The scale of the development is in keeping with the energy needs of the household. It should also be noted that the turbines can be considered a temporary structure as at the end of their 25 year lifespan the turbine can be removed and the local environment reinstated to its previous condition.

Policy SP ENG5 states:

"Proposals which seek to minimise energy consumption by means of location, layout, design, construction and alternative technology will be considered favourably where the proposal does not conflict with other Structure and Local Plan policies."

We fail to see how this policy is a reason for rejection, rather it appears to support our application.

Policy SP BE1 states:

"There will be a presumption against any development proposal that would destroy or have any adverse effect on the following built heritage resources of Shetland.

- Scheduled Ancient Monuments and their setting;
- Buildings and the settings of buildings listed as being of Special Architectural or Historic interest and designated Conservation Areas;
- Archaeological sites and their setting;
- Historic gardens and designed landscapes;
- Other sites and areas of significant archaeological, architectural or historic interest.

The Shetland Local Plan will include detailed policies for their protection and enhancement."

The council have not demonstrated how the turbines would have an adverse effect on either the standing stone or any archaeology. The turbines site is approximately 100m distance from the standing stone and will not damage or disturb the site of the stone in any way. Any concerns over archaeology have been addressed in our original application.

Policy SP NE2 states:

"In the National Scenic Area the conservation and enhancement of the landscape will be given prime consideration in the determination of development proposals. The Shetland Local Plan will contain specific policies for its conservation and enhancement."

Firstly it should be noted that the site in question only just falls within the National Scenic Area. In our application we have given full consideration to the landscape, by placing the turbines down on the hill side they will not be visible against the skyline. The turbines mast is only 12m tall and the turbine itself is small with slender blades that easily blend into the landscape.

We would like to highlight the following sections of the Shetland Islands Council Structure plan that fully support our application:

Chapter 2 General Development Strategy

"Sustainable development is a main aim of Shetland Islands Council and the UK Government and as such touches on all aspects of policy and action. On a global level sustainable development embraces vast issues such as climate change, unrestrained population growth and the over exploitation of non renewable resources."

"A sustainable approach to the environment is also vital. Environmental protection is an essential ingredient of balanced economic growth and sound development for present and future generations. The physical environment's ability to provide clean air, fresh water, fertile land, and diverse and stable ecological systems is fundamental to dynamic and healthy development."

Vision for 2016 "By 2016 The consumption of resources has been dramatically reduced with the development of waste minimisation and the recycling of all our recyclable waste, where practicable. Renewable energy projects are commonplace."

Chapter 7 Energy

"Shetland relies on oil and waste gas for 93% of its energy production. This overwhelming reliance on imported fossil fuel is not sustainable in the longer term. Shetland's energy production fails to take advantage of the islands' abundant renewable energy sources such as wind, wave and tidal power. Scottish Hydro-Electric is obliged by law to obtain a certain amount of electricity from renewable sources."

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.

3 – Shetland Islands Council Local Plan (2004)

Shetland Islands Council Local Plan (2004) Policies LP NE10 Development and the Environment, LP ENG6 Energy Proposals, LP ENG9 Domestic-Scale Aerogenerators

LP NE10 Development and the Environment states:

"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."

In our opinion the development will not have a "significant adverse effect" on the environment.

LP NE10 Energy proposals states:

"The general presumption in favour of renewable energy developments will in all cases be assessed in accordance with policy LP NE10 and qualified by the need to satisfy the following criteria:

- a) where appropriate, the proposal conforms with policy LP ENG8 and the works licence and coastal development requirements set out in Policies SP CST2 and LP CST6;
- b) suitable site restoration proposals which include enhanced biodiversity and the removal of redundant plant and equipment are agreed at the application stage;
- c) the proposal does not conflict with any other Structure"

In our opinion the development is fully compliant with this policy.

LP ENG9 Domestic Scale Aerogenerators states:

"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."

"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."

At 5kW the turbines are safely within the domestic scale. There is no adverse effect on local residents or neighbours, ample distance between the turbines and the nearest housing ensures that noise will not be an issue. The turbines are not located on the skyline. We have aimed to strike a balance between locating the turbine close to the associated dwelling house and keeping the maximum distance from neighbours. However, the alternate proposal for a single turbine closer to the property uses a location closer to the property which is also closer to the neighbouring properties, but still sufficient distance for noise not to be an issue.

4 – Shetland Islands Council Interim Planning Policy

Shetland Islands Council's Interim Planning Policy: Towards Sustainable Construction and Better Design in Shetland: SPG 6 Domestic Wind Turbines.

The policy states:

"Proposals for domestic wind turbines will be permitted provided that the following criteria are met:

Visual and Landscape Impact:

The development does not have an unacceptable impact on the character and appearance of the landscape.

In particular:

- ☐ visually: the size of the 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 wind turbine will serve.
- ☐ proportionately: the wind turbine should be the correct size and scale for its location and should not unnecessarily dominate nearby buildings or landscape features.
- ☐ functionally: the proposed wind turbine should be related to the energy requirements of the dwellinghouse. The Council may seek justification of the choice of a particular turbine"

The design and colour of the turbine are designed to reduce the impact and appearance of the turbine. The scale of the turbines is in keeping with the location and energy needs of the dwelling house.

Local Planning policy

SPG 6 of the Interim Planning Policy – Towards Sustainable Construction and Better Design in Shetland states that the Council continue to encourage the use of domestic renewable energy because such developments contribute to lower CO2 emissions and to the development of an island economy less dependent on fossil fuels.

The proposal complies with Shetland Structure Plan (2000) Policies GDS 4 and SPNE1, Shetland Local Plan (2004) Policies LPNE10, and adopted Interim Planning Policy (Towards Sustainable Construction and Better Design in Shetland 2009) Policy SPG6.

National planning policy

PPS 22 Planning for Renewables, in particular Paragraph 20: *"Of all renewable technologies, wind turbines are likely to have the greatest visual and landscape effects. However, in assessing planning applications, local authorities should recognise that the impact of turbines on the landscape will vary according to the size and number of turbines and the type of landscape involved, and that these impacts may be temporary if conditions are attached to planning permissions, which require the future decommissioning of turbines."*

Noise

The Iskra Evance turbine has been designed to be very quiet. The rotor design and in particular, the low rotor tip speed, coupled with the direct drive system (no gearbox) all ensure the turbine operates as quietly as possible. It is generally accepted that if the wind turbine noise is less than 10db (A) below background noise levels, this will not cause a nuisance to neighbours. On a typical site in the countryside, it is expected that this condition can be met at distances greater than about 75m from the base of the wind turbine, depending on local conditions.

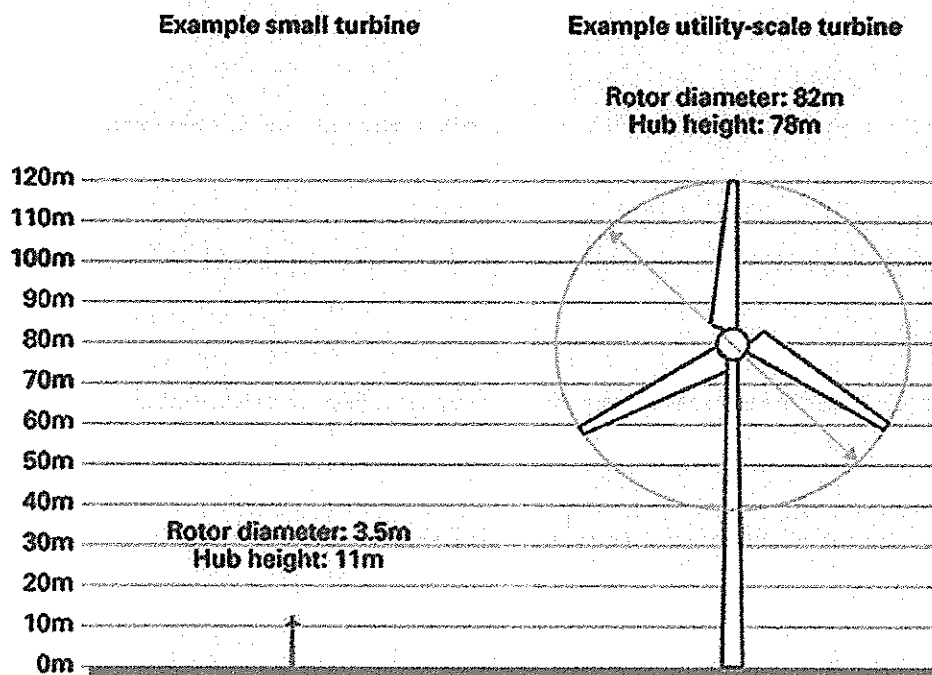
The proposed development is 180m from the closest non-associated residential development, more than double the distance required.

Archaeology

There is a single standing stone on the top of the hill, with the remains of a second on the ground next to it. There are no other archaeological features in the vicinity; the other structures are a mixture of plant and animal shelters. The hill is currently worked by live stock all year around and does not fall under any environmental or archaeological protective schemes. The soil around this location is rock laden and extremely shallow (hence preventing other agricultural activities), this underlying bedrock precludes any buried features in the locality. The turbines are to be situated away from the standing stone and at a lower elevation.

Scale

We would like to highlight the fact that the turbine we are proposing to use is a small turbine. The mast height is 12m, compared with a typical 15m to 18m for 11kW to 15kW turbines and 100m for a commercial wind turbine. The following diagram (source: Carbon Trust) showing an 11m tower illustrates the small scale of the turbine compared with a full size turbine.



Alternate proposal

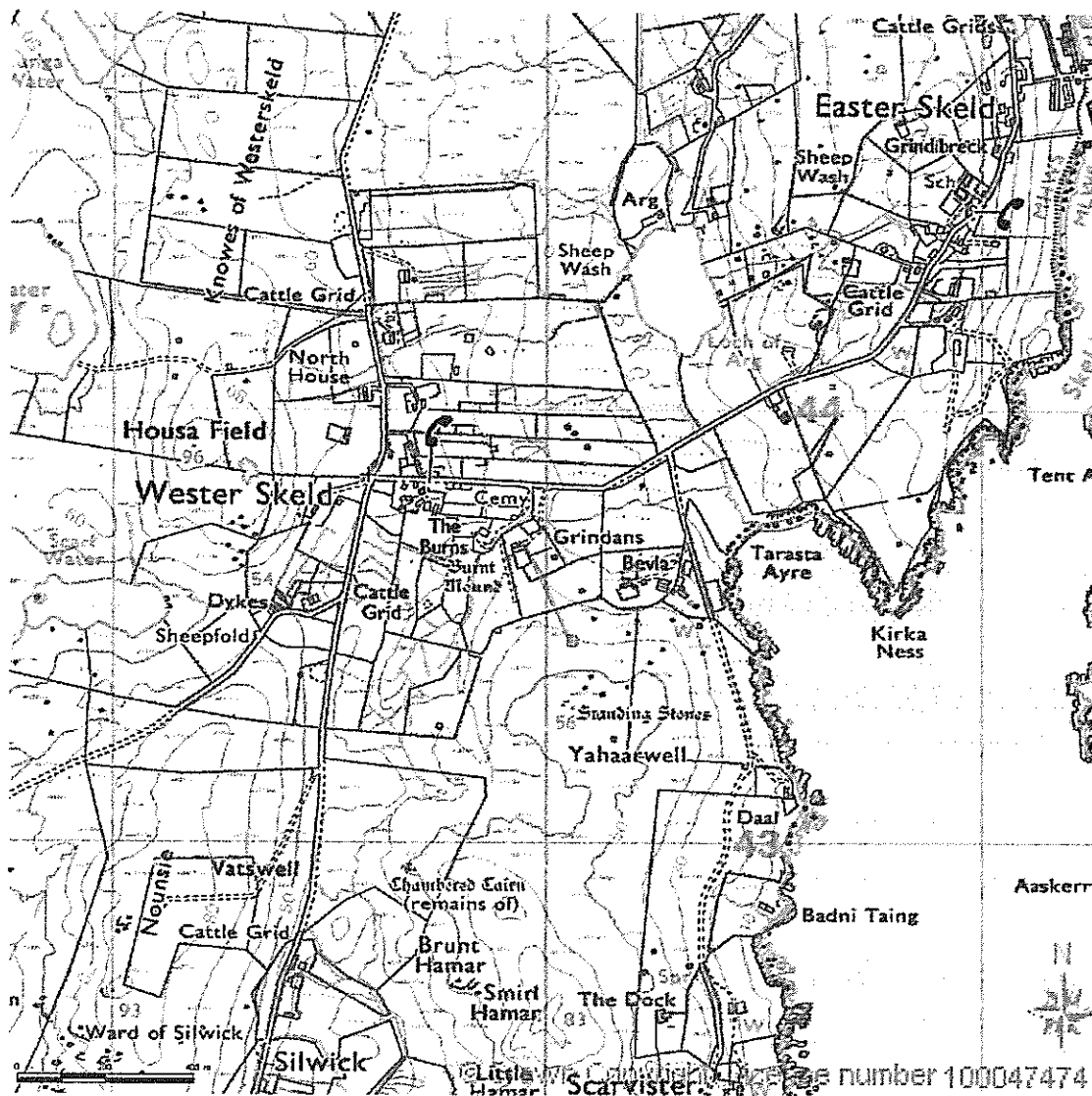
Throughout the planning process we have been willing to make compromises, during discussions with the planning officer an alternative location for a single turbine was discussed but could not be considered under the application as the alternative site would be closer to a neighbour that had raised an objection.

We would like to put forward that alternate proposal for the consideration of the review board.

The alternate proposal consists of reducing the development to only a single 5kW turbine on a 12m mast and moving the location further down the hill. This puts the turbine clearly within the envelope of development and still achieves a distance of 150m from neighbours which is twice the distance needed for noise not to be a concern.

Please see the attached location plan for details.

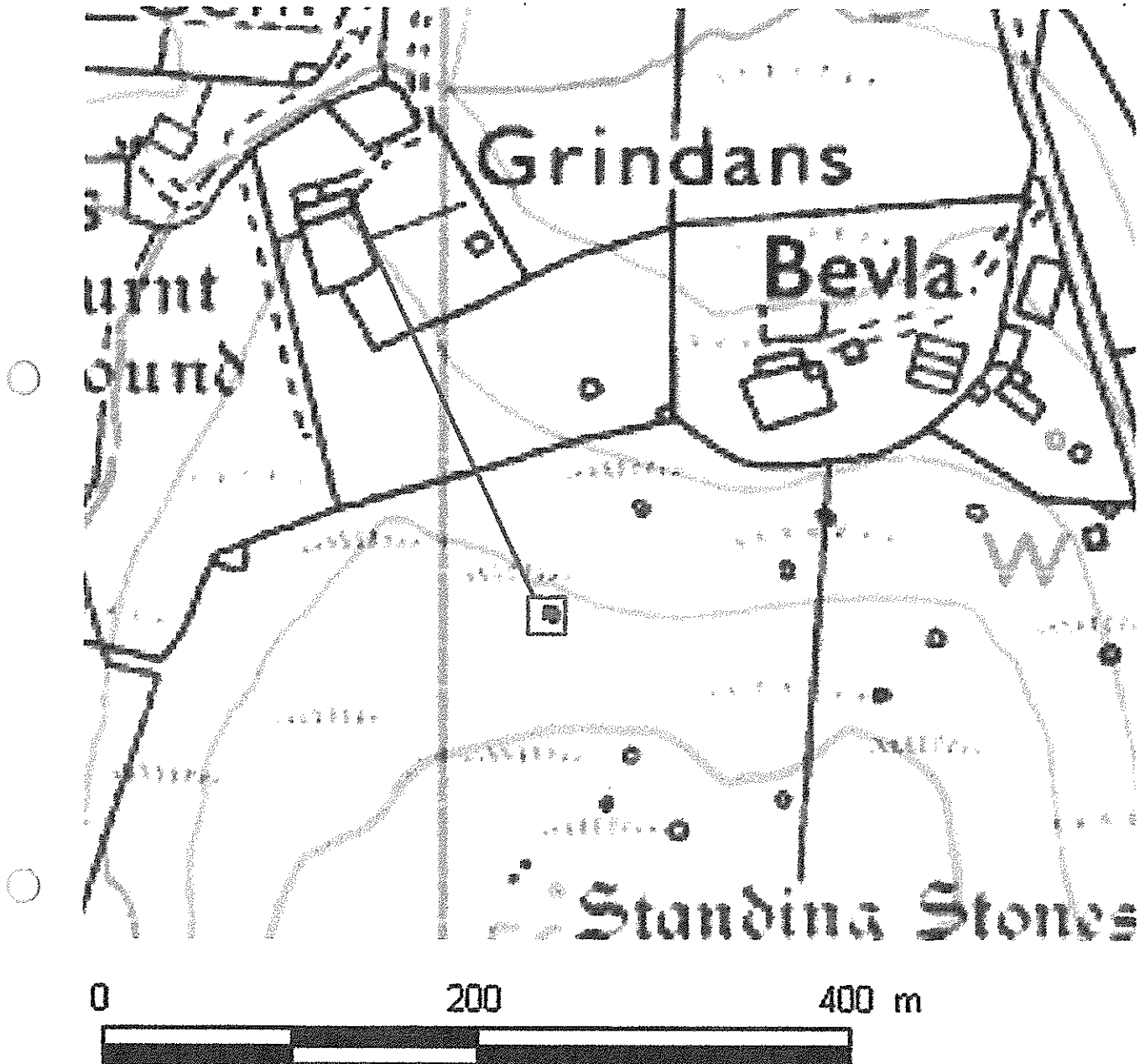
CENTRE COORDINATES: 430013, 1143666



Turbines will be located within the marked areas, red dots show the actual turbine footprint.



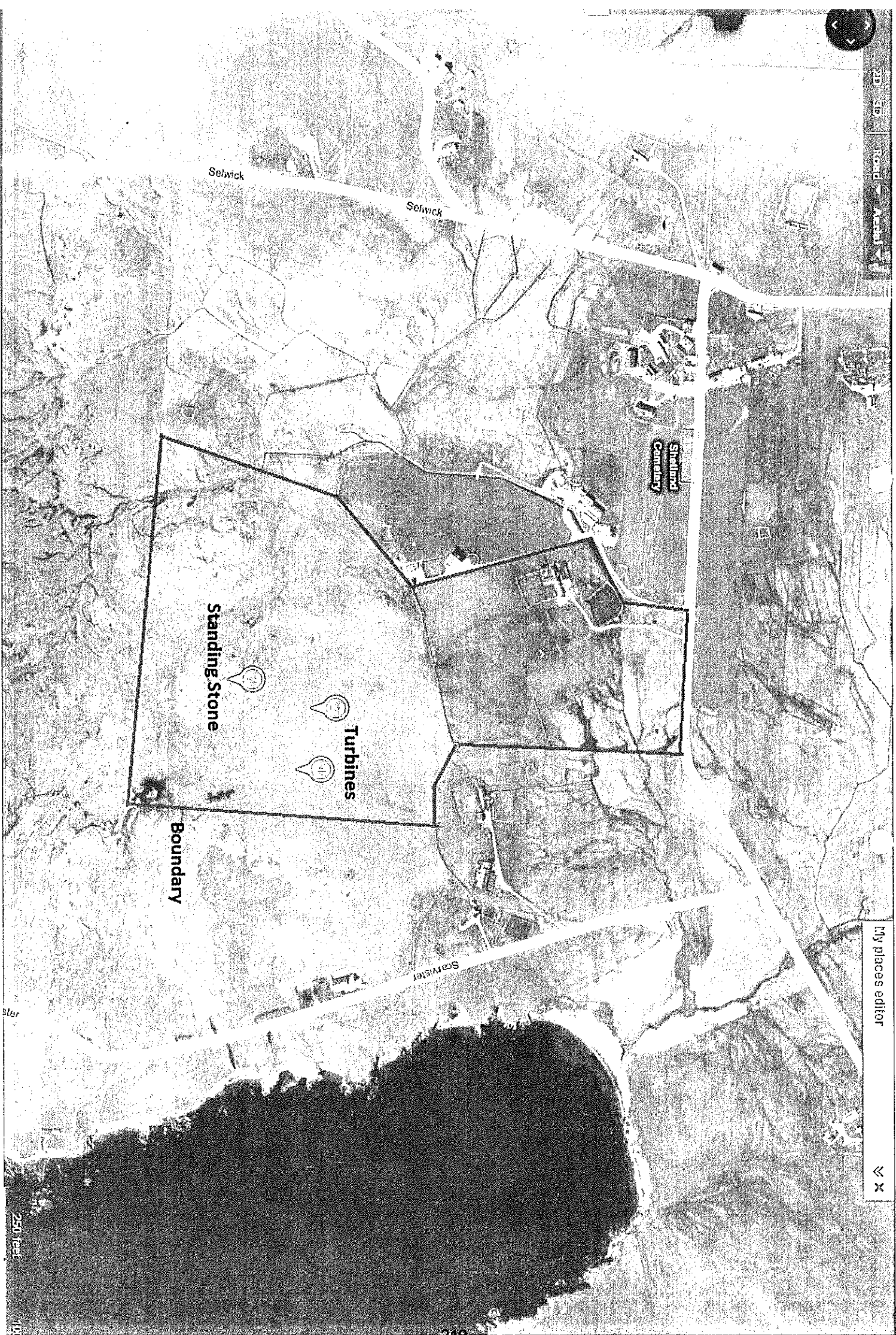
Supplied by Streetwise Maps Ltd
www.streetwise.net
Licence No: 100047474



Turbines will be located within the marked areas, red dots show the actual turbine footprint.

Area Calculation

Turbine 1 – 20m x 20m = 400 sq m
 Cable run 1 – 250m x 0.5m = 125 sq m
 Total area 525 sq m = 0.0525 Hectare



Bevia

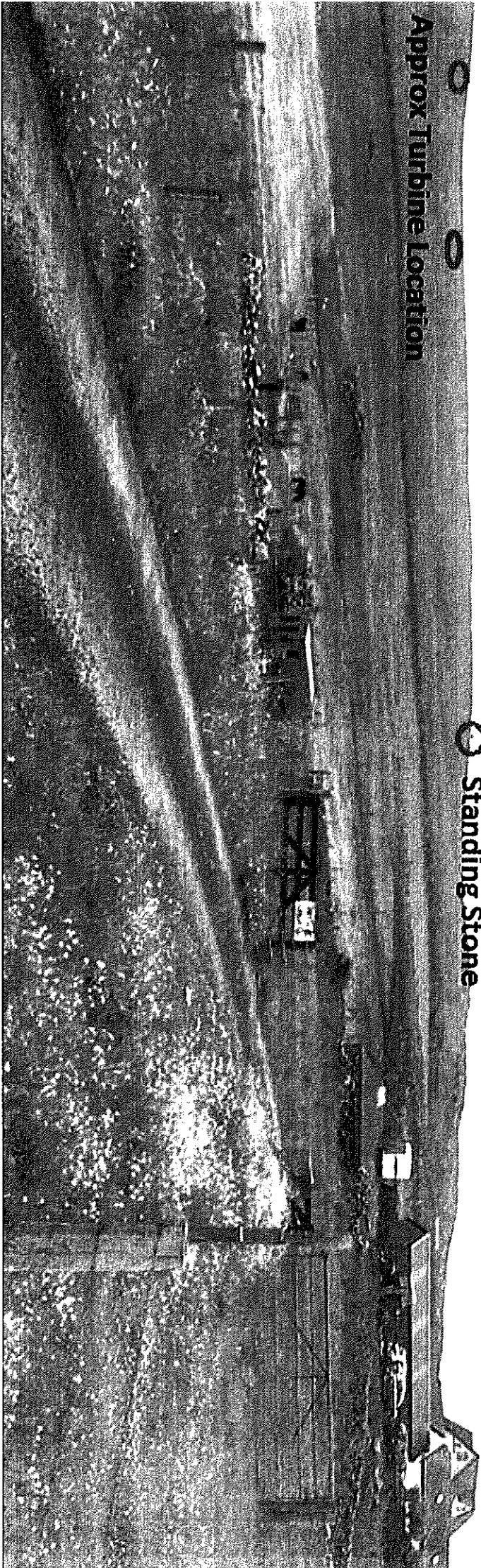
Standing
Stone

Rocky Outcrop

Grindins

Approx Turbine Location

Standing Stone



Section 8. Representations made under Regulation 10(4)

Tuesday 26 July 2011

SIC INFRASTRUCTURE SERVICES	
14 JUN 2011	
PASS TO 152053	ACTED BY

"Bevlah",
Westerskeld,
Shetland Isles.
ZE2 9NL.
22nd June 2011

Planning Application Ref: 2010/428/PCD - LR8

Dear Mr Holden,

Thank you for your letter of 1st June 2011 alerting us to the fact that Mr Michael Boyes, "Grindins", Westerskeld plans to contest the refusal of the above planning application. We wish again to make our feelings on this matter very clear.

We have already been in touch with Mr J Wiseman regarding this matter and pointed out that Mr Boyes had, at that time, not been in touch with either Mr Robert Couper - the owner of the nearest property - "Bevlah" (cottage) or Mr Alaster Couper, "Dykes", Westerskeld, - the tenant of the croft adjoining his land. There is no change here - neither party has, to date, been contacted for their feelings to be considered.

Mr Boyes plans to erect these windmills in partnership with "Shetland Wind Power" - this is not a community based venture, Mr Boyes is the only individual who stands to profit from this development. The commercial interest is, for us, very worrying - could we find ourselves living beside an expanding wind farm? We are all for individuals looking at renewable sources of energy - our daughters have opted for ground source heating in their new homes. We are very worried about, and against, the commercial aspect of this application.

As you will see on the plans, Mr Boyes hopes to site his windmills well away from his own property - but very close to both our home and that of Mr Robert Couper. We have been out in the community and have looked at and listened to other similar sized windmills - only managing to find singular structures to inspect. We found them to be quite noisy and are told that residents living close by have difficulty with TV reception and have concerns with dips in the power supply to their own homes - all very worrying for us in this situation.

The maintenance of the windmills is a major concern for us - the way in which Mr Boyes has looked after his croft and animals over the relatively short length of time that he has lived in the community can only add to our worries. We note that the structures planned by Mr Boyes have a 5 year guarantee - not a very long time. In the event of the structures failing, the prevailing wind would mean that any debris would be blown directly towards our home.

The map clearly shows the location of some "Standing Stones" - these are very often visited by tourists and locals. I trust that "Historic Scotland" has been asked to submit their feeling about this application in the interest of our cultural heritage.

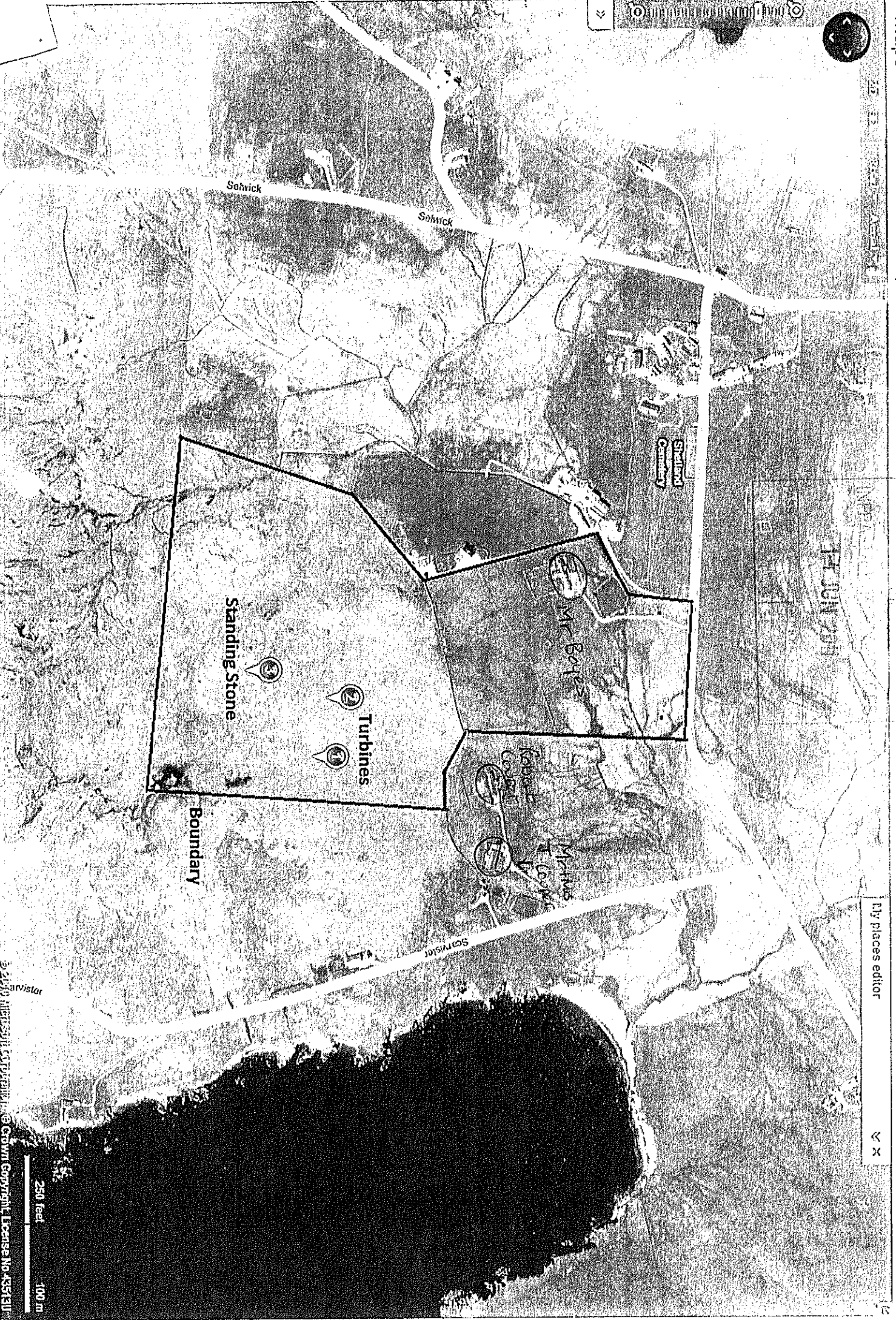
The land to the rear of our property and that of Mr Boyes is a rich nesting ground for several species of birds.

We trust that you will uphold the refusal of this application.

Yours sincerely,

John J Couper
Janette E Couper

PS - I enclose the aerial plan given to us by Mr Boyes.



Holden John@Infrastructure Services

From: Oliver.Lewis@scotland.gsi.gov.uk
Sent: 21 June 2011 15:43
To: Holden John@Infrastructure Services
Cc: Wiseman Jonny@Infrastructure Services
Subject: RE: Local Review Ref: 2010/428/PCD - LR8: Erect two 5kw wind turbines on 12m high (ground to hub) masts: Grindins, Wester Skeld, Skeld by Michael Boyes
Attachments: 2049 Yahaarwell standing stone - local review letter - 21 June 2011.pdf; 2049 Yahaarwell standing stone - DMPR for wind turbines - 31 March 2011.pdf

Dear Mr Holden,

Please find attached a letter regarding the local review of this planning application, plus a copy of our original response.

Apologies for the delay in responding to you.

Regards,

Oliver Lewis | Inspector of Ancient Monuments | Heritage Management: North Casework

Historic Scotland | Alba Aosmhor
 Longmore House, Salisbury Place, Edinburgh, EH9 1SH
 t| 0131 668 8092
 m| 07824 518 200
 e| oliver.lewis@scotland.gsi.gov.uk
www.historic-scotland.gov.uk

From: john.holden@shetland.gov.uk [mailto:john.holden@shetland.gov.uk]
Sent: 16 June 2011 11:25
To: Lewis O (Oliver)
Cc: Jonny.Wiseman@shetland.gov.uk
Subject: Local Review Ref: 2010/428/PCD - LR8: Erect two 5kw wind turbines on 12m high (ground to hub) masts: Grindins, Wester Skeld, Skeld by Michael Boyes

Dear Mr Lewis

Please find attached a further letter in connection with the above.

Yours sincerely

John Holden
 Service Manager - Development Management
 Planning

Shetland Islands Council
 Planning
 Infrastructure Services Department
 Grantfield
 Lerwick
 Shetland
 ZE1 0NT

Tel: (01595) 743898

21/06/2011

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21/06/2011

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AOSMHOR

Mr John Holden
Service Manager – Development Management
Environment and Planning
Shetland Islands Council
Infrastructure Services
Grantfield
LERWICK
Shetland
ZE1 0NT

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Direct Line: 0131 668 8092
Direct Fax: 0131 668 8722
Switchboard: 0131 668 8600
Oliver.Lewis@scotland.gsi.gov.uk

Our ref: AMH/2049/10
Our Case ID: 201101284
Your ref: 2010/428/PCD-LR8

21 June 2011

Dear Mr Holden,

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008

2010/428/PCD Erect two 5kw wind turbines on 12m high (ground to hub) mast on land at Grindins, Wester Skeld, Skeld

Thank you very much for your letters of 01 June 2011 and 16 June 2011 (which we received on 03 June 2011 and 20 June 2011 respectively) regarding the notification for local review in relation to the refusal of the above planning application. I apologise for not having been in touch sooner.

Historic Scotland responded to the planning consultation on 31 March 2011, and a copy of our letter is attached for reference. Whilst we did not object to the planning application, we did note in our letter that the proposed wind turbines would constitute an adverse impact upon the setting of a scheduled monument, and that this impact could be significantly mitigated if the turbines were relocated downslope to the NNE, or if the development was reduced to one turbine.

I can confirm that we do not wish to make any further representations in relation to the local review, and likewise do not require to attend the public hearing session.

If you have any further queries then please do get in touch with me.

Yours sincerely,

Oliver Lewis
Inspector of Ancient Monuments
Heritage Management – North Team



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AOSMHOR

Jonny Wiseman
Environment and Planning
Shetland Islands Council
Infrastructure Services
Grantfield
LERWICK
Shetland
ZE1 0NT

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Direct Line: 0131 668 8092
Direct Fax: 0131 668 8722
Switchboard: 0131 668 8600
Oliver.Lewis@scotland.gsi.gov.uk

Our ref: AMH/2049/10
Our Case ID: 201007884
Your ref: 2010/428/PCD

31 March 2011

Dear Mr Wiseman,

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (SCOTLAND) REGULATIONS 2008
Erection of 2 wind turbines, Grindins, Wester Skeld
SAM 2049 Yahaarwell, standing stone, SE of Wester Skeld**

Thank you for your consultation of 24 March 2011 which we received on 28 March 2011 requesting comments on the above application for the erection of two wind turbines on land at Grindins, Wester Skeld.

The proposed wind turbines lie approximately 95m NNE of Yahaarwell standing stone, which is recognised as being of national importance and is designated as a scheduled monument under the Ancient Monuments and Archaeological Areas Act 1979 (SAM 2049 Yahaarwell, standing stone, SE of Wester Skeld).

Yahaarwell standing stone comprises a three-sided block of red granitic stone which stands approximately 2.5m high on top of a hill at approximately 55m above sea level. A few metres away lies a prostrate stone of a similar size, and it is likely that these two stood erected as a pair. The stone was sited to be a prominent feature in the landscape and a key component of its setting is the uninterrupted wide landscape views.

Whilst Historic Scotland considers that two wind turbines c.15m to blade tip at this location would constitute an adverse impact upon the setting of the scheduled monument, we do not feel that this raises issues of national significance and therefore do not object to this application. However, we note that the impact of the development could be significantly mitigated if the turbines were to be relocated further away to the NNE from the standing stone, or if the development was reduced to one turbine. We would therefore ask that your Council takes local planning policy into account when considering this application.



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Please note that our comments relate only to scheduled monuments. For comments on unscheduled archaeology you should contact the local authority archaeologist (Val Turner, Shetland Amenity Trust, Garthspool, Lerwick, Shetland Islands, ZE1 0NY).

Yours sincerely,

Oliver Lewis
Inspector of Ancient Monuments
NE Team

Development: Extend existing cemetery and install new access road and car parking area; Bixter Cemetery.

By: Shetland Islands Council

Application Ref: 2011/075/PCD

1. Introduction

- 1.1 This is a full (detailed) planning application for improvement works to the Bixter Cemetery. The works will include: the extension of the existing burial plot area to the west of the cemetery; the addition of a new access road off the public highway to the east of the cemetery leading down to an integral car parking area directly to the south of the cemetery, and finally the addition of a new sea outfall pipe for surface water drainage.
- 1.2 This application is being presented to Members as the Shetland Islands Council is the applicant and has a financial interest in the project, and because a letter of objection has also been received.

2. Statutory Development Plan Policies

2.1 Shetland Islands Council Structure Plan (2000) Policies

- GDS4 Natural and Built Development
- SP NE1 Standard of Design, Scale & Materials

2.2 Shetland Local Plan (2000) Policies

- LP NE10 Development and the Environment
- LP NE11 Local Protection Areas (LPAs)
- LP NE14 Agricultural Land
- LP BE13 Design
- LP WD11 Surface Water Drainage Standards
- LP COM14 Bad Neighbour Developments
- LP TP12 Car Parking Standards and Guidelines
- LP CFS4 Community Facilities
- LP CFS6 Burial Grounds
- Interim Planning Policy Towards Sustainable Construction Better Design In Shetland (2009) – LDP 1 All Development: General
- Interim Planning Policy Towards Sustainable Construction Better Design In Shetland (2009) – LDP 2 All Development: Layout and Design
- Interim Planning Policy Towards Sustainable Construction Better Design In Shetland (2009) – LDP 3 All Development: Location
- Interim Planning Policy Towards Sustainable Construction Better Design In Shetland (2009) – SPG 1 Layout and Design

- Interim Planning Policy Towards Sustainable Construction Better Design In Shetland (2009) – SPG 12 All Development: Access/Visibility Splay/Car Parking

3. **Safeguarding**

- 3.1 Adjacent to a Local Protected Area.

4. **Consultations**

- 4.1 Shetland Islands Council: Road Services – No objections; standard conditions.
- 4.2 SEPA: No objections
- 4.3 Shetland Archaeologists: No objections, however the addition of a condition requiring a pre-development topographical survey followed by an evaluation excavation, has been requested.
- 4.4 Community Council: No objections; the development is welcomed by the Community Council.

5. **Statutory Advertisements**

- 5.1 Advertised under Regulation 20(1)(c) as a Bad Neighbour Development as defined under the terms of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008.

6. **Representations**

- 6.1 Two letters of representation received from the landowner Mrs Mary Hunter Houston, has been received in relation to this proposal; Mrs Houston's main point of objection is as follows:
- I have always been willing to sell land for the extension of the Garden Cemetery; however, I am not willing to sell land for the proposed car park.

7. **Report**

- 7.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 states that:

Where in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan, unless material considerations indicate otherwise.

- 7.2 The Statutory Development Plan Policies against which this application has to be assessed are listed at paragraphs 2.1 and

2.2 above. The determining issues to be considered are whether the proposal:

- complies with Development Plan Policy; or
- there are any other material considerations which would warrant the setting aside of Development Plan Policy.

7.3 Site Location

Bixter Cemetery is a well-established burial ground that is sited approximately 260 metres to the west of the Burn and Brig of Twatt, and approximately 730 metres to the east of Park Hall.

7.4 The existing cemetery sits adjacent to the main west road at its shore side, with the nearest residential property approximately 350 metres to the northeast. The cemetery is surrounded by a stonewall with a small lay-by at a gated opening that looks onto the public road. Users of the cemetery currently make use of an adjacent hardstanding area as car parking facilities

7.5 An application for a similar extension was approved under the Council's former Notice of Intention to Develop application process in 1997 (Ref: 1997/437/NID). The proposal was for a similar sized extension to the west side of the existing cemetery, with a smaller car park off the public highway adjoining the extension. However, this application was never implemented and lapsed in May 2000.

7.6 Proposed Works

As briefly outlined in paragraph 1.1, the main part of the works is for the extension of the burial ground area by approximately 800 square metres. This extension will be sited to the west of the existing cemetery, with a continuation of the perimeter wall - a small rounded section of wall will be roofed and used as a storage facility, and will also act a feature along the west wall.

7.7 At the south shore side of the existing and proposed extension there will be a car parking area for approximately 52 cars – as opposed to the previously approved 12-space car park, with access through to the new and old cemetery by gate. The car parking area will be accessed via a new road sited off the east side of the existing cemetery.

7.8 The proposal will also include the installation of a surface water drainage pipe to sea; this will dispose of surface water run-off from the access road and car parking area.

7.7 Objections

One letter of representation from the landowner has been received in response to this application. The landowner states that they are agreeable to the extension of the cemetery, however, they object to the use of good grassland for a car parking area. This issue is a valid point, as it is regrettable

seeing swathes of infrequently used tarmac within an unspoilt rural setting. However in this instance, the car parking area will not be visible from the public road passing by the cemetery. The most visible point looking onto the car parking area will be from the elevated public road leading into Aith and the public road at Effirth however, due to the distances involved, the overall visual impact on the surrounding landscape will be minimal. The land is not classed as good agricultural land as defined by the Macaulay Land Use Institute nor is it designated good grassland by the Community Council.

7.8 Current Council Policies

The main policies against which this application has to be assessed, are firstly the overarching environmental policies that seek to ensure that all new development does not detract from the setting of, or damage, the surrounding natural and built environment. Also relevant are the policies that seek to ensure a high quality and good standard of design. These policies are Shetland Structure Plan (2000) policies SP NE1 Standard of Design, Scale & Materials and GDS4 Natural and Built Environment and also Shetland Islands Council Local Plan (2004) Policies LP NE10 Development and the Environment and LP BE13 Design. This development will not have a detrimental effect on the surrounding natural environment of the Garden area of Bixter. This proposal is the extension of an existing well established cemetery that has had a previous (lapsed) application approved – with a good choice of high quality materials in terms of the gate and stone boundary wall. Also, Shetland Local Plan (2004) policies LP CFS4 Community Facilities and LP CFS6 Burial Grounds support this proposal, and the proposal is compliant with the aims of both these policies.

8. Conclusions

8.1 As indicated at paragraph 7.2 above, the determining issues with regard to this development are whether the proposal:

- complies with Development Plan Policy; or whether
- there are any other material considerations which would warrant the setting aside of Development Plan Policy.

8.2 For the reasons set out in paragraph 7.8, this proposal complies with the policies listed in paragraphs 2.1 and 2.2.

9. Policy and Delegated Authority

9.1 A decision to approve this application with the relevant conditions ensures that the development complies with Council planning policy and the decision is delegated to the Planning Committee.

- 9.2 If Members are minded to refuse the application as a departure from the Shetland Islands Council Development Plan Policy, it is imperative that clear reasons for proposing the refusal of planning permission contrary to the development plan policy and the officer's recommendation be given and minuted in order to comply with Regulation 28 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008,, and for the avoidance of doubt in the case of a subsequent planning appeal or judicial review. Failure to give clear planning reasons for the decision could lead to the decision being overturned or quashed, and an award of costs being made against the Council, on the basis that it is not possible to mount a reasonable defence of the Council's decision.

9.3 Notification to Scottish Ministers

Not considered necessary on this occasion.

10. Recommendation

- 10.1 In compliance with Development Plan Policy it is recommended that this application be approved subject to the following conditions.

(1) The development hereby permitted shall not be carried out other than wholly in accordance with the following plans and details (as may be amended and/or expanded upon by a listed document following afterward) unless previously approved in writing by the Planning Authority:

- Location Plan (Drw No. 11 Rev B)
- Site Survey Plan (Drw No. 12 Rev C)
- Site Plan as Proposed (Drw No. 13 Rev C)
- Site Layout (West) (Drw No. 14 Rev C)
- Trial Holes (Drw No. 17)
- Site Layout (East) (Drw No. 18 Rev A)
- Drainage Layout (Drw No. 19 Rev A)
- Section Line Plan (Drw No. 20 Rev A)
- Sections A-A & B-B (Drw No. 21)
- Sections C-C & D-D (Drw No. 22)
- Sections E-E & F-F (Drw No. 23)
- Implement Store Plan (Drw No. 24)
- Section X-X (Drw No. 25)
- Section Y-Y (Drw No. 26)
- Standard Lair Arrangement (Drw No. 101)
- Standard Cill Types (Drw No. 102)
- Double Gate Detail (Drw No. 104)
- Double Gate Pillars (Drw No. 105)
- Gate Latch & Hinge Details (Drw No. 106)
- Headstone Beam Details (Drw No. 107)
- Manhole and Paving Details (Drw No. 108)

• Stone Wall Details (Drw No. 109)
received by the Planning Authority on 03 December 2010.

Reason: For the avoidance of doubt as to what is being authorised by this permission

(2) The development hereby permitted shall be commenced within three years of the date of this permission.

Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 20 of the Planning etc. (Scotland) Act 2006.

(3) The developer shall submit a written 'Notice of Initiation of Development' to the Planning Authority at least 7 days prior to the intended date of commencement of development. Such a notice shall:

(a) include the full name and address of the person intending to carry out the development;

(b) state if that person is the owner of the land to which the development relates and if that person is not the owner provide the full name and address of the owner;

(c) where a person is, or is to be, appointed to oversee the carrying out of the development on site, include the name of that person and details of how that person may be contacted; and

(d) include the date of issue and reference number of the notice of the decision to grant planning permission for such development

Reason: To ensure that the developer has complied with the pre-commencement conditions applying to the consent, and that the development is carried out in accordance with the approved documents, in compliance with Section 27A of The Town and Country Planning (Scotland) Act 1997 (as amended).

(4) Development shall not commence until a suitably experienced archaeologist, acceptable to the Regional Archaeologist on behalf of the Planning Authority, has undertaken a topographical survey of the mounds around the development (to provide both locational and contour information), followed by an evaluation excavation to a brief agreed with the Planning Authority in consultation with the Regional Archaeologist. The timescale for this work to take place shall be notified to both the Planning Authority and the Regional Archaeologist at least 14 days in advance, in order to allow for monitoring to take place.

Reason: To protect any any archaeological interests in or around the development site and in compliance with Shetland Structure Plan (2000) policy GSD4 and SP BE1 and also Shetland Local Plan (2004) policy LP NE10.

(5) Development shall not commence until the following visibility splay is provided; thereafter the visibility splay shall be maintained throughout the lifetime of the development.

- A visibility splay of 2.5 metres by 215 metres shall be provided to the junction of the access with the public road;

Reason: In the interests of road safety and to ensure a satisfactory standard of development in compliance with Policy LP TP12 of the Shetland Local Plan (June 2004).

(6) The hereby approved access road shall be constructed to a minimum of 5.5 metres in width for at least the first 6 metres from the edge of the public and shall have been completed in bitmac for at least the first 10 metres from the public road before works to construct the extension of the cemetery hereby permitted begin.

Reason: To ensure that the infrastructure serving the development site is completed, both in the interests of visual amenity and to provide a safe access for vehicles, with a clear view, in the interests of public and road safety in compliance with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LP TP12.

(7) At the junction of the development site with the access road:

- No fence, wall, bushes or other potential obstruction to visibility shall be permitted within 2.5 metres from the edge of the access road; and
- The gradient of the access shall not exceed 5% (slope of 1 in 20) for the first six metres from the road edge.
- Any gate should be set back a minimum of 6 metres from the edge of the public road. If the gate is outward opening then this distance should be increased to 10 metres. This is to allow a vehicle to stand clear of the road while the gate is being opened.
- The existing drain along the north boundary of the cemetery wall shall be protected or alternative measures shall be taken to intercept surface water along the verge and the public road.
- Parking shall be clearly marked and shall be as per approved Drw. No. 14 (Site Layout West). Parking shall be kept clear of the access road into the car parking area.

Reason: To ensure that the infrastructure serving the development site is completed, both in the interests of visual amenity and to provide a safe access for vehicles, with a clear view, in the interests of public and road safety in compliance with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LP TP12.

(8) Lair drainage shall be designed and installed as per the approved plans (Drw No. 19 and 108).

Reason: To prevent any surface water entering the burial lair and to avoid pollution of the surrounding ground water, and in compliance with Shetland

Structure Plan (2000) policies GDS4 and SP NE1 and also Shetland Local Plan (2004) policies LP NE10, LP WD11 and LP WD12.

(9) In so far as this consent shall relate to the surface water drainage to be constructed in association with the development it shall relate only to provision of:

- a connection to a surface water sea outfall as detailed on Drw No. 19 Rev A. received on 03 December 2010.

No part of the development shall be brought into use until the surface water drainage is fully operational.

Reason: For the avoidance of doubt as to what is being authorised and to ensure the provision of adequate means of drainage in the interests of public health and the control of pollution in compliance with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPWD6.

(10) Any land disturbed by the construction of the development shall be graded and reinstated with topsoil and seeded or turfed with grass or otherwise landscaped. All planting, seeding or turfing shall be carried out by the end of the first planting and seeding season following the completion of the development. If the site is to be reinstated other than by seeding or turfing with grass a scheme for the landscaping of the site shall first be submitted to and approved in writing by the Planning Authority before the commencement of any landscaping works.

Reason: To ensure the reinstatement of land disturbed by the construction of the development in compliance with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPBE13.

(11) If any top soil, spoil or waste materials arising from the excavation of the site and the construction of the development are to be removed from or disposed of outwith the site, details of the method of disposal of any such materials, including details of the location of any storage or disposal sites, shall be submitted and approved in writing by the Planning Authority prior to the commencement of development.

Reason: To ensure that any top soil or waste material arising from the construction of the development is disposed of to an authorised site and in an environmentally acceptable manner in compliance with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPBE13.

Note to Applicant:

Notice of Completion of Development:

To ensure both that the development is carried out in accordance with the approved documents, and compliance with Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended). Upon the completion of the development hereby permitted, and as soon as practicable, the person

carrying out the development shall provide the Planning Authority with a written notice of that completion.

Road Opening Permit:

A Road Opening Permit must be obtained from the Roads Service prior to carrying out any works to form an access onto the public road. You are advised to contact them prior to the commencement of any development: Roads Services, SIC Department of Infrastructure Services, Gremista, Lerwick ZE1 0PX.

Building Warrant:

You are advised to contact the Building Standards Service on 01595 744800 as a building warrant is required for your development.

11. Attachments

11.1 Location Plan

11.2 Site Plan

11.3 Letters of objection from Mrs Mary Hunter Houston, dated 10 December 2010 and 4 April 2011.

12. Background Papers

12.1 None

Report Ref: 2011/075/PCD
Officer: Jonny Wiseman
Planning Board: 26 July 2011



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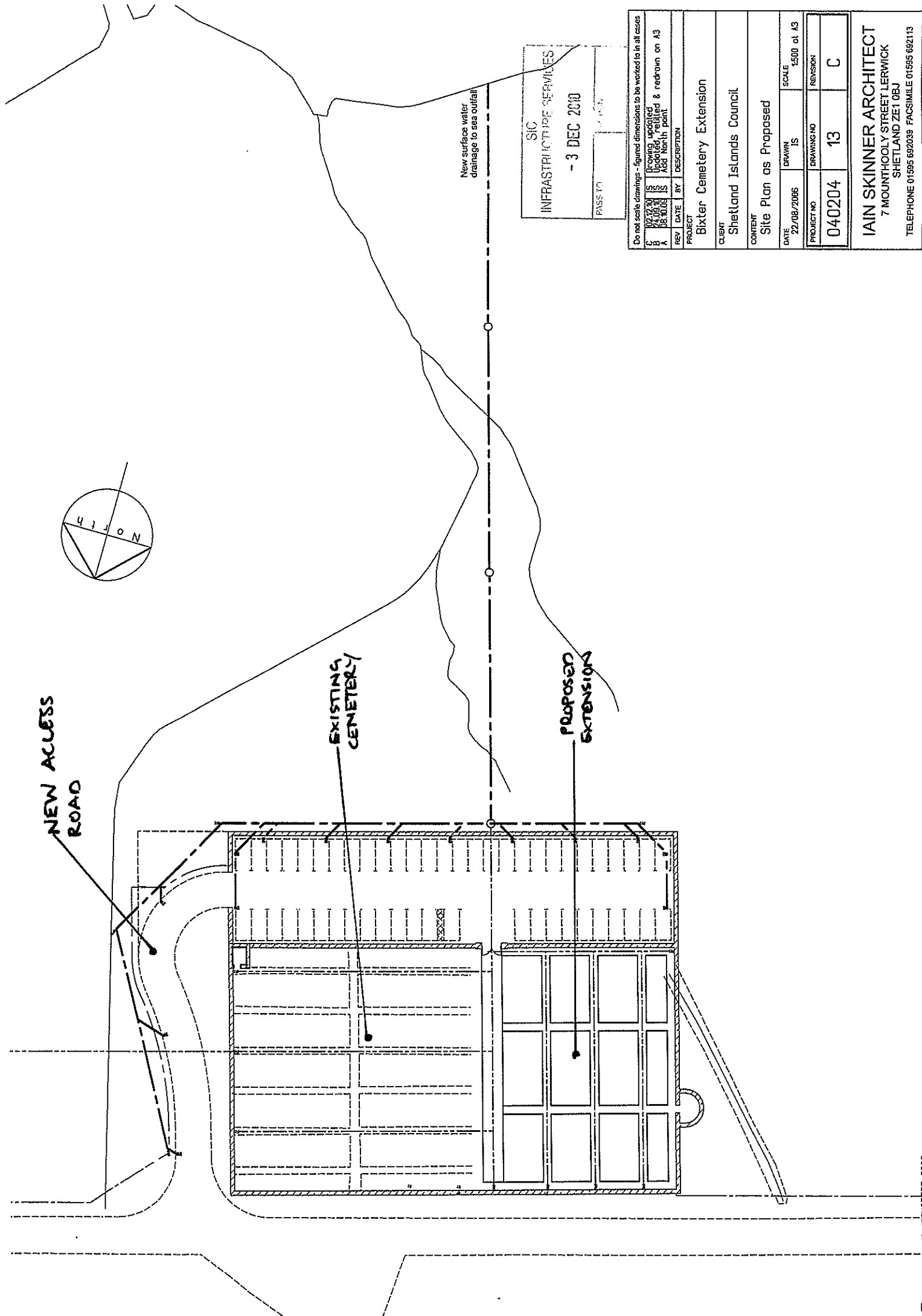
Scale: 1:5000

Date: 06/07/11

PB: LW

7
8

12



SIC
INFRASTRUCTURE SERVICES
- 3 DEC 2010
PASS TO

Do not scale drawings - figured dimensions to be worked to in all cases

REV	DATE	BY	DESCRIPTION
C	02.12.10	IS	Drawing updated
B	24.08.10	IS	Updated, retitled & redrawn on A3
A	08.10.09	IS	Add North point

PROJECT	Bixter Cemetery Extension		
CLIENT	Shetland Islands Council		
CONTENT	Site Plan as Proposed		
DATE	22/08/2006	DRAWN	IS
SCALE	1:500 at A3		
PROJECT NO	040204	DRAWING NO	13
REVISION	C		

IAIN SKINNER ARCHITECT
7 MOUNTBOOBY STREET LERWICK
SHETLAND ZE1 0BJ
TELEPHONE 01595 692039 FACSIMILE 01595 692113

SIC
INFRASTRUCTURE SERVICES

14 DEC 2010

CLASSIFIED 149270 ACTION

GARDEN CEMETARY, GARDEN.

TO EXTEND EXISTING CEMETARY
WITH NEW ACCESS ROAD and CARPARK

I am pleased to agree to the
extension of Garden Cemetery.

Because already there is a
well-hollowed-out and
well-used car park opposite,
I strongly depseate and
oppose the proposed
destruction of grassland

(MARY HUNTER HOUSTON

LANDOWNER)

10-12-10

SIC INFRASTRUCTURE SERVICES	
- 6 APR 2011	
PASS TO GG 150880	ACTION

TRESTA,
H-H-11

Dear Sir,

GARDEN CEMETARY, GARDEN.

Thank you for your notice of plan of
23-3-11.

As I have no property in BIXTER,
I take it you refer to the above.

I have always been willing to sell
land for the extension of the GARDEN
CEMETARY.

I am not willing to sell land for the
proposed CAR PARK.

Yours faithfully

(MRS. M



REPORT

To: Planning Committee

26 July 2011

**From: Development Management
Planning
Development Services Department**

Applications for Planning Permission for Local Developments where Determination cannot be taken by Appointed Person under Approved Scheme of Delegation

1 Purpose of Report

- 1.1 The Planning Scheme of Delegations that has been approved by the Council, as well as that which has been approved by the Scottish Ministers, identifies the appropriate level of decision making to ensure compliance with the 1997 Planning Act.
- 1.2 Applications for planning permission that fall within the category of Local Development under the hierarchy of development introduced by the Planning etc. (Scotland) Act 2006, which is at the heart of the modernised planning system, are expected to mainly be determined by officers as have been appointed by the planning authority. The approved Scheme of Delegations does however provide exceptions, both specified and statutory, where the determination of an application where the proposal is for a Local Development instead falls to be determined by the Planning Committee.
- 1.3 The exceptions that apply include applications where: a) the Council has an interest (and stands to benefit in some way from the development proceeding) and where there are objections (a specified exception); b) the planning authority or a member of the planning authority is the applicant; and c) the land to which the application relates is either in the ownership of the planning authority or the planning authority has a financial interest in it. In relation to interpretation of the latter two exceptions any part of the Council is regarded as being the planning authority.
- 1.4 With the agreement of the Chairperson and Vice-Chairperson of the Planning Board, applications for Local Development, where the exceptions that are set out in paragraph 1.3 above applied and so therefore the decision fell to be made by the Planning Board, were set out in a table that included the related officer recommendation.
- 1.5 The applications for Local Development that are set out in the table below, where exceptions apply, have each had a Report of Handling prepared by the officer detailing: the proposal; the assessment carried out; and recommended conditions or refusal reasons (as appropriate), as well as the

reasons for such a decision, and this is available in the Member's Room at the Town Hall.

Planning Application Ref.	Development Proposed	Applicant	Officer Recommendation
2011/85/PCD	To provide overnight accommodation to staff members within an existing office building, Unit 3, Sellaness Industrial Estate, Graven, Mossbank. (retrospective application).	Cape DBI Industrial Services Limited	Approve, with conditions
2011/111/PCD	To undertake engineering operations comprising hard and soft landscaping with re-surfacing works to provide a communal garden area, Brucehall Terrace, Uyeasound, Unst .	Brucehall Tenants Association	Approve, with conditions
2011/140/PCD	Erect detached dwellinghouse with septic tank and soakaway Braewick, Eshaness.	Mr A Nicolson & Ms L Anderson	Approve, with conditions

- 1.6 In respect of each application a decision that accepts the officer's recommendation will, in the opinion of the Head of Planning, comply with Council planning policy. If Members are minded to determine an application contrary to the officer's recommendation, as a departure from the Shetland Islands Council Development Plan Policy, it is imperative that clear reasons for proposing to do so, contrary to the development plan policy and the officer's recommendation, be given and minuted in order to comply with Regulation 28 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and for the avoidance of doubt in the case of a subsequent planning appeal or judicial review. Failure to give clear planning reasons for the decision could lead to the decision being overturned or quashed, and an award of costs being made against the Council, on the basis that it is not possible to mount a reasonable defence of the Council's decision. Notification to the Scottish Ministers is not required in the case of each application.

2. Recommendation

- 2.1 In compliance with Development Plan Policy it is recommended that the applications that have been received and which are set out in this report are determined in accordance with the officer's recommendations in the case of each application, for the reasons that are set out in the related Report of Handling.

planning board.doc
J R Holden
Planning Committee: 26/7/2011

Report of Handling

Development: To provide overnight accommodation to staff members within an existing office building, Unit 3, Sellaness Industrial Estate, Graven, Mossbank (retrospective application).

By: Cape DBI industrial Services Limited

Application Ref: 2011/85/PCD

1. Introduction

- 1.1 This is a full planning application to change the use of one room in an existing office building to provide occasional overnight accommodation for staff.

2. Statutory Development Plan Policies

2.1 Shetland Islands Council Structure Plan (2000) Policies

GDS1: Sustainable Development
GDS2: Economic Competitiveness
GDS4: Natural and Built Environment

2.2 Shetland Islands Council Local Plan (2004) Policies

LP NE10: Development and the Environment

3. Safeguarding

- 3.1 Within the COMAH safeguarded area around the Sullom Voe Oil Terminal where consultation with the Health and Safety Executive is required.
- 3.2 Within the safeguarded area around Scatsta Airport for all development exceeding 15 metres in height.

4. Consultations

4.1 Shetland Islands Council

Roads Services: The access into the site should be surfaced in bitmac for at least the first 20 metres from the edge of the public road. This is due to the steep gradient already serving the site which is difficult to change due to the development that has already taken place. Parking provision should be made within the site for a minimum of 5 cars.

Environmental Health Service: Occupancy level should be checked as the facilities available will limit the numbers that can be accommodated. There would be no objection to single or twin occupation.

- 4.2 Delting Community Council: No objections.

5. **Statutory Advertisements**

5.1 Not required.

6. **Representations**

6.1 None.

7. **Report**

7.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 states that:

Where in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan, unless material considerations indicate otherwise.

7.2 There are Statutory Development Plan Policies against which this application has to be assessed and these are listed at paragraph 2 above. The determining issues to be considered are whether the proposal:

- complies with Development Plan Policy; or
- there are any other material considerations which would warrant the setting aside of Development Plan Policy.

7.3 This is a retrospective application for permission to use one room within a business operating from a site on the Sellaness Industrial Estate to provide overnight accommodation for up to 2 members of staff. The accommodation would be used on an occasional basis when an emergency on-call service is required in the area.

7.4 The building is an existing business premises that has been on site at Sellaness for a number of years and is mainly used as an office.

7.5 The principle of the location of overnight accommodation on an industrial area is not ideal as there could be conflicts with industrial uses. In the Shetland Structure Plan (2000), a stated aim is to ensure that the business and industrial needs of Shetland are met within the context of protecting, sustaining and enhancing the environment. The availability and retention of land and premises is an important factor in accommodating new development and additional business growth. Accommodation is in short supply in this general area, and in order for this business to operate there is the need to be able to provide an on-call 24-hour service on occasion. A precedent has also been set by the granting of permission for the temporary accommodation block required in connection with the

construction of the Shetland Gas Plant. It is proposed that any permission granted be granted on a temporary basis only for a limited period of 5 years to retain control over the development and allow the situation to be monitored.

- 7.6 Roads Services has recommended that the access into the site be surfaced with bitmac for the first 20 metres from the public road because of the slope of the existing access. The existing access is not surfaced at present, but given that there are risks associated with not addressing problems at an existing access in terms of the compromising of road safety and incurring of additional road maintenance costs, the requirement for finishing the access with bitmac as recommended by Roads Services should be attached as a condition to any permission granted.

8. Conclusions

- 8.1 As indicated at paragraph 7.2 above, the determining issues with regard to this development are whether the proposal:
- complies with Development Plan Policy; or whether
 - there are any other material considerations which would warrant the setting aside of Development Plan Policy.
- 8.2 The proposed development complies with the aims and intent of the Development Plan. The proposed development will not have a detrimental impact on surrounding land uses and there are no material considerations that would warrant refusal of this application.

9. Policy and Delegated Authority

- 9.1 A decision to approve this application with the relevant conditions ensures that the development complies with Council planning policy. As the application is for a proposed development falling within the category of Local Development and as the Council is the landowner, the decision to determine the application is delegated to the Planning Committee under the Scheme of Delegation that has been approved by the Scottish Ministers.
- 9.2 Notification to Scottish Government - Not required.

10. Recommendation

- 10.1 It is recommended that the application is approved subject to the conditions listed below.

11. Conditions

- (1) The development hereby permitted shall not be carried out other than wholly in accordance with the following plans and details (as may be amended and/or expanded upon by a listed document following afterward) unless previously approved in writing by the Planning Authority:

- Location Map, Drg No 2011/085/PCD – SIC 01
- Existing Site Plan, Floor Plan & Elevations, Drg No DBI/01

received by the Planning Authority on 21 March 2011.

Reason: For the avoidance of doubt as to what is being authorised by this permission.

- (2) The permission hereby granted shall be valid until 31 July 2016. On expiry of this period (unless a subsequent application for Full Planning Permission has been granted) the use of part of the building to provide overnight accommodation shall cease.

Reason: In order to retain control over the development and to ensure that the development does not conflict in the long term with industrial uses on an industrial estate and in order to comply with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPNE10.

- (3) Within 3 months of the date of this permission the access into the site shall be surfaced in bitmac for the first 20 metres from the public road.

Reason: To ensure that the infrastructure serving the development site is completed, both in the interests of visual amenity and to provide a safe access for vehicles, in the interests of public and road safety in compliance with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPNE10.

- (4) As well as five car parking spaces, turning provision for cars shall be constructed within the development site in the form of a standard hammer head or a manoeuvring space at least 7.6m x 7.6m.

Reason: To allow adequate space for vehicles park and to turn and exit the site in forward gear in the interests of traffic safety and in order to comply with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPNE10.

Note to Applicant:

Building Warrant

You are advised to contact the Building Standards Service on 01595 744800 to discuss any building warrant requirements for your development.

12. **Attachments**

12.1 Location Map

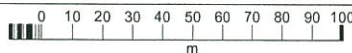
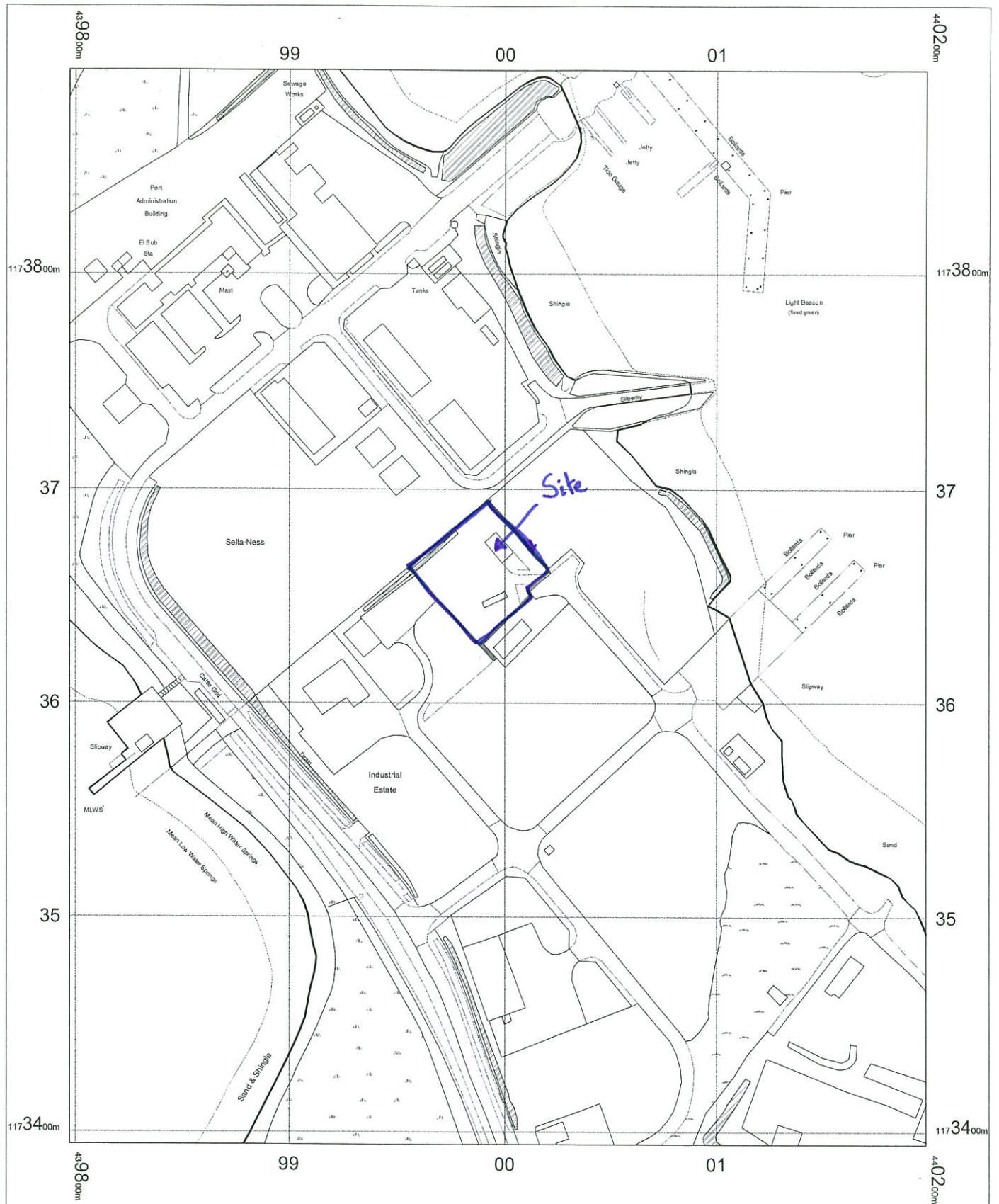
12.2 Site Plan

13. **Background Papers**

13.1 None.

2011/85/PCDReport_of_Handling.doc
Planning Officer:JGBS

LOCATION MAP



SIC INFRASTRUCTURE SERVICES	
N 21 MAR 2011	
PASS TO	ACTION

OS Mastermap
04 March 2011, ID: CM-00062190
www.centremapslive.co.uk

1:2500 scale print at A4, Centre: 439997 E, 1173644 N

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Mapping
sourced from

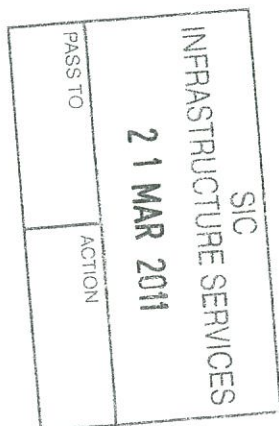
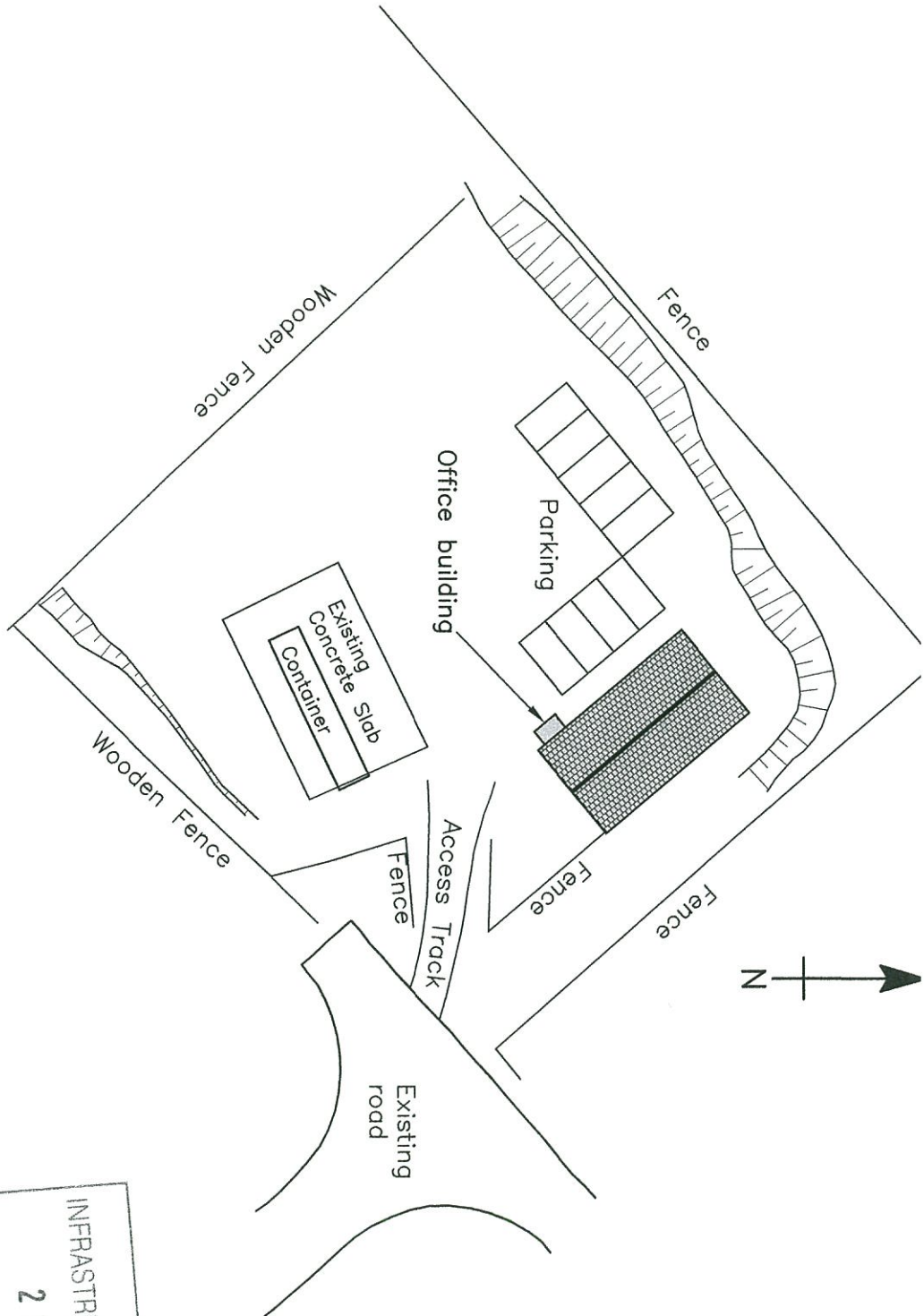
OS Ordnance
Survey



Shetland
Islands
Council

SITE PLAN.

Existing Site Plan 1:500



CLIENT	Cape DDI Industrial Services Limited. 33-35 McFarlane Street, Paisley, PA3 1SA	DRAWING No.	REV
PROJECT	Planning Application for Change of Use	DBI/01	A
DRAWING	Existing Site Plan, Floor Plan and Elevations		
SCALE As Shown	DATE March 2011		

Report of Handling

Development: To undertake engineering operations comprising hard and soft landscaping with re-surfacing works to provide a communal garden area, Brucehall Terrace, Uyeasound, Unst

By: Brucehall Tenants Association

Application Ref: 2011/111/PCD

1. Introduction

- 1.1 This proposal is to undertake engineering operations to provide a communal garden area for the tenants of Brucehall Terrace at Uyeasound in Unst by the provision of hard and soft landscaping and re-surfacing works.
- 1.2 Landscaping will incorporate a curved natural stone wall at 75 cm in height which will run approximately along the full length of the garden; the provision of paving slabs and stone planters and a wooden boundary fence at 1 metre in height to serve as a wind barrier. Low hedging will also be planted along the length of the fence.

2. Statutory Development Plan Policies

2.1 Shetland Islands Council Structure Plan (2000) Policies

GDS4 : Natural and Built Environment
SPNE1 : Landscape and Design

2.2 Shetland Local Plan (2000) Policies

LPNE10 : Development and the Environment
LPBE13 : Design

3. Safeguarding

- 3.1 None.

4. Consultations

- 4.1 Unst Community Council – Consulted on 28 April 2011 and responded on 12 May 2011 with no objections or comments to the proposed development.

5. Statutory Advertisements

- 5.1 None.

6. Representations

6.1 None.

7. Report

7.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 states that:

Where in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan, unless material considerations indicate otherwise.

7.2 The Statutory Development Plan Policies against which this application has to be assessed are listed at paragraphs 2.1 and 2.2 above. The determining issues to be considered are whether the proposal:

- complies with Development Plan Policy; or
- there are any other material considerations which would warrant the setting aside of Development Plan Policy.

7.3 The proposed garden will be situated to the south east of and immediately adjacent to Brucehall Terrace in a Zone 2 area of Uyeasound, Unst,

7.4 The layout plan of the proposed garden (Drawing No. 2011/111/PCD_SIC/003) demonstrates the position of an existing pathway and shed that has been on site for more than 15 years. This shed is currently being used by the tenant at No. 1 Brucehall Terrace and is owned by Shetland Islands Council. As such, the existing pathway and shed are not to be considered as part of the planning application submission and as such are conditioned accordingly.

7.5 It is considered that the proposed development will contribute to the visual amenity of the existing settlement area and therefore will have no adverse impact upon the natural and built environment, or upon the amenities of neighbouring properties given that the proposal is being provided for the benefit of and use by the local community. As such, the proposal complies with Shetland Structure Plan (2000) Policies GDS4 and SPNE1 and Shetland Local Plan (2004) LPBE13 and LPNE10.

8. Conclusions

8.1 As indicated at paragraph 7.2 above, the determining issues with regard to this development are whether the proposal:

- complies with Development Plan Policy; or whether
- there are any other material considerations which would warrant the setting aside of Development Plan Policy.

For the reasons set out in paragraph 7.5 above the proposal complies with development plan policy and is recommended for approval.

9. Policy and Delegated Authority

9.1 A decision to approve this application with the relevant conditions ensures that the development complies with Council planning policy. As the application is for a proposed development falling within the category of Local Development and the proposal is situated on Council land, the decision is delegated to the Planning Committee under the Scheme of Delegation that has been approved by the Scottish Ministers.

9.2 If Members are minded to refuse the application as a departure from the Shetland Islands Council Development Plan Policy, it is imperative that clear reasons for proposing the refusal of planning permission contrary to the development plan policy and the officer's recommendation be given and minuted in order to comply with Regulation 28 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and for the avoidance of doubt in the case of a subsequent planning appeal or judicial review. Failure to give clear planning reasons for the decision could lead to the decision being overturned or quashed, and an award of costs being made against the Council, on the basis that it is not possible to mount a reasonable defence of the Council's decision.

9.3 Notification to Scottish Ministers

Not considered necessary on this occasion.

10. Recommendation

10.1 In compliance with Development Plan Policy it is recommended that this application be approved subject to the following conditions.

Conditions:

(1) The development hereby permitted shall not be carried out other than wholly in accordance with the following plans and details (as may be amended and/or expanded upon by a listed document following afterward) unless previously approved in writing by the Planning Authority. :

- Location Plan - Drawing No. 2011/111/PCD_SIC/001
 - Site Plan - Drawing No. 2011/111/PCD_SIC/002
- received by the Planning Authority on 18 April 2011.

- Layout Plan - Drawing No. 2011/111/PCD_SIC/003
(excluding the existing shed and pathway)
received by the Planning Authority on 31 January 2011.

Reason: For the avoidance of doubt as to what is being authorised by this permission.

(2) The development hereby permitted shall be commenced within three years of the date of this permission.

Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 20 of the Planning etc. (Scotland) Act 2006.

(3) The developer shall submit a written 'Notice of Initiation of Development' to the Planning Authority at least 7 days prior to the intended date of commencement of development. Such a notice shall:

- (a) include the full name and address of the person intending to carry out the development;
- (b) state if that person is the owner of the land to which the development relates and if that person is not the owner provide the full name and address of the owner;
- (c) where a person is, or is to be, appointed to oversee the carrying out of the development on site, include the name of that person and details of how that person may be contacted; and
- (d) include the date of issue and reference number of the notice of the decision to grant planning permission for such development.

Reason: To ensure that the developer has complied with the pre-commencement conditions applying to the consent, and that the development is carried out in accordance with the approved documents, in compliance with Section 27A of The Town and Country Planning (Scotland) Act 1997 (as amended).

(4) If any top soil, spoil or waste materials arising from the excavation of the site and the construction of the development are to be removed from or disposed of outwith the site, details of the method of storage or disposal of any such materials, including details of the location of any storage or disposal sites, shall be submitted and approved in writing by the Planning Authority prior to the commencement of development.

Reason: To ensure that any top soil or waste material arising from the construction of the development is disposed of to an authorised site and in an environmentally acceptable manner in

compliance with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPBE13.

Note to Applicant:

Notification of completion of development:

As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.

11. Attachments

- 11.1 Location Map
- 11.2 Site Plan
- 11.3 Layout Plan

12. Background Papers

- 12.1 None

Report Ref: 111_Report_to_Planning_Committee
Officer: D Stewart
Planning Board: 26 July 2011

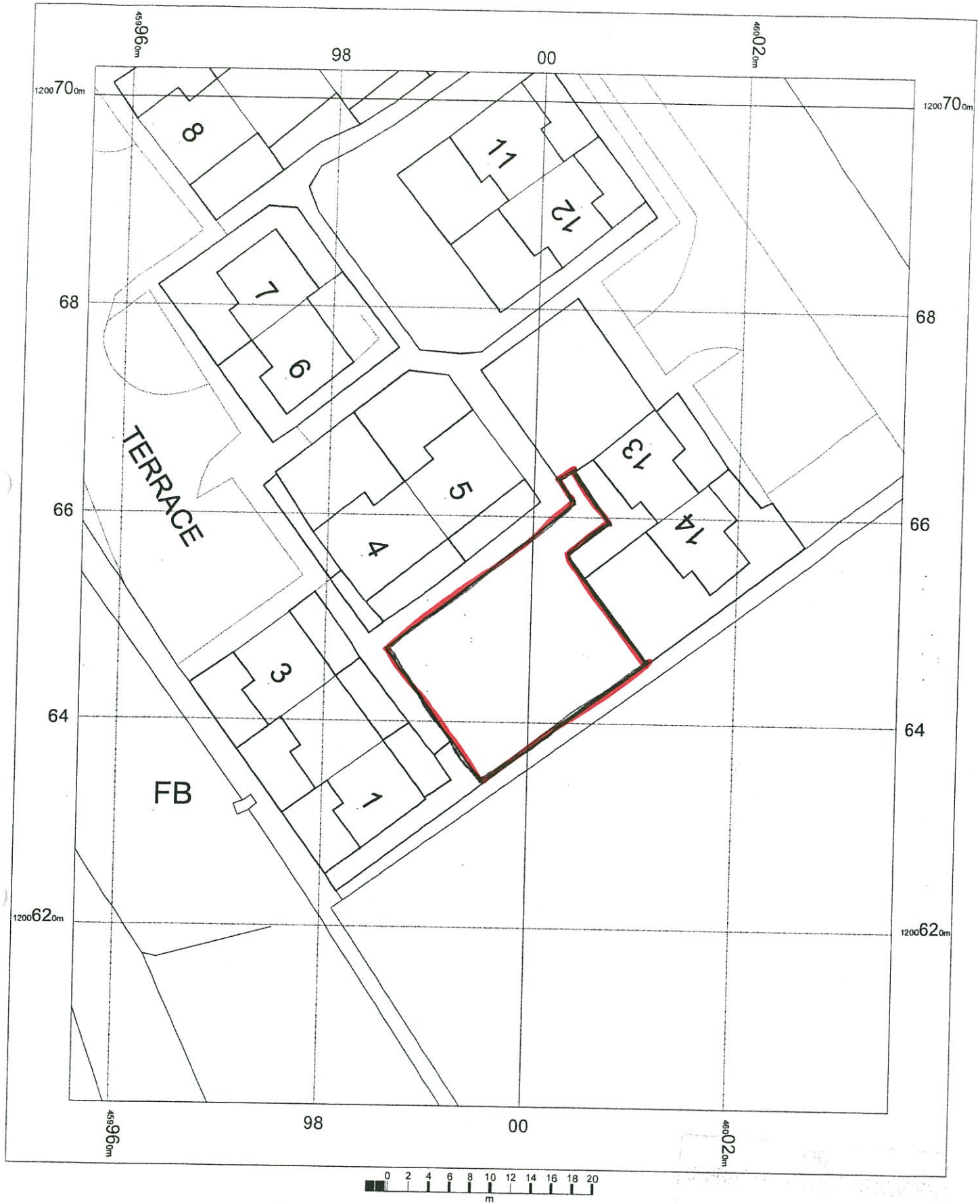


OS Mastermap
08 April 2011, ID: CM-00067303
www.centremapslive.co.uk

1:2500 scale print at A4, Centre: 459966 E, 1200663 N

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OS Mastermap
08 April 2011, ID: CM-00067316
www.centremapslive.co.uk

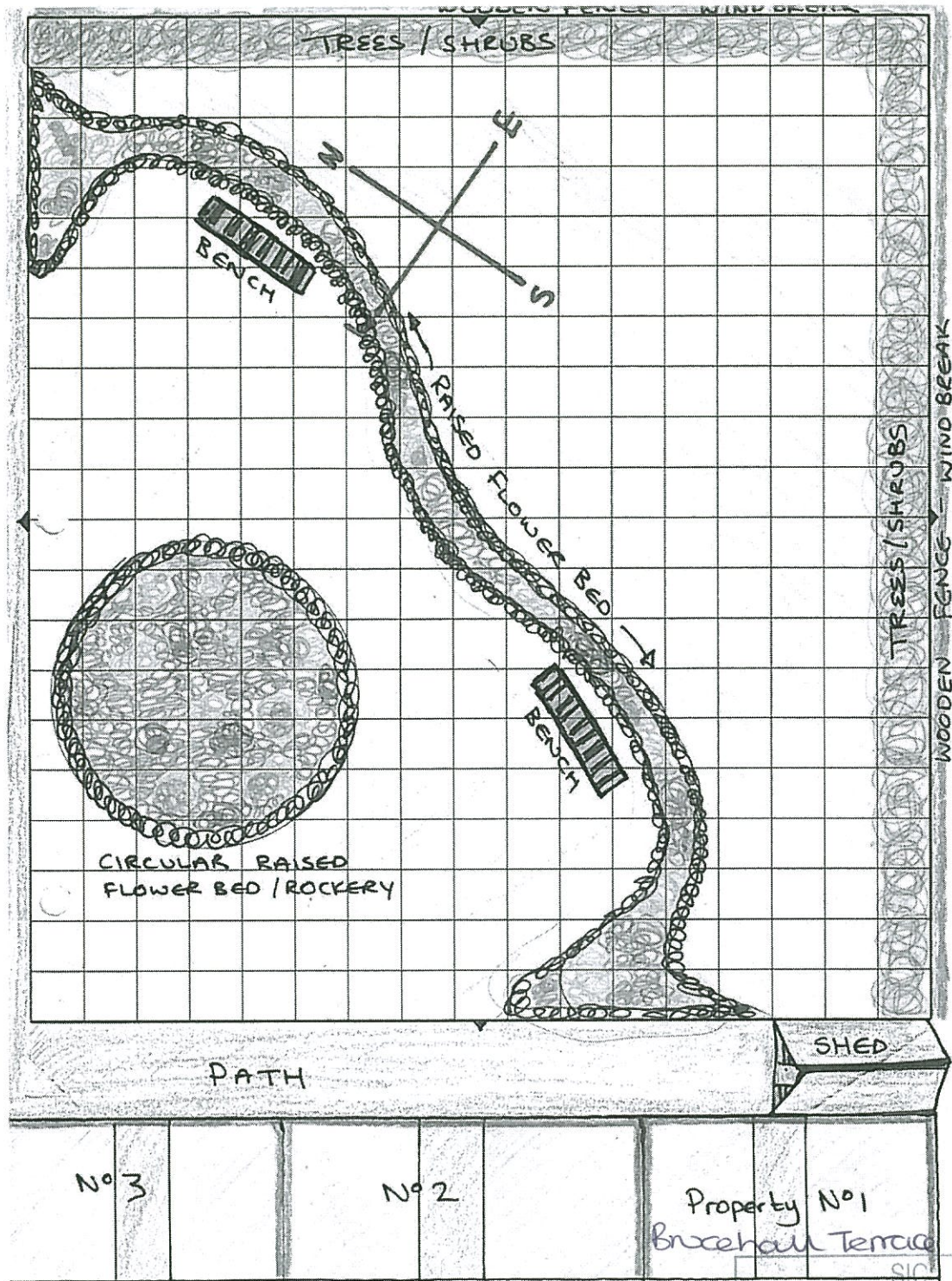
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Shetland
Islands
Council

2011/11/14/POD-SIC/003



Graph squares represent 1m²

INFRASTRUCTURE SERVICES	
31 JAN 2011	
PASS TO	ACTION

Prepared by Kathleen Johnson, 2 East Rd, UNST
Chairperson of
Broxham Tenants Association

Report of Handling:

Development: Development: Erect detached dwellinghouse with septic tank and soakaway Braewick, Eshaness.

By: Mr A Nicolson & Ms L Anderson

Application Ref: 2011/140/PCD

1. Introduction

- 1.1 This application is for the erection of a new dwelling house within a Zone 2 area adjoining an existing group of housing and an operational farm. Under the Hierarchy of Developments the proposal is classed as a Local Development.
- 1.2 The site is approximately 38 x 39 metres, and lies to the south of the farm complex and north east of a body of water called Mill Loch.
- 1.3 Access to the site is proposed via a new track, which leads from the public road serving the existing farm and houses.
- 1.4 The location reflects well the character and development pattern of the area. The site is classified as 5.2, the requirements for Zone 2 housing are met, and the site conforms to the existing and emerging pattern of the area. Drainage is proposed to a new septic tank and soakaway connecting to an existing sea outfall. Surface water is to a SuDS soakaway.

2. Statutory Development Plan Policies

2.1 Shetland Islands Council Structure Plan (2000) Policies

GDS3 : Existing Settlements
GDS4 : Natural and Built Environment
SPNE1 : Landscape and Design
SPHOU2 : Viability and Vitality of Existing Settlements

2.2 Shetland Local Plan (2000) Policies

LPHOU4 : General Requirements for All New Dwellinghouses and Zone 1-4 Requirements
LPNE10 : Development and the Environment
LPBE13: Siting and Design

Interim Planning Policy Towards Sustainable Construction and Better Design December 2009

3. Safeguarding

- 3.1 None

4. Consultations

- 4.1 Shetland Islands Council:
Road Services: No objections, subject to conditions.
Roads Drainage: No objections.
- 4.2 Scottish Water: No objections.
- 4.3 Community Council – Supports the application.
- 4.4 Scottish Natural Heritage – No objections

5. Statutory Advertisements

- 5.1 None

6. Representations

- 6.1 None

7. Report

- 7.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 states that:

Where in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan, unless material considerations indicate otherwise.

- 7.2 The Statutory Development Plan Policies against which this application has to be assessed are listed at paragraphs 2.1 and 2.2 above. The determining issues to be considered are whether the proposal:

- complies with Development Plan Policy; or
- there are any other material considerations which would warrant the setting aside of Development Plan Policy.

- 7.3 The site and the impact of any new dwelling in the context of the existing settlement should be carefully considered. The main issue to be considered is whether the proposed design of the house, and the way that it is to be set within the site, are appropriate for the location.

- 7.4 This site is very well related to the existing housing, and reflects the pattern of developments in the area. Adjacent houses are located sufficiently far away that no overlooking or loss of natural daylight will occur. Sufficient parking, turning area and garden amenity ground have been provided.

- 7.5 The proposed house, being a pitch roof and single storey in height, is considered to be an acceptable design and will not have an impact on the landscape or amenity of the area. The walls are to be finished in a rendered coat painted white, and charcoal coloured tiles are to be used on the roof.
- 7.6 The site can be serviced, and details of the septic tank and soak-away percolation test have been provided. SuDS is to be used within the site to dispose of surface water.
- 7.7 The Roads Service has raised no objections subject to standard conditions being imposed.
- 7.8 SNH was consulted due to the proximity of the Mill Loch and has advised that the development is sufficiently distant from any known nesting red-throated divers to avoid potential disturbance. Also, the area does not carry a high risk for otters so it has not advised that an otter survey is necessary.

8. Conclusions

- 8.1 As indicated at paragraph 7.2 above, the determining issues with regard to this development are whether the proposal:

- complies with Development Plan Policy; or whether
- there are any other material considerations which would warrant the setting aside of Development Plan Policy.

For the reasons set out in paragraphs 7.3 to 7.8 above the proposal is considered to comply with development plan policy and approval is recommended.

9. Policy and Delegated Authority

- 9.1 A decision to approve this application with the relevant conditions ensures that the development complies with Council planning policy. As the application is for a proposed development falling within the category of Local Development and is on land owned by the Council the decision is delegated to the Planning Committee under the Scheme of delegation that has been approved by the Scottish Ministers.
- 9.2 If Members are minded to refuse the application as a departure from the Shetland Islands Council Development Plan Policy, it is imperative that clear reasons for proposing the refusal of planning permission contrary to the development plan policy and the officer's recommendation be given and minuted in order to comply with Regulation 28 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and for the avoidance of doubt in the case of a subsequent planning appeal or judicial review. Failure to give

clear planning reasons for the decision could lead to the decision being overturned or quashed, and an award of costs being made against the Council, on the basis that it is not possible to mount a reasonable defence of the Council's decision.

9.3 Notification to Scottish Ministers

Not considered necessary on this occasion.

10. Recommendation

- 10.1 In compliance with Development Plan Policy it is recommended that this application be approved subject to the following conditions.

Conditions:

(1) The development hereby permitted shall not be carried out other than wholly in accordance with the following plans and details (as may be amended and/or expanded upon by a listed document following afterward) unless previously approved in writing by the Planning Authority:

Location Plan 2011/140/PCD Drawing No SIC 01

Site Plan Drawing No 03

Site Plan access track, septic tank and infiltration system Drawing No 646.01

Access track vertical alignment Drawing No 646.02

Proposed septic tank and infiltration system Sections and trial pit logs Drawing No 646.03

Elevations Drawing No 2011/140/PCD SIC 02

Floor Plan Drawing No 01

Received by the Planning Authority on 29th April 2011

Reason: For the avoidance of doubt as to what is being authorised by this permission

(2) The development hereby permitted shall be commenced within three years from the date of this permission.

Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 20 of the Planning etc. (Scotland) Act 2006.

(3) The developer shall submit a written 'Notice of Initiation of Development' to the Planning Authority at least 7 days prior to the intended date of commencement of development. Such a notice shall:

(a) include the full name and address of the person intending to carry out the development;

(b) state if that person is the owner of the land to which the development relates and if that person is not the owner provide the full name and address of the owner;

(c) where a person is, or is to be, appointed to oversee the carrying out of the development on site, include the name of that person and details of how that person may be contacted; and

(d) include the date of issue and reference number of the notice of the decision to grant planning permission for such development

Reason: To ensure that the developer has complied with the pre-commencement conditions applying to the consent, and that the development is carried out in accordance with the approved documents, in compliance with Section 27A of The Town and Country Planning (Scotland) Act 1997 (as amended).

(4) Development shall not commence until a schedule of exterior materials, including wall and roof colours and finishes to be used, has been submitted to and approved in writing by the Planning Authority. No materials other than those approved in accordance with this condition shall be used.

Reason: To ensure that the development matches the appearance of the buildings in the area and maintains the visual quality and/or architectural amenity of the area in compliance with Shetland Local Plan (2004) Policy LPBE13.

(5) In so far as this consent shall relate to the foul drainage to be constructed in association with the development it shall relate only to connection to the septic tank as specified in the submitted plans and details received on the 29th April 2011 as shown on Drawing Nos 646.01 and 646.03. No part of the development shall be brought into use until the drainage is fully operational.

Reason: For the avoidance of doubt as to what is being authorised and to ensure the provision of adequate means of drainage in the interests of public health and the control of pollution in compliance with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPWD6.

(6) The dwellinghouse hereby approved shall not be constructed until the following visibility splays have been provided at the junction of the house access with the public road.

There shall be no obstruction to visibility within the site in the area of a splay measuring 2.5 metres by 60 metres to the south.

There shall be no obstruction to visibility within the site in the area of a splay measuring 2.5 metres by 90 metres to the north.

The visibility splays shall be maintained during the course of the works and the lifetime of the development.

Reason: To ensure that the infrastructure serving the development site is completed, both in the interests of visual amenity and to provide a safe

access for vehicles, with a clear view, in the interests of public and road safety in compliance with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPHOU4.

(7) The dwellinghouse hereby approved shall not be constructed until at the junction of the access road serving the development:

(a) the access shall be completed in bitmac for at least the first 6 metres from the edge of the public road;

(b) the gradient of the access shall not exceed 5% (slope of 1 in 20) for the first 6 metres from the edge of the public road.

Reason: To ensure that the infrastructure serving the development site is completed, both in the interests of visual amenity and to provide a safe access for vehicles, with a clear view, in the interests of public and road safety in compliance with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPHOU4.

(8) At the junction of the access to the development site with the public road;

(a) Any gate should be set back a minimum of 6 metres from the edge of the public road. If the gate is outward opening then this distance should be increased to 10 metres. This is to allow a vehicle to stand clear of the road while the gate is being opened.

(b) No fence, wall, bushes or other potential obstruction to visibility shall be permitted within 3 metres of the edge of the public road..

Reason: To ensure that the infrastructure serving the development site is completed, both in the interests of visual amenity and to provide a safe access for vehicles, with a clear view, in the interests of public and road safety in compliance with Shetland Structure Plan (2000) Policy GDS4 and SPHOU2 and Shetland Local Plan (2004) Policy LPHOU4.

(9) As well as a minimum of three car parking spaces, turning provision for cars shall be constructed within the development site in the form of a standard hammer head or a manoeuvring space at least 7.6m x 7.6m. These shall be completed before the dwellinghouse is occupied.

Reason: To allow adequate space for vehicles to turn and exit the site in forward gear in the interests of traffic safety and in order to comply with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPHOU4.

(10) No later than 3 months of the roofing to the dwellinghouse being completed a surface water drainage system for a rainwater soakaway with sufficient attenuation to reduce flows to at least those during 1 in 10 year rainfall event to a level which would have occurred before the development; shall be constructed in accordance with BRE Digest 365, a minimum of 5 metres from any building or boundary. The person carrying out the

development should provide the Planning Authority with a written notice of completion of that phase of the development.

Reason: To reduce the potential adverse effects or hazards though flooding by reducing the rate which rainwater can travel across the site and onto neighbouring land or buildings in accordance with Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPNE10, LPWD11 and LPWD12.

(11) The dwellinghouse hereby approved shall not incorporate any underbuilding in excess of that shown on the plans hereby approved unless otherwise approved in writing by the Planning Authority.

Reason: To ensure that the development does not have an adverse impact on the visual amenity of the area or the amenity of any neighbouring properties in compliance with Shetland Local Plan (2004) Policy LPBE13.

(12) Any land disturbed by the construction of the development shall be graded and reinstated with topsoil and seeded or turfed with grass or otherwise landscaped. All planting, seeding or turfing shall be carried out by the end of the first planting and seeding season following the completion of the development. If the site is to be reinstated other than by seeding or turfing with grass a scheme for the landscaping of the site shall first be submitted to and approved in writing by the Planning Authority before the commencement of any landscaping works.

Reason: To ensure the reinstatement of land disturbed by the construction of the development in compliance with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPBE13.

(13) If any top soil, spoil or waste materials arising from the excavation of the site and the construction of the development are to be removed from site or disposed of outwith the site, details of the method of disposal of any such materials, including details of the location of any disposal sites, shall be submitted and approved in writing by the Planning Authority prior to the commencement of development.

Reason: To ensure that any top soil or waste material arising from the construction of the development is disposed of to an authorised site and in an environmentally acceptable manner in compliance with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPBE13.

Notes to Applicant:

Building Warrant:

You are advised to contact the Building Standards Service on 01595 744800 to discuss any building warrant requirements for your development.

Road Opening Permit:

The Shetland Islands Council Roads Service have advised that the length of access that crosses the public road verge shall be constructed to their satisfaction. A Road Opening Permit must be obtained from the Roads

Service prior to carrying out any works to form an access onto the public road. You are advised to contact them prior to the commencement of any development: Roads Services, SIC Department of Infrastructure Services, Gremista, Lerwick, Shetland.

Road Access Visibility Splay.

The required visibility splays can be achieved from the present access location within the indicated site boundaries if the green container is set back from the public road by 3 metres.

Notification of completion of development:

As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that.

11. **Attachments**

11.1 Location Map

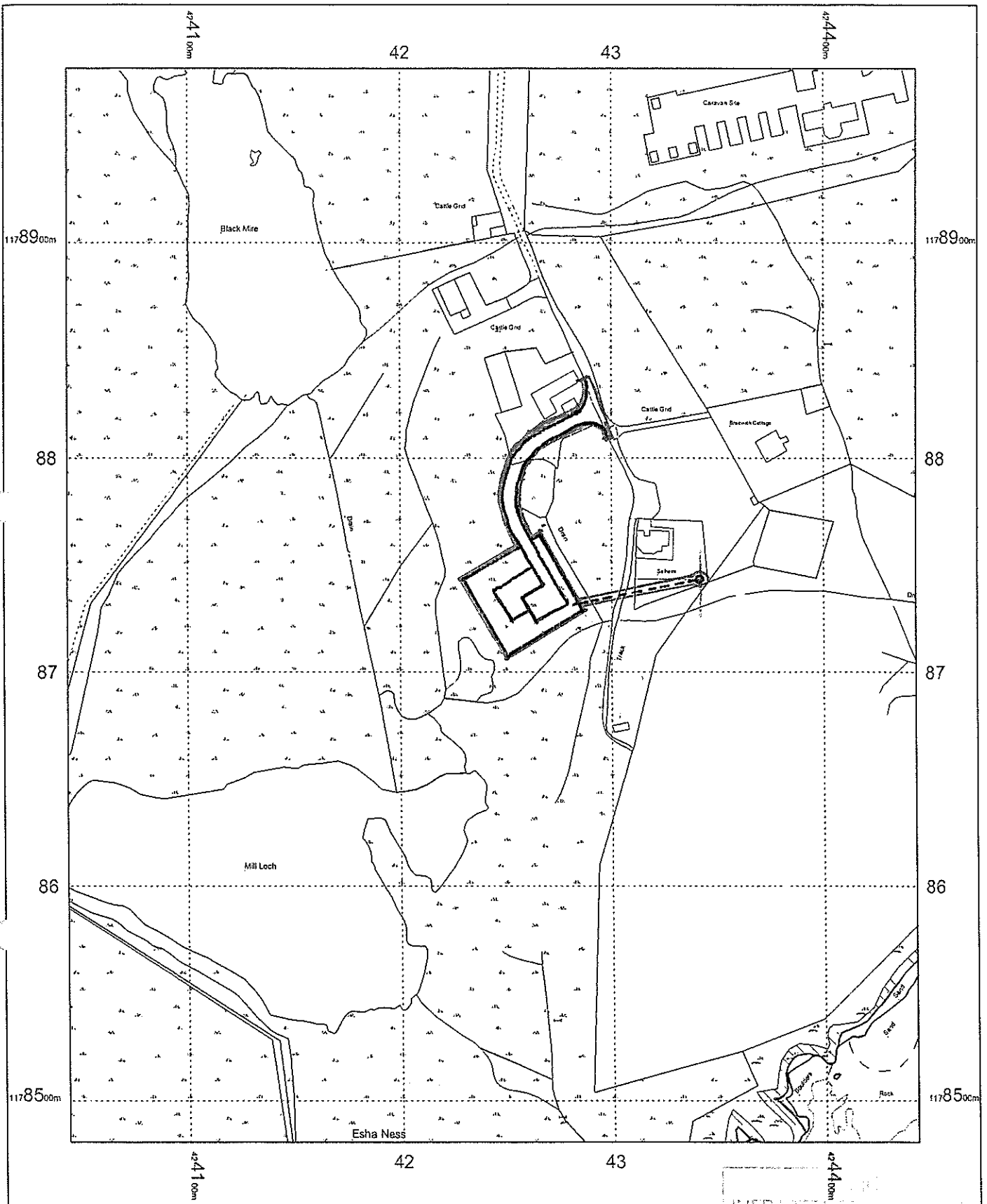
11.2 Site Plan

12. **Background Papers**

12.1 None

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Officer RF MacNeill:
Planning Board: 26th July 2011

2011/140/PCD



OS Mastermap
09 November 2010
www.centremapslive.com

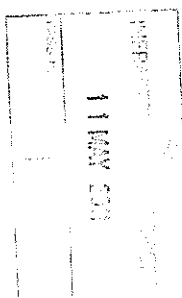
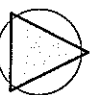
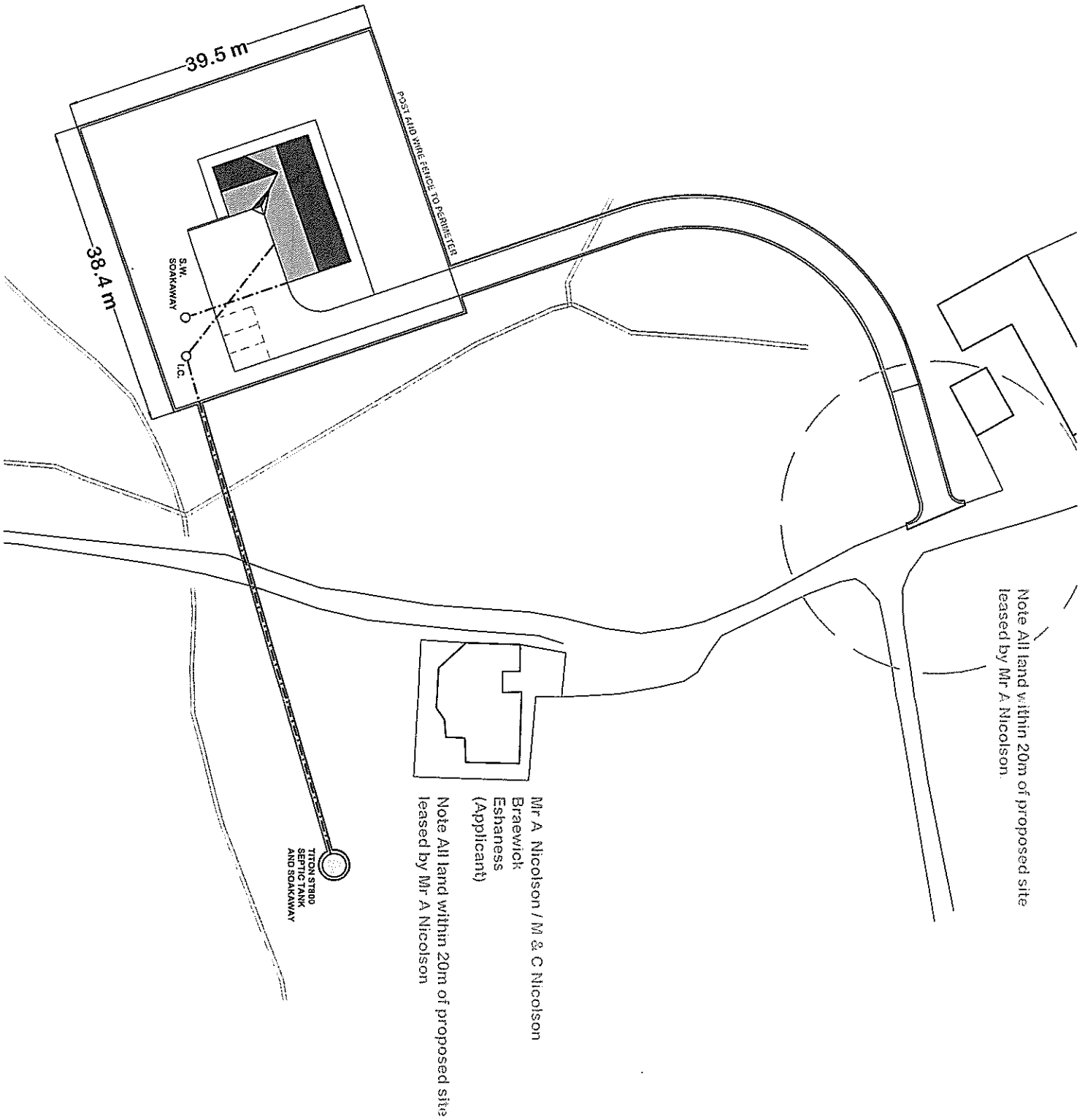
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Shetland
Islands
Council

2011/140/PCD



No.	Revision / Issue	Date

B&H
BUILDING CONTRACTORS

TEL: 01595 840 222 g.ejphinstone@bhcconnect.com

Baillister
Tingwall
Shetland
ZE2 9XY

Project
Mr A Nicolson &
Ms L Anderson
New dwelling, Braewick
Eshanness, Shetland

Draw Title:	Site Plan
Draw No.:	03
Date:	28/04/11
Scale:	1 : 500
Sheet:	A3

